

State Fire Marshal—Continued

An increase of \$3,000 is anticipated in reimbursements as the result of Chapter 798, Statutes of 1969 (AB 307) which raised the fees required to be paid by firms requesting to list construction materials and equipment in a listing published by the State Fire Marshal. Total reimbursements are estimated to be \$169,900 in the 1970-71 fiscal year.

DEPARTMENT OF JUSTICE

**Items 137 and 138 from the Motor Vehicle Fund and
the General Fund**

Budget page 784

Requested 1970-71 -----	\$24,017,055
Estimated 1969-70 -----	22,490,088
Actual 1968-69 -----	18,292,428
Requested increase \$1,526,967 (6.8 percent)	
Total recommended reduction -----	\$132,444

SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS

1. We recommend the deletion of the following positions:

2 Deputy Attorneys General II -----	\$24,168
1 Senior clerk -----	6,264
1 Senior legal stenographer -----	6,852
6 Drug abuse chemists -----	68,400
5 Clerks II -----	26,760
2. We recommend approval of the payment of overtime to state narcotic agents under the following conditions:
 - (a) That narcotic agents not be placed in Work Week Group I.
 - (b) That the Department of Justice, the Department of Finance and the Personnel Board formulate and submit to the Legislature a plan for overtime compensation utilizing a sliding scale based on the average number of overtime hours worked per month over a three-month period and placing a monthly ceiling of 20 percent of an agent's base pay on overtime compensation.
3. Policy question on the establishment of 10 new narcotic agent positions.
4. We recommend that the California Highway Patrol and the Department of Motor Vehicles utilize the CLETS network for their own enforcement and administrative traffic.
5. We recommend that the Department of Justice continue its efforts to achieve maximum utilization of the CLETS backup computers for internal records processing requirements and for the implementation of the Criminal Justice Information System.

GENERAL PROGRAM STATEMENT

The Department of Justice, through the constitutional office of the Attorney General, provides legal and law enforcement services. As the chief law officer of the state, the Attorney General renders opinions and

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interpretations and represents the state in both criminal and civil proceedings before the appellate and Supreme Courts of the state and the United States and is the legal representative of all beneficiaries of property dedicated to charitable purposes. 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 and enforcement functions relating to consumer fraud, charitable trusts, constitutional rights and antitrust activities. It also administers the state tort liability program and the California Law Enforcement Telecommunications System (CLETS). The department's three major programs are legal services, law enforcement, and administration, each of which is discussed in sequence below.

ANALYSIS AND RECOMMENDATIONS

The total amount requested for the budget year is \$24,017,055, which is an increase of \$1,526,967 or 6.8 percent over estimated expenditures (excluding federal grants) for the current year. In addition to the proposed appropriation, the department anticipates reimbursements totaling \$2,597,945 representing services to other state and public agencies. Thus, the total proposed expenditure program (including \$575,293 budgeted in the tort liability item) for the department amounts to \$27,190,293.

LEGAL SERVICES PROGRAM

The legal services program consists of the civil law, criminal law, compliance and office management elements and provides virtually every type of legal service practiced in the state. The \$10,636,090 proposed for this program in the budget year represents an increase of \$6,920 or .06 percent over estimated expenditures for the current year.

Civil Law Element

A budget-year expenditure of \$5,301,305 is proposed for the three components of this element as outlined below.

<i>Counsel for state agencies</i>	\$4,420,109
<i>Tort liability</i>	575,293
<i>Subsequent Injuries Fund</i>	305,903
 <i>Total</i>	 \$5,301,305

This element, administered by the Division of Civil Law, is responsible for representing state officers, boards and commissions as general counsel in the civil law field. The services include the handling of litigation in all state and federal courts, including the United States Supreme Court and administrative tribunals, and the rendering of formal and informal legal opinions to state officers, boards and agencies, Members of the Legislature, district attorneys and county counsels. Reimbursements are received for legal services provided to state agencies which are supported by special funds.

Department of Justice—Continued

This element also furnishes the investigative and legal services required to represent the state and its employees in the field of tort liability and provides the Board of Control with information which assists in the disposition of claims by victims of crimes of violence and "good samaritans" who act to prevent the commission of crimes. The element also provides legal and investigative services necessary for processing 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.

The program budget document shows minor differences between the current and budget years in personnel man-years in the civil law program elements, but no new positions are proposed for these elements. The changes in personnel man-years reflect various departmental pro rata adjustments and will not affect program staffing levels.

Criminal Law Element

The activities of this element are administered by the Division of Criminal Law. The Attorney General, through this division, represents the state in all criminal writs and appeals before the appellate and Supreme Courts of the state and the United States. Assistance is also provided to the Governor's office in matters of extraditions, and assistance is rendered to district attorneys when requested.

Proposed budget-year expenditures for this element total \$2,650,506, which is a decrease of \$27,711 or 1 percent less than estimated expenditures for the current year.

Compliance Element

The compliance element, which consists of five components, proposes budget-year expenditures of \$1,745,705 as follows:

Antitrust	\$584,245
Investment frauds	352,994
Consumer frauds	203,591
Health plan registrations	108,144
Charitable trusts	496,731
Total	\$1,745,705

This element is administered by the Division of Criminal Law and provides legal and investigative services to secure compliance with state laws dealing with restraint of trade or antitrust matters, investment and consumer fraud, the administration of charitable trusts and health plan registrations.

The charitable trust regulation program is administered by the Registry of Charitable Trusts under the direction of an assistant attorney general in San Francisco. For the budget year, this unit proposes the establishment of the following new positions:

2 Deputy attorneys general II	\$24,168
1 Senior legal stenographer	6,852
1 Senior clerk	6,264

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We recommend the deletion of these positions for a saving of \$37,284 plus related costs.

The department's justification material for the two proposed attorney positions contains the following statement: "Experience indicates that the big cases, i.e., those that are financially or legally important, sop-up manpower like a sponge." We do not consider this to be sufficient justification for the addition of attorney positions. The senior legal stenographer position is requested to provide clerical support to the attorney positions that we are recommending for deletion and, therefore, should be deleted also. The senior clerk position is requested to give increased clerical support to the auditors in the Registry of Charitable Trusts unit. The existing staff of this unit consists of seven auditors, the registrar and deputy registrar, and six clerical positions. We believe that the present level of clerical support for this unit is sufficient to handle the workload generated by the professional staff.

Office Management Element

The office management element provides the general supervision and supportive services needed by the legal services program. The assistant attorneys general who are directly in charge of the daily operations of the department's three offices (Sacramento, San Francisco, and Los Angeles) provide the overall supervision for the legal, stenographic, clerical and library services. Estimated expenditures for this element total \$938,574 for the budget year.

LAW ENFORCEMENT PROGRAM

The law enforcement program—the department's largest and most complex program—provides identification, criminalistic, informational, investigative, statistical and communication services to criminal justice and related agencies. For the budget year, the department proposes expenditures of \$15,914,170, an increase of \$1,403,906 or 9.8 percent over estimated expenditures for this program in the current year. The law enforcement program is composed of six elements with proposed expenditures as follows:

Identification processes -----	\$3,426,485
Investigation -----	3,911,291
Narcotic enforcement -----	3,392,358
Criminal statistics -----	895,856
Telecommunications -----	2,678,547
Criminal justice information system -----	1,609,633
Total -----	\$15,914,170

Identification Processes Element

This element, which is administered by the Bureau of Criminal Identification and Investigation (CI & I), provides modus operandi services and maintains arrest identification and fingerprint records and other special files required by law. The bureau also serves as a state-wide depository of information about persons who have come into contact with criminal justice agencies (primarily law enforcement).

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Investigation Element

This element is also administered by the Bureau of Criminal Identification and Investigation and is charged with the responsibility of furnishing investigative assistance, including laboratory and photographic services, to local law enforcement agencies in the solution and prosecution of major crimes.

Investigations are also conducted as directed by the Attorney General or upon request of the Governor, Legislature and state agencies. The work includes intelligence activities relating to civil rights, militant groups, and organized crime activities. The organized crime unit within this element consists of 23 positions and is budgeted at \$364,301 for 1969-70 and \$371,554 for 1970-71.

Narcotic Enforcement Element

This element, which is administered by 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 is the only enforcement agency in the state having direct responsibility by law for the control of drug violations among physicians, dentists, chiropractors, veterinarians, nurses, hospitals and pharmacists who are licensed to possess, prescribe, dispense and administer narcotics. The bureau also conducts an enforcement program to combat the illegal trafficking, sale and use of narcotics and dangerous drugs, and it cooperates with federal, local and Mexican agencies which have responsibilities in this area of law enforcement. Major emphasis at the state level is placed on ascertaining sources and arresting suppliers of illicit narcotics and dangerous drugs as contrasted to the apprehension and arrest of users of such drugs. In addition to its Sacramento headquarters, the bureau maintains field offices in San Francisco, Los Angeles, Fresno, San Diego and Santa Ana.

Projections by the Bureau of Criminal Statistics indicate that narcotic arrests in the calendar years 1970 and 1971 will continue to increase in all categories. Table 1 shows the actual and estimated num-

Table 1
Statewide Arrest Statistics, Bureau of Narcotic Enforcement
and Local Agencies

<i>Detail</i>	<i>Actual</i>		<i>Estimated</i>		
	1967	1968	1969	1970	1971
Marijuana arrests					
Adult -----	26,527	33,573	45,000	60,800	76,000
Juvenile -----	10,987	16,754	21,000	28,400	35,500
Opiates					
Adult -----	8,197	10,411	12,000	16,200	20,250
Juvenile -----	272	838	1,000	1,350	1,690
Dangerous drugs					
Adult -----	9,558	13,459	38,000	51,300	64,100
Juvenile -----	2,809	8,240	18,000	24,300	30,400
All other drug violations					
Adult -----	2,750	7,196	5,000	6,750	8,400
Juvenile -----	692	4,115	2,000	2,700	3,400

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ber of arrests by calendar year. The level of arrests is influenced by the enforcement policies of local governments and the number of personnel assigned to this work at both the state and local levels.

For the budget year, the bureau is requesting a support appropriation of \$3,340,756, which is an increase of \$690,339 or 26 percent over estimated expenditures for the current year. This increase is due primarily to the addition of 21 proposed new positions plus an allocation of funds for the payment of overtime wages to narcotic enforcement personnel.

Proposed New Positions

10 Narcotic agents	\$79,200
6 Drug abuse chemists	68,400
5 Clerks II	26,760

(1) Policy Question on the Establishment of 10 Narcotic Agent Positions

The establishment of new narcotic agent personnel is basically a policy question since the impact of additional agents on program performance and accomplishment is not readily susceptible to measurement. Six of the 10 agents are proposed to be assigned to the Sacramento field office and four to the Fresno field office. Information submitted to us by the department indicates no increase in workload. Workload in this program does not increase in terms of the duties assigned to the individual agents, i.e., their caseload, court time, etc. However, workload may be said to have increased in the sense that the incidence of illegal use and sale of narcotics and dangerous drugs appears to be increasing. Given a static or increasing level of illegal narcotic and drug activity, the question of adding narcotic agents depends largely on the number of arrests and investigations desired. The increase in statewide narcotic arrests noted in Table 1 does not serve as a measurement of workload because local law enforcement agencies make approximately 90 percent of the arrests. A total of 17 state narcotic agents have been added during the past three years, but the number of state narcotic arrests has increased during that period by only 2.5 percent (from 2,696 in 1966-67 to an estimated 2,764 in 1969-70).

(2) *We recommend the deletion of six drug abuse chemists for a savings of \$68,400 plus related costs.*

These positions are requested on a workload basis to perform qualitative and quantitative chemical analyses of suspected narcotics and dangerous drugs and to testify in court as to the results of such analysis. The bureau states that one chemist position would be assigned to each field office to handle the chemical analysis workload which is reported in Table 2.

In its original justification material on the proposed chemist positions, the department did not include the workload statistics shown in Table 2 for 1969. These data, when supplied to us, indicated that there is an insignificant increase in the analysis workload of less than 7 percent which is distributed among the currently authorized 11

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Table 2
Bureau of Narcotic Enforcement Statistics From Selected Years
Showing Growth in Number of Investigations Closed
By Report—Chemical

Area office	Number of investigations closed by report—chemical				
	1960	1966	1967	1968	1969
San Francisco -----	681	1,502	2,025	1,945	1,854
Sacramento -----	497	767	1,276	2,595	1,962
Fresno -----	437	668	1,143	1,539	2,057
Los Angeles -----	268	699	1,324	2,585	1,980
Santa Ana -----	---	---	---	742	982
San Diego -----	327	557	897	1,161	2,415
Totals -----	2,210	4,193	6,665	10,567	11,250

chemist positions. Furthermore, in the 1968-69 fiscal year, we recommended and the Legislature authorized the addition of four chemist agents, thus providing two chemists for each of the bureau's field offices that was equipped to perform chemical analyses. Since that time, workload has stabilized to the point where the addition of six more chemists is not justified.

(3) *We recommend the deletion of five clerks II for a savings of \$26,760 plus related costs.*

These positions are requested to give clerical support to the six proposed chemist positions which we have recommended for deletion and the 11 existing chemist positions. One clerk will be assigned to each of the field offices with the exception of the Santa Ana office. There has been no indication of an increase in clerical workload in the bureau, and we consider the present ratio of clerical support to agent personnel to be adequate.

Narcotic Agent Overtime Pay

We recommend approval of the payment of overtime to state narcotic agents under the following conditions:

(a) *We recommend that narcotic agents not be placed in Work Week Group I.*

(b) *We recommend that the Department of Justice, the Department of Finance and the Personnel Board formulate and submit to the Legislature a plan for overtime payment utilizing a sliding scale based on the average number of overtime hours worked per month over a three-month period and placing a monthly ceiling of 20 percent of an agent's base pay on overtime compensation.*

Included in the proposed budget for the bureau is \$319,632 for overtime pay for narcotic agents. Since 1963, the Department of Justice has sought funds for this purpose from the administration through the budgetary process and from the Legislature through the legislative process.

Agents of the bureau presently are classified by the State Personnel Board in Work Week Subgroup 4B. This classification provides for a five-day workweek with a minimum average of 40 hours per week but no specified maximum number of hours per day. Work performed on a

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normal day off is compensable by compensating time off on an hour-for-hour basis but not to exceed eight hours per day.

In the past, the Department of Justice has proposed that overtime work by agents be compensated in the same manner as federal criminal investigators are compensated. The federal government has recognized the fact that the duties and hours of investigators of criminal activities are governed by the irregular scheduling requirements of their jobs. A narcotic investigator or Federal Bureau of Investigation agent is required to perform such duties as shadowing suspects, working undercover among those under suspicion, searching for evidence, meeting informers, making arrests, and interviewing persons having knowledge of criminal or alleged criminal activity. In these situations, the hours of duty cannot be controlled by such administrative devices as hiring additional personnel, rescheduling the hours of duty (which can be done, for example, when a type of work occurs primarily at certain times of the day) or granting compensatory time off to offset the overtime workload. In order to compensate personnel working under these conditions, the federal government computes the amount of overtime to be paid to each agent as a percentage of his base salary based on the average number of overtime hours he works per week over a three-month period. The percentage of added compensation increases on a graduated basis in relation to hours of overtime worked, up to a maximum of 25 percent of base salary.

The State Personnel Board on October 11, 1968, indicated its intention to reclassify narcotic enforcement classes from Work Week Subgroup 4B to Work Week Group I. Basically, this proposed reclassification provides that all overtime will be paid on an hour-per-hour basis with no ceiling placed on the number of hours worked. It is our understanding that if no action is taken on this subject during the budget hearings, the State Personnel Board will reclassify narcotic agents into Work Week Group I and the proposed overtime pay policy will become operable.

In our judgment, the reclassification of narcotic enforcement classes to Work Week Group I would create serious problems in the administration of the state's narcotic enforcement program. The proposed plan would be administratively impossible to implement within existing financial resources and narcotic enforcement operating practices. The plan is susceptible to abuse and does not provide for predictable or maximum costs.

A plan similar to that used by the federal government, as described earlier, would be easier to administer and less expensive than the plan which the Personnel Board proposes to implement. Last year, the Bureau of Narcotic Enforcement compared the cost of paying overtime to narcotic agents under the proposed plan with the cost that would be incurred under the system used by the federal government. The bureau surveyed the overtime hours expended beyond the average 40-hour week (including both compensable and noncompensable time) by narcotic agents during the six-month period April 1, 1969, through September 30, 1969. The comparison indicated that overtime compensation under

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the system proposed by the Personnel Board was approximately 25 percent more expensive than the federal system. The bureau concluded that the federal overtime policy permitted greatly increased administrative flexibility.

Costs for overtime pay under the Work Week Group I reclassification could spiral beyond estimates while the maximum cost that could be incurred under a plan patterned after the federal system is easily identified. For example, under the 20-percent ceiling for overtime compensation that we are recommending, practically every agent (based on past experience) would receive a monthly pay bonus of 20 percent. Therefore, the maximum cost of this pay plan would be 20 percent of total personal services. Under the Work Week Group I plan, however, some monthly salaries could be increased by as much as 50 percent.

Criminal Statistics Element

This element is administered by the Bureau of Criminal Statistics which 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, justice agency administrators, the judiciary and other agencies concerned with the extent and nature of crime and delinquency and the effectiveness of agencies that administer criminal justice in California.

Proposed expenditures to support the bureau in the budget year amount to \$679,054, which is an increase of \$11,511 or 1.7 percent over estimated expenditures for the current year.

California Law Enforcement Telecommunication Systems

- (1) *We recommend approval of the total program cost of \$2,678,547.*
- (2) *We recommend approval of the eight proposed new positions.*
- (3) *We recommend that the California Highway Patrol and the Department of Motor Vehicles utilize the CLETS network rather than developing a separate communications network for their own enforcement and administrative traffic.*

The California Law Enforcement Telecommunications System (CLETS) is authorized under Government Code Sections 15150-15157, Chapter 1595, Statutes of 1965. The installation of this modern telecommunications system for law enforcement was approved by the 1968 Legislature when funding was provided in the amount of \$1,200,572. 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 systems switching centers in Los Angeles and Sacramento and line connections to a single location in each of the 58 counties, and (2) local government will bear the cost beyond the state terminal in each county.

To provide for fast and efficient routing of messages, electronic computers were chosen to serve as message switchers and four modern time-sharing computers (two in Sacramento and two in Los Angeles)

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have been installed. In each switching center, one computer is "on line" 24-hours a day, seven days a week, with the second computer serving as a backup in case of failure. The second computer continuously monitors the status of the switching computer, keeps message logs, prepares message traffic statistical reports, and permits immediate recovery in case of failure of the primary computer.

After experiencing some difficulty and delay in developing the complex computer software required to provide the message switching capability, the system is now scheduled for full operation on April 1, 1970. It is anticipated that 1,025 terminals will be connected to city, county, state and federal law enforcement agencies. In addition, CLETS will provide all agencies on the system direct access to computerized information files such as the firearm and property files of the Department of Justice, the Department of Motor Vehicles' driver and registration files, the Highway Patrol's Auto-Status system and the Federal Bureau of Investigation's National Crime Information Center (NCIC) in Washington, D.C. In addition, a nationwide message service is provided through the national Law Enforcement Telecommunications System (LETS).

Budgeted costs of CLETS during the 1970-71 year total \$2,678,547. Based on the volume of messages carried over the network, 60 percent of this funding will come from the Motor Vehicle Fund and 40 percent from the General Fund. The department proposes the following positions:

6 Senior computer operators -----	\$48,672
2 Temporary help -----	16,224

We recommend approval.

Three of the positions will be used in Sacramento and three in Los Angeles. They are needed to operate the second computer two shifts per day, seven days a week and to assist with operation of the switching computer during emergency situations or when an operator is absent.

The Supplemental Report on the Conference Committee on the 1969 Budget Bill contained language recognizing the fact that a substantial investment had been made in a communications system for law enforcement. Accordingly, the report recommended that the California Highway Patrol and the Department of Motor Vehicles utilize the CLETS network rather than develop a separate communications network for their respective enforcement and administrative communications traffic. We believe that these agencies should consider this facility as the primary alternative in any effort to upgrade their individual communications systems. Furthermore, because four electronic computers are utilized in the CLETS network, the two backup computers are available to serve as data processors for various applications directly related to law enforcement. In our judgment, the backup computers have the capacity to serve the Department of Justice and the Highway Patrol in the maintenance of files on stolen autos, wanted

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persons and other random access files that must be available to law enforcement agencies on a "real-time" or immediate response basis. Therefore, these agencies should consider this computing capability in any future upgrading of their respective data processing systems.

The Criminal Justice Information System

(1) *We recommend approval of the \$1,609,633 requested to continue implementation of the California Criminal Justice Information System. The budgeted funds are considerably less than original Department of Justice estimates and reflect a realistic and modest beginning for installing the system. The level of funding will be directly related to the speed with which the entire criminal history file can be converted to an automated file.*

(2) *The Department of Justice should continue its efforts to achieve maximum utilization of the CLETS backup computers for internal records processing and for the implementation of the Criminal Justice Information System.*

The 1966 Legislature authorized a state Criminal Justice Information System (CJIS) study to be funded jointly by the state and federal government under the Law Enforcement Assistance Act. This study was conducted by a private consultant in conjunction with departmental personnel, and the final report was submitted on January 6, 1969. This report became the basis for a request of \$1,546,308 in the 1969-70 Governor's Budget to implement the first phase of the system. After analysis of the proposed system and the funding request for 1969-70, we determined that the Department of Justice was not ready to embark on a full-scale implementation of the CJIS proposal. Although the study had provided the department with a comprehensive survey of the informational needs of the various agencies and a conceptual system for meeting those needs through automation, we determined that a thorough analysis of the internal operations of the Department of Justice had not been made, and that decisions with respect to purging the massive manual files within the department had not been considered in the original CJIS study. Further, the implementation plan did not provide for inclusion of the internal operations of the Department of Justice in the total system design.

One of the primary proposals of the CJIS study was the conversion of 2.9 million records contained in the criminal record folders in the Department of Justice (Bureau of Criminal Identification and Investigation) to produce an automated personal data record. The study also proposed that a criminal history record be established for all persons who were arrested for, booked on, charged with, or convicted of a crime contained in the CJIS "table of offenses," which includes all felonies and certain serious misdemeanors. It was estimated that records for approximately 700,000 persons would be established under these criteria. This number represented the highly active criminal group and included those arrested for felonies or for sex, narcotic or petty theft offenses. Based on our study of the proposals, we recommended: (1) a more limited approach to the conversion of records

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beginning with the 700,000 individuals considered to be the highly active criminal group, (2) a delay in the creation of personal data records pending a thorough study of file activity and the establishment of purging criteria, (3) the immediate conversion of the manual file of wanted persons to an automated file, (4) immediate steps to upgrade the existing Department of Justice computing capability, and (5) a reduction of \$700,000 in the Governor's Budget to reflect a more realistic approach towards project implementation.

The Department of Justice concurred in our recommendations and the Legislature deleted \$700,000 from its 1969-70 budget. The Supplemental Report of the Conference Committee on the 1969 Budget Bill recommended that the remaining \$846,308 be used to convert existing manual records on a more limited basis beginning with the immediate conversion of the criminal history of the 700,000 individuals identified by the Bureau of Criminal Statistics as the highly active criminal group. Further, the Conference Committee required the department to prepare an implementation plan including a cost-benefit analysis of the program projected over the next five years.

Based on information submitted to us and on our interim analysis, we find that the department is now engaged in a sound approach to the solution of its massive paperwork problem and the installation of a realistic Criminal Justice Information System.

The department's approach to the automation of the various data files is as follows:

(1) Criminal History Record—The Department of Justice is currently participating in a federal program entitled "Project SEARCH" which intends to develop standard data elements and codes and produce a standard criminal history record ("rap sheet") for possible nationwide use. California has received a grant of \$100,000 from the Law Enforcement Assistance Administration and is one of six states participating in the program. In our judgment, this project comes at an ideal time because California is just beginning to automate its own criminal history records and the need for standardization on a nationwide basis is evident and necessary if the interchange of data regarding criminals is to be accomplished through a federal network such as the National Crime Information Center operated by the FBI. The basic plan of the California "Project SEARCH" program is to automate on a pilot basis 10,000 records representing "hard core" criminals. These records will be placed with other records from the pilot states in a central index and the pilot program to exchange standardized data will then be tested. In addition to the 10,000 records that will be converted by "Project SEARCH," approximately 190,000 records identified by the Bureau of Criminal Statistics will be converted to the automated criminal history records file. In subsequent fiscal years, conversion will be based on receipt of an arrest report on an offense recognized in the CJIS table of offenses discussed earlier.

(2) Wanted Persons File—Plans are currently underway to automate a manual file containing the records of 45,000 wanted criminals. A total of \$115,084 will be expended for this project and approxi-

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mately six months will be required to implement the system. The placement of this random access file on the CLETS computer will permit all law enforcement agencies on the CLETS network to enter or remove their own wanted person records and to make inquiries to the wanted persons data base on a 24-hour-per-day, seven-day-per-week basis.

(3) Other Files—The firearms file contains central records of firearms purchased, stolen, lost, and found as well as records of persons who purchase firearms, and is currently operational on the existing department computer.

Stolen property and information concerning drug control activities are also part of the existing data processing applications. Departmental plans call for converting these programs to make them a part of the CJIS system.

Table 3 shows current and proposed expenditures and related data for the existing data processing program and the new criminal justice information program.

Table 3
Support Data, Department of Justice Information Programs

Justice	Current EDP operation		CJIS	
	1969-70	1970-71	1969-70	1970-71
Personnel -----	\$466,804	\$475,101	\$422,429	\$1,168,953
Equipment -----	277,132	295,393	147,713	263,385
Vendor contracts -----	6,200	6,200	181,000	39,416
Other costs -----	50,479	50,728	42,315	137,879
Totals -----	\$800,615	\$827,422	\$793,457	\$1,609,633

Proposed New Positions

To implement the CJIS program for 1970-71, the department is requesting the following 89 new positions at a cost of \$636,264 plus related expenses:

1 Staff data processing systems analyst -----	\$13,200
9 Associate data processing systems analysts -----	107,784
1 Supervisor, EDP -----	11,976
6 Programmers II, EDP -----	59,112
2 Field training instructors -----	15,240
2 Supervising clerks I -----	14,520
2 Senior clerks -----	12,528
2 Key data supervisors I -----	12,528
48 Criminal records analysts -----	300,672
16 Key entry operators -----	88,704
Total -----	\$636,264

We recommend approval.

Seventeen of these new positions (the data processing systems analyst and programmers) are proposed to begin implementation of the CJIS plan and the two field training instructors are proposed to maintain liaison with local agencies. The remaining 70 positions will be used to convert the 190,000 criminal histories planned for conversion in

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fiscal year 1970-71. The 1970-71 budget does not include funds for upgrading existing Department of Justice computers.

In our analysis of statewide EDP problems contained under Item 36, we discuss the rising cost of converting data to machine-readable form and point out the value of considering optical character recognition techniques as one method of reducing the high cost of preparing data for input to a computer. The Department of Justice has recognized this problem in the conversion of its existing manual criminal history records and is conducting an experiment during February, March and April of 1970 using an optical reader. The machine will read type-written documents and convert the data to magnetic tape for direct input into a computer. We are hopeful that this process or a similar one being tested by other state agencies through equipment in the Department of General Services will reduce the potential high cost of converting the manual records in the Department of Justice.

COMMISSION ON PEACE OFFICERS STANDARDS AND TRAINING

Item 139 from the Peace Officers Training Fund Budget page 801

Requested 1970-71	\$461,962
Estimated 1969-70	411,083
Actual 1968-69	178,807
Requested increase \$50,879 (12.4 percent)	
Total recommended reduction	None

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 those jurisdictions that receive state aid for peace officer training pursuant to the provisions of Chapter 1823, Statutes of 1959. Jurisdictions participating in this program are reimbursed by the commission from the Peace Officers' Training Fund for up to 50 percent of the salaries and expenses of peace officers selected to participate in training programs. Such reimbursements may not exceed 400 hours of training for the basic course, 100 hours for supervisory courses, and 120 hours for middle management and executive development courses. A special 40-hour advanced officer course, designed to train experienced officers in new law enforcement techniques, legal decisions, and community relations will be offered in the budget year to an increased number of officers. Revenues accruing to the Peace Officers' Training 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.

Commission on Peace Officers Standards and Training—Continued
ANALYSIS AND RECOMMENDATIONS

We recommend approval.

The \$461,962 requested for the support of the commission is \$50,879 or 12.4 percent above estimated expenditures for the current fiscal year. The commission also will receive \$132,391 in Federal Highway Safety funds to finance the Traffic Program Management Institute, which was established in the current year to provide training for police supervisors in the techniques and procedures for managing a traffic administration and safety program within a police agency. With this federal grant, the commission's expenditure program will total \$594,353, an increase of \$64,161 over the current level.

The increase in the commission's proposed budget reflects increased operating expenses and the equivalent of 4.8 new positions to handle workload growth. The requested new positions are identified below.

Proposed New Positions

2 Clerk-typist II -----	\$10,704
1 File clerk II -----	5,352
0.5 Temporary help -----	4,000
0.5 Project coordinator -----	5,840
0.8 Stenographer II -----	5,020

The project coordinator and the stenographer positions were administratively established during the current year and are part of the federally-financed Traffic Program Management Institute project which will terminate during the budget year. The temporary help and the remaining clerical positions will add necessary support for the administrative counseling and consultant service program established by Chapter 1640, Statutes of 1967. This program provides, upon request of a local jurisdiction, counseling for the purpose of improving the administrative management and operations of a local police agency. Workload growth in this program is shown in Table 1.

Table 1
Administrative Counseling Program Workload

<i>Detail</i>	<i>Actual 1968-69</i>	<i>Estimated 1969-70</i>	<i>Estimated 1970-71</i>
Preliminary evaluation -----	15	40	50
Counseling services -----	10	20	30
Surveys made -----	5	15	20
Reports made -----	10	25	35

CALIFORNIA COUNCIL ON CRIMINAL JUSTICE

Item 140 from the General Fund

Budget page 807

Requested 1970-71 -----	\$77,986
Estimated 1969-70 -----	75,038
Actual 1968-69 -----	74,962

Requested increase \$2,948 (3.9 percent)

Total recommended reduction ----- Pending

California Council on Criminal Justice—Continued

SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS

Recommendation withheld pending completion and submission of additional staffing data.

GENERAL PROGRAM STATEMENT

The California Council on Criminal Justice, created by Chapter 1661, Statutes of 1967, is composed of 29 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, (3) act as a clearing house for proposals and projects in this field, (4) develop plans for the dissemination of information on proposed, existing and completed research and development projects, and (5) advise the Governor, Legislature and state law enforcement agencies on criminal justice matters. The council is also responsible for approving the annual budget of the California Crime Technological Research Foundation prior to submission to the Legislature.

On February 21, 1969, the Governor designated the council as the state planning and coordinating agency responsible for implementing the federal Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968, as well as other federal grant programs in the fields of criminal justice and delinquency prevention and control. The role of the council, as the state's planning agency, is to develop and implement plans for orderly, realistic, and effective improvement in existing law enforcement and crime control systems.

In order to implement a comprehensive plan for improving criminal justice programs in California, the council was awarded \$2,361,610 in federal funds for the 1968-69 fiscal year. Approximately \$16 million will be available during the 1969-70 fiscal year, and approximately \$17.3 million for fiscal year 1970-71.

ANALYSIS AND RECOMMENDATIONS

Recommendation withheld pending completion and submission of additional staffing data.

The proposed General Fund appropriation for 1970-71 is \$77,986, an increase of \$2,948 or 3.9 percent over estimated expenditures for the current year. Proposed budget year administrative costs will also be funded by an estimated \$1,400,000 in federal funds. During the current year, the council administratively established the following 37 positions which are proposed for continuation in the budget year:

3 Assistant executive officers	\$61,488
1 Information and reference systems manager	18,576
2 Senior criminal justice consultants	35,400
1 Fiscal officer I	15,276
13 Criminal justice consultants	189,228
1 Information officer I	12,126
1 Accounting officer II	10,356
1 Business services officer I	10,860

California Counsel on Criminal Justice—Continued

1 Reference librarian	10,860
2 Accounting technicians	13,292
2 Account clerks II	12,120
3 Stenographers II	18,910
4 Clerk-typists II	22,722
2 Clerks II	11,361

We recommend that approval of these positions for continuation be withheld pending the submission of a revised organization and staffing plan, complete with justification material, to the Joint Legislative Budget Committee.

The staff of the council has been reorganized since the 37 positions were originally established in the current year, and we are advised that another reorganization is pending. Our review of the council's staff activities during the past interim indicates that some of the positions established under the original organization plan may not be necessary under the new plan and that there may be shifts in duties requiring changes in salaries or job titles. We are therefore withholding our recommendation until the council develops a staffing and organization plan which can be evaluated in terms of workload requirements and program objectives.

CALIFORNIA CRIME TECHNOLOGICAL RESEARCH FOUNDATION**Item 141 from the General Fund****Budget page 810**

Requested 1970-71	\$75,000
Estimated 1969-70	125,000
Actual 1968-69	—

Requested decrease \$50,000 (40 percent)

Total recommended reduction None

GENERAL PROGRAM STATEMENT

The California Crime Technological Research Foundation, a 15-member public corporation, was established by Chapter 1661, Statutes of 1967, for the purpose of fostering and supporting scientific and technological research for the prevention and detection of crime, the apprehension and treatment of criminals, and the improvement of administration of law enforcement. The members were appointed by the Governor last March and confirmed by the Senate in June.

The foundation complements the operations of the California Council on Criminal Justice by reviewing all requests submitted to the council for grants to develop programs in scientific and technological fields. It is authorized to receive private contributions and grants and can also sponsor research in cooperation with governmental or business enterprises. The foundation's budget is subject to the approval of the California Council on Criminal Justice prior to its submission to the Legislature.

California Crime Technological Research Foundation—Continued
ANALYSIS AND RECOMMENDATIONS

We recommend approval.

The foundation proposes General Fund support of \$75,000 for fiscal year 1970-71, a decrease of \$50,000 or 40 percent under the amount budgeted for the current year. Also included in the foundation's budget is a federal grant of \$140,192 for Project SEARCH (System for Electronic Analysis and Retrieval of Criminal Histories). This multistate, 14-month project is expected to demonstrate the value and feasibility of a national criminal history and statistics service which would provide instant retrieval of criminal history data for the police, courts and correctional systems.

The following positions were administratively established during the current year and are proposed for continuation.

1 Executive officer -----	\$18,585
1 Administrative assistant II -----	13,860
2 Stenographer II -----	12,107

These four positions comprise the total staff of the foundation. 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 142 from the General Fund

Budget page 812

Requested 1970-71 -----	\$1,787,000
Estimated 1969-70 -----	2,233,169
Actual 1968-69 -----	1,193,981

Requested decrease \$446,169 (20.0 percent)

Total recommended reduction -----	None
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GENERAL PROGRAM STATEMENT

Chapter 1681, Statutes of 1963, defined the liability of public entities and public employees for tortious acts. For the first year after this act, the state protected itself by purchasing risk insurance from a carrier for approximately \$1 million. As the result of a study, the state, since 1964, has been noninsured for individual claims under \$1 million and purchases risk insurance at a cost of approximately \$150,000 annually for the payment of individual claims ranging between \$1 million and \$50 million.

This item provides for the administration of the tort liability program and for the payment of claims against all General Fund agencies except the University of California and a small number of agencies with unique liability problems which are covered by insurance. The Department of Public Works investigates and litigates its own claims. This program applies to all types of claims, except automobile and aircraft (which are covered by other insurance), and inverse condemnation.

Tort Liability Claims—Continued

ANALYSIS AND RECOMMENDATIONS

We recommend approval.

Under a procedure prescribed by Section 945 of the Government Code, all tort claims are filed with the Board of Control. The board's staff forwards the 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 the Attorney General or Public Works Board, but if the Board of Control denies the claim the plaintiff may then file suit. This item of appropriation is concerned only with claims handled by the Attorney General.

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, the Attorney General may also settle claims above these limits with the concurrence of the Department of Finance and the agency involved. Special Fund agencies reimburse the General Fund for payments made on their behalf.

Staffing and Workload

The Department of Justice has assigned to this function a staff of 20 positions consisting of five attorneys, seven investigators, one claims supervisor and seven clerical positions. The workload is reflected in Table 1.

Table 1
Department of Justice Tort Section Workload¹

	1964-65	1965-66	1966-67	1967-68	1968-69	(Est.) 1969-70
Number of tort incident reports -----	2,451	2,426	2,578	2,523	2,376	2,500
Number of claims received by the Board of Control -----	335	994	453	387	906	500
Total amount paid -----	\$32,690	\$47,376	\$35,246	\$34,245	\$1,038,712	\$800,000
Number of claims paid by the Board of Control -----	41	44	41	45	71	70
Lawsuits filed -----	60	40	173	166	172	200

¹ Excludes inverse condemnation proceedings.

The \$1,787,000 appropriation request covers not only the amounts estimated to be necessary for the payment of claims, but also includes the administrative costs of the Department of Justice (\$322,116), the Board of Control (\$10,788), and the cost of the insurance premium (estimated at approximately \$170,000 for the budget year). These administrative and insurance premium costs total \$502,904. This differs from the amount of \$575,293 listed in the Governor's Budget, but this difference is not consequential to the operation of the program because the amount of the appropriation in excess of that required for administrative expense and premium costs is available for the payment of claims.

**PROVISION FOR
SETTLEMENT OF PENDING LITIGATION**

Item 143 from the General Fund

Budget page 813

Requested 1970-71	\$1,000,000
	(Fully Reimbursed)
Total recommended reduction	None

This item authorizes the expenditure of up to \$1,000,000 for a negotiated settlement of long-term litigation involving approximately 355 acres of land at Fairview State Hospital which was acquired by the state through a stipulated judgment in condemnation in 1950. Through subsequent condemnation proceedings in 1962 and 1963, approximately 85 acres of the land was deeded to two school districts for \$1,521,825. In 1961, the former owner of the land brought suit to impose a constructive trust on the entire 355 acres on the basis that it had not been utilized for the purpose for which it was acquired. The proceeds from the sale to the school districts was impounded by court order and now totals approximately \$2 million, including accrued interest. The negotiated settlement would be paid from these funds, the remaining portion of which would be transferred to the General Fund.

In the event of an adverse judgment, the state would have to pay the original owner the money received from the sale of the 85-acre portion and also return the remaining 270 acres which now has an estimated value in excess of \$7 million.

ANALYSIS AND RECOMMENDATIONS

We recommend approval.

Settlement of this claim would not only release the \$2 million now being held by the court, but would also provide the state with clear title to the remaining 270 acres. This controversy has been in the courts for several years, and we believe that its settlement would be in the best interests of the state. Failure to settle on the basis proposed probably would result in several more years of litigation before a final judgment is rendered. During that time, the \$2 million would remain impounded, the cost of the state's staff assigned to this case would continue to increase, and the 270-acre portion of the land could not be put to beneficial use.

Board of Control

AID TO VICTIMS OF CRIMES OF VIOLENCE

Item 144 from the General Fund

Budget page 814

Requested 1970-71	\$125,000
Estimated 1969-70	125,000
Actual 1968-69	74,055
Requested increase—None	
Total recommended reduction	None

Aid to Victims of Crimes of Violence—Continued

ANALYSIS AND RECOMMENDATIONS

We recommend approval.

These funds provide compensation to needy residents of California who are victims of crimes of violence. Total recovery which 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, but 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 and upon completion of the investigation a hearing is conducted before the board. If the claim is approved, an award not exceeding the cost of treatment, loss of wages or support, or other directly related expenses, will be paid along with attorney fees which may be up to 10 percent of the award. One-fifth of this budget (\$25,000) is for support of the Attorney General's investigation.

Although the General Fund is responsible for the support of this program, the annual appropriation is offset by fines which are levied on the perpetrators of the crimes. The receipts from these fines are deposited in the Indemnity Fund. Table 1 shows the recent history of expenditures for this program. Of the 56 claims approved between July and December 1969, only three were for the \$5,000 maximum. The 56 awards during that half-year period totaled \$65,323.

Table 1

Expenditures for Aid to Victims of Crimes of Violence

		<i>Actual</i>		<i>Estimated</i>	<i>Proposed</i>
	1966-67	1967-68	1968-69	1969-70	1970-71
General Fund -----	\$38,273	\$15,414	\$25,000	\$125,000	\$125,000
Indemnity Fund -----	18,428	6,997	5,728	3,161	2,000
Emergency Fund -----	---	---	49,055	---	---
Total Expenditures -----	\$56,701	\$22,411	\$79,783	\$128,161	\$127,000

MILITARY DEPARTMENT

Item 145 from the General Fund

Budget page 815

Requested 1970-71 -----	\$3,872,938
Estimated 1969-70 -----	4,394,815
Actual 1968-69 -----	4,846,976
Requested decrease \$433,978 (9.39 percent)	
Total recommended increase -----	\$87,700

SUMMARY OF MAJOR ISSUES AND RECOMMENDATIONS

	<i>Amount</i>	<i>Analysis page</i>
Increase funds available to the office of the Commanding General program to purchase riot control communications equipment -----	\$87,700	726