

Department of Investment
CALIFORNIA DISTRICTS SECURITIES COMMISSION

ITEM 163 of the Budget Bill

Budget page 489
Budget line No. 7*For Support of California District Securities Commission From the General Fund*

Amount requested	\$40,923
Estimated to be expended in 1951-52 Fiscal Year	34,605
Increase (18.3 percent)	\$6,318

Summary of Increase

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and wages	\$3,990	\$3,990	---	489	47
Operating expense	1,623	1,623	---	489	64
Equipment	705	705	---	489	71
Total increase	\$6,318	\$6,318	---		

RECOMMENDATIONS

Amount budgeted	\$40,923
Legislative Auditor's recommendation	40,923
Reduction	None

ANALYSIS

We recommend that the budget for the District Securities Commission for the 1952-53 Fiscal Year be approved as submitted; however, we recommend further that the duties and responsibilities of the commission be included in the over-all plan for consolidation of the various agencies concerned with the water problems of the State, as has been mentioned elsewhere in this report.

DEPARTMENT OF JUSTICE

ITEM 164 of the Budget Bill

Budget page 490
Budget line No. 60*For Support of the Department of Justice From the General Fund*

Amount requested	\$2,678,471
Estimated to be expended in 1951-52 Fiscal Year	2,426,872
Increase (10.4 percent)	\$251,599

Summary of Increase

	Total increase	INCREASE DUE TO		Budget page	Line No.
		Work load or salary adjustments	New services		
Salaries and wages	\$201,367	\$140,271	\$61,096	500	31
Operating expense	85,915	85,915	---	500	32
Equipment	-1,070	-1,070	---	500	33
Plus:					
Decreased reimbursements for teletype service to other agencies	187	187	---	500	37
Less:					
Increased reimbursements for:					
Fingerprints	-34,200	-34,200	---	500	38
Printing of briefs	-100	-100	---	500	39
Cost of suit	-500	-500	---	500	40
Total increase	\$251,599	\$190,503	\$61,096		

RECOMMENDATIONS

Amount budgeted -----	\$2,678,471
Legislative Auditor's recommendation -----	2,620,055
Reduction -----	<u>\$58,416</u>

ANALYSIS

The net increase of \$251,599 consists of salary adjustments in the amount of \$90,153; proposed new positions and reclassifications, \$140,064; adjustments in salary savings of \$28,850; operating expenses, \$85,915; and a decrease of \$1,070 for equipment. Reimbursements show a net increase of \$34,613.

The proposed new positions are as follows:

Proposed New Positions			
Function	Amount	Budget page	Line No.
General Administration			
Sacramento Office			
Accounts and Records:			
1 Accounting officer II -----	\$4,296	493	17
1 Intermediate typist-clerk -----	2,520	493	18
Teletype:			
3 Teletype operators -----	8,316	493	20
San Francisco Office			
Secretarial:			
2 Senior legal stenographers -----	6,120	493	23
Los Angeles Office			
Secretarial:			
2 Senior legal stenographers -----	6,120	493	26
1 Intermediate clerk -----	2,520	493	27
Teletype:			
4 Teletype operators -----	11,088	493	29
	<u>\$40,980</u>		
Division of Civil Law			
San Francisco Office			
1 Deputy attorney general I -----	\$3,900	494	42
0.5 Deputy attorney general II -----	3,180	494	43
Los Angeles Office			
1 Deputy attorney general II -----	5,232	494	48
	<u>\$12,312</u>		
Division of Criminal Law and Enforcement			
San Francisco Office			
1 Deputy attorney general II -----	\$5,232	495	59
Bureau of Criminal Statistics			
1 Assistant research technician -----	\$4,296	496	53
1 Senior account clerk -----	2,916	496	54
1 Intermediate clerk -----	2,520	496	55
1 Intermediate stenographer-clerk -----	2,640	496	56
1 Key punch operator II -----	2,640	496	57
	<u>\$20,244</u>		
Bureau of Criminal Identification and Investigation			
Sacramento Office			
Record Section:			
1 Senior clerk -----	\$2,916	498	18
9 Intermediate clerks -----	22,680	498	19
	<u>\$25,596</u>		

Proposed New Positions—Continued

Function	Amount	Budget page	Line No.
Bureau of Narcotic Enforcement Training			
4 Special investigators -----	\$15,600	499	48
Fresno Office			
1 Special investigator -----	3,900	499	49
San Diego Office			
1 Pharmacist inspector -----	4,512	499	51
3 Special investigators -----	11,700	499	52
1 Intermediate stenographer-clerk -----	2,640	499	53
	<u>\$38,352</u>		
Grand total -----	\$137,484		

General Administration

The amount requested for the division of administration is \$674,849 for 1952-53. This is an increase of \$56,045 over the amount estimated to be expended in the 1951-52 Fiscal Year. Of this increased amount, the sum of \$40,980 is for salaries and wages for the 14 proposed new positions listed above.

The accounting officer II is required for the preparation of the budget and direct supervision of the accounting function. At present the only supervision provided for the records and accounts section is a supervising account clerk I. This is below the level provided similar agencies and it is stated that this has made it necessary for the administrative assistant to neglect his duties in order to prepare the budget and supervise this function.

The position of intermediate typist-clerk is for the increased work load in the personnel section. There is considerable turnover in personnel in the Department of Justice. No increase in personnel has been granted this section since 1948-49. However, in 1948-49, there was a total of 395 authorized positions as compared with a total of 540 in the 1951-52 Budget, an increase of 145 positions, or 26.8 percent. Approval of these two positions is recommended.

The seven proposed new positions of teletype operator are based on increased work load as follows:

Los Angeles Control

	November, 1950	November, 1951	Increase	Percent
Messages transmitted -----	2,587	2,929	342	13
Messages received -----	4,389	5,075	686	16
All points bulletins transmitted -----	1,999	2,373	374	19

Comparison With Sacramento Control

November, 1951	Sacramento	Los Angeles	Difference	Percent
Messages transmitted -----	3,282	2,929	353	11
Messages received -----	5,385	5,075	310	6
All points bulletins transmitted -----	2,648	2,373	275	10

The four proposed new positions of senior legal stenographer are requested to bring the ratio of stenographers to a basis of two stenographers to three professional employees. At present there are 37 assigned to the pool to serve 61 professional employees. The four additional positions will provide a ratio of two-three, which is the accepted standard for legal positions.

The requested new position of one intermediate clerk for the Los Angeles office is for the purpose of handling mail, processing expense accounts, and operating the mimeograph machine. These duties are now being performed by the senior legal stenographer. It would appear that the addition of this position would be new or increased service and, for that reason, we recommend that it be disapproved.

Approval of four of the new positions is recommended.

Division of Civil Law

The 2.5 proposed new positions of deputy attorney general for the San Francisco and Los Angeles offices are requested on the basis that the following work load data would justify the increase. It should be pointed out that work load data for the Office of the Attorney General is only partially indicative of the actual amount of legal work to be performed. However, on the basis of the data submitted, adjusting for the number of deputies and also giving consideration to the fact that this office received an increase in level of service in 1951-52, we cannot recommend the additional positions.

Year	<i>San Francisco Office</i>	
	<i>No. of requests for formal opinions received</i>	
1944-46	-----	660
1946-48	-----	509
1948-50	-----	413
1/1/50-12/31/50	-----	332 (biennial rate)
1/1/51- 6/30/51	-----	564 (biennial rate)
1/1/51-10/31/51	-----	584 (biennial rate)

Year	<i>Civil Cases Pending</i>	
	<i>San Francisco</i>	<i>Los Angeles</i>
1946-48	-----	467
1948-50	-----	570
1950-51 (16 months) 7/1/50-11/1/51	-----	649
7/1/50-10/31/51	-----	989

Year	<i>Advices to boards pending</i>	
	<i>San Francisco</i>	<i>Los Angeles</i>
1944-46	-----	12
1946-48	-----	47
1948-50	-----	141
1950-51 (16 months)	-----	254 7/1/50-11/1/51 133

Number of Authorized Deputy Attorney General Positions

DIVISION OF CIVIL LAW		
<i>Fiscal year</i>		<i>Number of positions</i>
1944-45	-----	33.0
1945-46	-----	35.0
1946-47	-----	34.4
1947-48	-----	36.8
1948-49	-----	36.3
1949-50	-----	34.1
1950-51	-----	38.3
1951-52	-----	46.1 (estimated)
1952-53	-----	48.0 (proposed)
DIVISION OF CRIMINAL LAW		
1944-45	-----	6.0
1945-46	-----	7.0
1946-47	-----	6.3
1947-48	-----	5.9
1948-49	-----	5.5
1949-50	-----	6.6
1950-51	-----	11.9
1951-52	-----	15.0 (estimated)
1952-53	-----	16.0 (proposed)

Division of Criminal Law

This division is requesting one additional deputy attorney general II. This new position is to handle the increased number of criminal appeal petitions and other writs. The increase is as follows:

<i>Period</i>	<i>Criminal appeals filed</i>	<i>Petitions and other writs filed</i>
1/1/50-11/1/50	31	30
1/1/51-11/1/51	55	32
<i>Period</i>	<i>No. of petitions for writs of habeas corpus</i>	
1/1/50-11/1/50	70	
1/1/51-11/1/51	80	

Apart from the above examples of increased work load, there is the possibility that eight cases will be petitioned to the Supreme Court. These data, however, do not reflect the increase in staff allowed last year. For this reason approval of the additional position of deputy is not recommended.

Bureau of Criminal Statistics

The five additional positions requested are for the purpose of compiling statistics on the disposition of arrests in superior courts. This information has not been collected before. We believe the statistics would be of more value with this information. However, we are of the opinion that the data gathered on a sample basis would be sufficient for statistical purposes. We therefore recommend that the Department of Finance adjust the number of positions, operating expenses, and equipment to provide for a sampling function.

Bureau of Criminal Statistics and Investigation

This bureau is requesting 10 additional positions. These positions are justified on an increase in work load. Laws enacted during the 1951 Session of the Legislature requiring teachers, civil defense employees, and

gun permit holders to be fingerprinted are the main reasons for this increase. The following table shows the increase in work load:

	1950-51	1951-52	1952-53	Increase—1952-53 over 1951-52	
				Amount	Percent
Fingerprint Section					
Work load					
Regular -----	412,402	454,142	495,882	41,740	9.2
Education -----	---	25,800	60,000 *	34,200	132.5
Civil defense -----	---	50,000	50,000 *	---	---
School bus drivers ---	---	---	10,000	10,000	100.0
Gun permits -----	---	15,000	15,000	---	---
Backlog -----	-10,572	10,572	---	-10,572	-100.0
Total -----	401,830	555,514	630,882	75,368	13.6
Average per year per employee -----	7,172.3	7,172.3	7,172.3	---	---
Special Services (Previously called Modus Operandi Section)					
Work load					
Items received -----	452,701	480,943	509,171	28,228	5.9
Items processed -----	313,693	360,707	381,878	21,171	5.9
Average per year per employee -----	9,652	9,652	9,652	---	---
Record Section					
Work load					
Fingerprint Section .	499,557	694,392	788,602 †	94,210	13.6
Special Services ---	223,546	360,707	381,878	21,171	5.9
Record Section -----	197,446	216,156	228,966	12,810	5.9
Total -----	920,549	1,271,255	1,399,446	128,191	10.1
Average per year per employee -----	28,766	28,766	28,766	---	---

* Justifies 10.5 positions more in 1951-52 Fiscal Year since work must be performed on a six-month period.

† Justified are an additional 3.3 positions—see above.

Approval of these additional positions is recommended.

We wish to point out that only 75 percent of the crime reports received from local law enforcement agencies are being processed. The reason for not processing 100 percent of the crime reports is lack of personnel. The chief of the bureau estimates that an additional six employees, at a total cost of \$18,172 for salaries and wages, could process the additional 25 percent of the crime reports. It is mandatory by law that sheriffs, chiefs of police, and other law enforcement agencies send to this bureau all felony reports and misdemeanor reports where sex offenses mentioned in Section 290 of the California Penal Code are involved. There is no method to determine by a scanning procedure which crime reports are significant. They must be studied by technicians, compared with crime reports covering like offenses from various localities. If only 75 percent of the crime reports are processed this way and 25 percent are merely filed in numerical sequence by city, among this 25 percent may be reports which, if processed in the same manner as the 75 percent, might result in the early apprehension of criminals.

The processing of 75 percent of these reports has proven of value in crime detection and the apprehension of criminals. Therefore, we believe that serious consideration should be given prior to the next session to the

results necessary for augmentation of staff to process the remaining 25 percent in the same manner.

Bureau of Narcotic Enforcement

The request for 10 additional positions for narcotic enforcement is based upon a presumed recognition of the failure of the existing staff of the Division of Narcotic Enforcement to ensure enforcement of the provisions of the State Narcotics Act.

On the basis of existing policy the function of the Division of Narcotics Enforcement is to (1) provide coordination among the various local law enforcement agencies of the State in relation to control of narcotic drugs, (2) to provide centralized laboratory and related facilities for local law enforcement agencies, and (3) to secure direct enforcement of the law relating to control of narcotics, where it is determined by the Attorney General that local law enforcement is unable or unwilling to secure enforcement. The prior budget request of the Department of Justice contained provision for augmenting the centralized services made available to local law enforcement agencies, securing thereby a greater degree of coordination among local law enforcement agencies. The present budget request, therefore, appears to be primarily based upon a need for additional staff to ensure law enforcement at the local level. Because the request represents an increase in the level of service rendered by the State, and because the proposed augmentation is based partially upon a recognition of the basic problem and only partially upon specific problem areas, we believe that this matter should be carefully examined by the Legislature as a matter of policy. We also believe that it should be demonstrated that there is a clear case for state intervention into areas where local law enforcement has broken down. Pending this clarification of policy we do not recommend the proposed increase of \$38,352 in salaries and wages.

Operating expenses show an increase of \$85,915. This increase is explained, in part, by price increases. Other items showing major increases are as follows:

Item	Amount	Budget page	Line No.
Teletype rental	\$11,000	493	54
Vehicle forfeiture	15,000	499	76
Automobile operation (Division of Criminal Law and Enforcement)	13,834	498	33
Informers	4,600	499	73
Printing prescriptions	6,500	499	62

The increase in teletype rental is due to the proposed increase of service from 12.00 midnight to 8.00 a.m.

It is anticipated that there will be an increase in the number of cars seized because of violations of the narcotic law in the 1952-53 Fiscal Year. Storage must be paid on these cars until a disposition of the case is made in court. Due to crowded court calendars, the period of storage has increased causing a resultant increase in this item of expense.

The increase in automobile operation is occasioned by the anticipation of additional new positions which will necessitate increased automobile travel.

Informers' fees are expected to increase due to the confiscation of more cars. Fees are usually based on a percentage of the blue book value.

The printing of prescription forms occurs in the budget every two years. No printing occurred in the 1951-52 Fiscal Year.

We recommend approval of these items as budgeted.

**Department of Justice
ADDITIONAL SUPPORT**

ITEM 165 of the Budget Bill

Budget page 491
Budget line No. 54

*For Additional Support of the Department of Justice From the
Motor Vehicle Fund*

Amount requested	\$40,000
Estimated to be expended in 1951-52 Fiscal Year	40,000
Increase	None

RECOMMENDATIONS

Amount budgeted	\$40,000
Legislative Auditor's recommendation	40,000
Reduction	None

ANALYSIS

This amount is for teletype service to be rendered to the Department of Motor Vehicles. Again we wish to point out that at present there is no actual billing system based on message volume. However, we are informed that a complete review is being made of the services rendered by the department to other state agencies and a procedure of billing based on actual service rendered should result.

Approval is recommended.

**Department of Justice
OTHER CURRENT EXPENSES**

ITEM 166 of the Budget Bill

Budget page 500
Budget line No. 64

*For Fees to Special Counsel Employed Pursuant to Section 12520,
Government Code, From the General Fund*

Amount requested	\$2,500
Estimated to be expended in 1951-52 Fiscal Year	2,500
Increase	None

RECOMMENDATIONS

Amount budgeted	\$2,500
Legislative Auditor's recommendation	2,500
Reduction	None

ANALYSIS

The amount is for fees to special counsel employed when a district attorney is disqualified to conduct any criminal prosecution.

Approval is recommended.

Department of Justice
OTHER CURRENT EXPENSES—BANK TAX LITIGATION

ITEM 167 of the Budget Bill

Budget page 501
Budget line No. 40

*For Expenses of Litigation in Connection With the State Bank Tax
 From the General Fund*

Amount requested -----	\$32,541
Estimated to be expended in 1951-52 Fiscal Year -----	30,562
Increase -----	\$1,979

RECOMMENDATIONS

Amount budgeted -----	\$32,541
Legislative Auditor's recommendation -----	32,541
Reduction -----	None

ANALYSIS

This amount is for expenses in connection with defending the State in litigation brought by California banks challenging the constitutionality of the Bank Tax and the method of determination of the rate. This litigation, which has been pending for several years, has now gone to trial, and involves some \$25,000,000 in bank taxes paid under protest over a period of fifteen years.

We recommend approval of the amount requested.

Department of Justice
OTHER CURRENT EXPENSES—SERVICES RENDERED COLORADO RIVER BOARD

ITEM 168 of the Budget Bill

Budget page 501
Budget line No. 10

For Services Rendered the Colorado River Board From the General Fund

Amount requested -----	\$49,139
Estimated to be expended in 1951-52 Fiscal Year -----	48,640
Increase -----	\$499

RECOMMENDATIONS

Amount budgeted -----	\$49,139
Legislative Auditor's recommendation -----	49,139
Reduction -----	None

ANALYSIS

The amount requested is to cover estimated cost of continuing the effort to resolve the conflict between Arizona and California as to the division of water available to the lower basin of the Colorado River.

Approval of this amount is recommended.