

State Fire Marshal—Continued

It would appear that the above work load data provides adequate justification to allow the additional position to be authorized. Therefore, we recommend its approval. The balance of the increase in salaries and wages is due to normal merit salary adjustments. It will be noted that operating expenses for the 1956-57 Fiscal Year's request is \$3,860 below the current budget. This is due primarily to the fact that certain small items were purchased and printing done in the current year for the new fireworks program, which need not be repeated during the 1956-57 Fiscal Year. The amount requested for equipment is increased only slightly, \$646, which is caused mostly by the request for replacement of miscellaneous old pieces of office equipment.

DEPARTMENT OF JUSTICE

ITEM 144 of the Budget Bill

Budget page 513
Budget line No. 37

FOR SUPPORT OF THE DEPARTMENT OF JUSTICE FROM THE GENERAL FUND

Amount requested	\$3,859,624
Estimated to be expended in 1955-56 Fiscal Year.....	3,565,068
 Increase (8.3 percent).....	 \$294,556

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages.....	\$234,099	\$234,099	--	522 9
Operating expense	48,884	48,884	--	522 10
Equipment	33,462	33,462	--	522 11
Less:				
Increased reimbursements, other agencies	-10,000	-10,000	--	522 22
Increased reimbursements, special funds agencies.....	-11,889	-11,889	--	513 18
Total increase	\$294,556	\$294,556	--	513 20

RECOMMENDATIONS

Amount budgeted	\$3,859,624
Legislative Auditor's recommendation.....	3,859,624
 Reduction	 None

ANALYSIS

The Department of Justice under the direction of the Attorney General, chief law officer of the State, interprets laws and renders opinions, represents the State and its officers in civil litigation and on appeal from trial courts in criminal cases, operates the state teletype system, compiles statistics pertaining to crime, maintains central fingerprint and modus operandi files, assists peace officers in both criminal and civil investigations, and enforces the State Narcotics Act.

Methods of Determining Requirements for Optimum Number of Attorneys

It is evident that it is very difficult to determine the appropriate number of attorneys on any legal staff because the work load varies so extensively according to the type and duration of each case, the degree

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of specialization within a particular field of law, the capacity of the individual attorney, the nature of the opinions written, the different research requirements in each field of law and in each individual case, and many other factors.

In an effort to obtain information on what has been done nationally to establish standards for determining the appropriate number of law-trained personnel on legal staffs (public and private) the Legislative Auditor's Office corresponded with the six states with the largest number of law-trained staffs in the offices of the Attorneys General. (See Table I following.) The American Bar Association and the Council of State Governments also were contacted on this subject.

From the material received from these sources, it is apparent that California has gone further than any of these groups in determining appropriate standards for the number of law-trained personnel.

Table 1. Personnel in Offices of the Attorneys General

	<i>Law-trained staff</i>	<i>Total staff</i>
New York -----	217	490* (net 472)
California -----	96	637† (net 236)
Illinois -----	95	132
Oregon -----	64	68
Michigan -----	60	98
New Jersey -----	52	116
Ohio -----	51	98

* Includes 18 investigators.

† Includes 310 in Bureau of Criminal Identification and Investigation; 33 in Bureau of Criminal Statistics; and 58 in Bureau of Narcotic Enforcement.

Table I above shows the distribution of law-trained staff and total staff in the seven states with the largest number of law-trained personnel in the offices of the attorneys general. This table shows that California is second to New York in the number of personnel and that the percentage of law-trained staff personnel to net staff personnel in these two states is comparable at 40 percent for California and 46 percent for New York. The large number of law-trained personnel in the attorney general's office in New York is attributable partially to the fact that New York centralizes the legal positions for practically all departments in this office whereas in California many departments have lawyers on their own staffs as well as relying on the Attorney General for legal assistance. In California there is a total of 242¹ civil service law-trained personnel in the various departments exclusive of the Department of Justice. Therefore, the total of 242 plus 96 law-trained, or 338, would be more correctly comparable to the 217 positions in the State of New York. Similarly, the large number in Illinois is partially accounted for by the fact that the attorney general performs functions such as administration of inheritance tax revenue review of leases and contracts, and approval of building and loan associations, which are performed by other agencies in California.

Efforts to Analyze Work Load in California

Efforts have been made by the staff of the Attorney General to analyze the work being done by each deputy within the department.

¹ Taken from the most recent State Personnel Board breakdown (December, 1954); legal position classification composed of 210 departmental legal staff and 32 administrative advisers.

Department of Justice—Continued

Accordingly, during the year a system was instituted whereby semi-annually every deputy in the office and every assistant therein is required to submit a written report to the Attorney General setting forth cases that he is handling, the last action on each case, a statement advising the percentage of time that he is devoting to each of his agency assignments and a statement as to whether he feels additional assistance is needed in his assignments, with supporting information. These reports were found to be a great aid to the department in analyzing work load and production of the various deputies and assistants and a source of appropriate statistical material will be developed for future comparisons.

1956-57 Request for Attorneys in Civil Law Division

The most significant increase in the budget request for 1956-57 is that for 10 attorneys and their seven secretaries (following the established ratio of three attorneys to two stenographers). A breakdown of this request follows in Table II:

Table II. Breakdown of Request for Civil Law Attorneys

	Salary range	Total	
2 Deputy Attorney General IV-----	\$950-\$1,050	\$22,800	
4 Deputy Attorney General II-----	505- 613	24,240	
4 Junior counsel -----	376- 436	18,504	
			\$65,544
7 Senior legal stenographer-----	295- 358	25,410	25,140
Total -----			\$90,954

Increase in Work Load Compared With Increase in Authorized Personnel

Table III shows the change in personnel of the Civil Law Division from 1952-53 to 1954-55 with corresponding changes in work load data for that period. Personnel increases for 1955-56 and 1956-57 are also shown in this table.

Table III. Department of Justice—Civil Law Division—Increase in Work Load Compared With Increase in Authorized Personnel

Year	Authorized civil law division personnel *		Civil cases filed		Average number civil cases carried over		Administrative cases filed		Average number administrative cases carried over	
	Number	Percent increase ‡	Number	Percent increase ‡	Number	Percent increase ‡	Number	Percent increase ‡	Number	Percent increase ‡
1952-53	56	—	1,564	—	2,606	—	671	—	520	—
1953-54	58	4	1,464	-6	2,817	8	608	-9	600	15
1954-55	61	5	1,732	18	2,988	6	694	14	680	13
1955-56	65	7	---	---	---	---	---	---	---	---
1956-57	75†	15	---	---	---	---	---	---	---	---
Percent increase										
1952-53 to										
1954-55 -----	9		11		15		3		31	

* Excludes disability claims investigators, student legal assistants, consultants, and clerical.

‡ Percent increase over previous year.

† Proposed for 1956-57 Fiscal Year.

An examination of the foregoing Table III reveals that:

1. From 1952-53 to 1954-55 there was a 9 percent increase in personnel of the Civil Law Division as compared with respective increases of 11 percent and 3 percent in the number of civil cases filed and administrative cases filed.

Department of Justice—Continued

2. The average number of civil cases carried over increased 15 percent and the average number of administrative cases carried over increased 31 percent during this same interval.

3. There were actual decreases in civil cases filed and administrative cases filed in 1953-54 but the cases carried over continued to climb in both instances.

4. Since the number of administrative cases is approximately one-third the number of civil cases and the preparation and litigation involved in civil cases is the more time consuming of the two classes, more weight should be given to the effect on work load of this class of proceedings.

5. The percentage increase year to year in personnel of the division (4 percent, 5 percent and 7 percent) is considerably lower than the 15 percent increase requested currently.

Validity of Data in Table 111

Consideration of the foregoing information and a statistical projection of this data indicates that additional positions are justified on the basis of work load. There are, however, two reservations that should be made in the use of this data.

1. The full validity of "cases carried over" as a work load measure to be used in determining the optimum number of attorneys is questionable. Although this shows that additional backlog is being built up, this backlog does not mean, per se, that additional personnel are justified in the same proportion. An analysis of the type and duration of the cases included in this category is necessary to give this data significance. For example, in many instances, a case carried over may merely be one on which the court has not yet rendered a final decision. Where this is true little or no additional attorney time is required but it is still reported as a case carried over. On the other hand other cases carried over may require considerable additional work. For these reasons the number of cases is of greater importance than the number of cases carried over.

2. The extent of the validity of increased overtime asserted to be the result of these "cases carried over" is also questionable. A large proportion of this overtime is caused by the need for an attorney to follow through on a particular case and should be considered as part of the job to be performed. Special meetings, night grand jury meetings, contacting of witnesses, out-of-town court work, deadlines, etc., all cause unavoidable overtime to be spent, but additional positions would not necessarily alleviate the overtime spent on that specific case. The additional personnel would be available to work on new cases but overtime hours would continue as before. Therefore, as concluded above, the number of cases again is a better measure than the number of overtime hours spent.

Additional Work Load Information and Recommendations

There are several areas where an indeterminate increase in work load is anticipated.

Need for legal assistance for the State Lands Commission is increasing. The work of this division includes leasing and granting of permits

Department of Justice—Continued

and easements on state lands, such as tide and submerged lands, navigable lakes and streams; mineral leases on state lands, sales of state lands, including swamp and overflow and school lands; condemnation problems and cases; trespass, ejectment and damage claims by and against the State; representation of the State in all contests between it and the United States in relation to public lands, including tide and submerged land problems.

The number of subsequent injuries cases has been increasing substantially. The Industrial Accident Commission added five referees to the Los Angeles staff which has increased the need for attorney time. Also, cases in this field are heard in all parts of the State which requires excessive travel time.

It is anticipated that the law which permits the levying of city and county sales tax will increase the work load of the department. This work involves cases where municipalities deny that the tax is applicable and cases where individuals refuse to pay the tax.

The contention has been made that, in addition to this additional work load, there are several areas in which the Division of Civil Law has not been able to operate because of a lack of available time. The areas of proposed investigations would include: unclaimed savings accounts in banks, savings and loan companies, and trust companies; unclaimed moneys with the Federal Government held in postal savings accounts and through bankruptcies; recovery of property to which the State may be entitled by escheat; and Franchise Tax Board cases where moneys should revert to the State. Consideration of this data is limited by the indeterminate amount of work involved and the degree of importance that the Legislature wishes to place on this work as compared with other work of the department.

We wish to point out that an announcement has been made concerning the creation of speakers' bureaus for the Attorney General's Office in Sacramento, San Francisco and Los Angeles. Although state departments have certain obligations to accept invitations to speak before public groups by way of explaining the relationship between the public and their departmental function, the additional work load which could arise from encouragement of these activities could become an unnecessary and costly burden.

In view of the statistics and the potential work load we recommend approval of the positions requested. We believe, however, that additional evidence should be presented before the next meeting of the Legislature to show that the several areas of indeterminate work load did increase as anticipated.

Other Budget Increases**Bureau of Criminal Identification and Investigation**

This bureau maintains files of fingerprints, modus operandi, crime records of felons, registration of sex offenders and furnished information and technical assistance to local law enforcement agencies. Based on current work load trends this bureau will require 15 additional positions: two in the fingerprint section; nine in the special services section; two in the record section; one in the investigation section; and

Department of Justice—Continued

one additional criminologist. The largest increase of nine in the special services section in general is attributable to the over-all increase in population and crime in California. Since the bureau is a service agency, and is charged with the responsibility of processing crime reports, fingerprint cards, photographs, pawn shop reports which come from law enforcement agencies, it is necessary that the bureau assist these departments in organizing their departments so that they may comply with legislative requirements. The increase in the number of cases, reports, surveys and the teaching of law enforcement classes has greatly expanded the work load of this section. Approval of these 15 positions is recommended.

Bureau of Narcotic Enforcement

As prescribed in Section 11102 of the Health and Safety Code, the Bureau of Narcotic Enforcement “. . . shall enforce all laws regulating the cultivation, production, sale, giving away, prescribing, administering, furnishing, or having in possession narcotic or other dangerous drugs . . .”

The three narcotic inspector I positions added to the 1955-56 Budget by Emergency Fund allocation have been proposed to continue on a permanent basis in the current budget request. One additional inspector is proposed to assist the two agents working out of Fresno and one-half intermediate stenographer-clerk has been proposed for Sacramento on the basis of increased narcotics activity. We recommend the request as submitted with the reservation that the positions be reviewed again next year and that additional work load information be accumulated.

Since the Legislature has in the past questioned the area in which state enforcement of the narcotic laws should operate as compared with that of local and federal enforcement agencies, we believe that the law should be clarified. It is evident that the State is primarily a technical coordinating unit, but the division of the function of apprehension among federal, state and local agencies has not been clearly defined.

Allocations From Emergency Fund Estimated 1955-56 Fiscal Year

A total of \$24,876 was allocated from the 1955-56 Emergency Fund. The amount of \$18,351 was for the three narcotic inspectors explained in the above section. The amount of \$3,500 was for services of a consultant in a study of the oil residue on beaches problem in conjunction with the City of Los Angeles. The amount of \$3,025 was for a pilot study on the feasibility of adopting a machine method for searching fingerprints in the Bureau of Criminal Identification and Investigation. During the year, two such studies were conducted. The initial study involving 9,000 cards was so encouraging that a second study involving 45,000 cards was undertaken in the fall of the year. The second study has not progressed far enough to give a complete evaluation; but it now appears that the speed of search will be improved to some extent and the accuracy of search will be improved to a much greater extent by this method. A complete report on this activity will be presented at a later date when the results can be analyzed more fully.

Department of Justice—Continued**Department of Justice State-wide Teletype System**

The Department of Justice has developed the State Teletype System which now serves 289 locations, 156 directly through the state network and 133 via this network to county outlets. The state system is also tied to a nation-wide network which connects with 33 of the states, may soon connect with 42 states and will eventually connect with all 48 states. Many of the departments retain private teletype systems through the telephone company, independent of the Department of Justice system. The per message cost of this private system is approximately twice that of the state system. Some of the departments which have the private TWX machines are California Highway Patrol, Mental Hygiene, Highways, Forestry, Employment and Architecture. A thorough study of these overlapping systems should be made along with the other planned communications studies.

Significant Accomplishments During 1955-56 Fiscal Year

Following is a summary of the most important achievements of the Department of Justice in 1955-56 which have increased the efficiency and economy of the operation.

Divisions of Civil Law and Criminal Law

As of August 1, 1952, the criminal and civil legal divisions of the Department of Justice were extensively reorganized. Prior to that date the three offices of the Attorney General located in Sacramento, San Francisco and Los Angeles, operated almost autonomously. In order that the quality of work would be improved, that efficiency would be increased by proper control of legal work and in order that the heads of the office would be familiar with the operations in the three offices, a system of legal sections was devised by the office with the approval of the Department of Finance and the Personnel Board. At the present time the legal work of the office is divided into a criminal section and five civil sections. Into these sections are grouped fields of law which have common relationships, and the deputies, insofar as is possible, are confined to particular sections. Each section is in charge of an assistant with state-wide authority. This reorganization has proved its worth, but the department has found that periodic refinements in the original plan have been necessary. Particularly during 1955 refinements were accomplished through the regrouping of assignments within sections and the shifting of personnel.

During the year a system was devised whereby quarterly meetings were held with the Attorney General. At these meetings there were in attendance the Chief Deputy Attorney General, the two Chief Assistant Attorneys General and all Assistant Attorneys General. The purpose of these meetings was to determine policy, to evaluate the work of the office and to discuss and determine methods for improving quality and efficiency. These meetings supplemented the frequent visits made to the three offices by the Chief Assistant Attorneys General.

The department instituted a system during the year of requiring each deputy to use "action slips." These are prepared forms which deputies are required to fill in and file with the docket clerk. Every time a

Department of Justice—Continued

deputy makes a move in a case, whether it be filing a paper or a day on trial, he is required to make an entry on the action slip and have it delivered to the docket clerk, whereupon it is registered in the department's official docket and a copy is sent to the Bureau of Criminal Statistics. By this method analytical material showing the movement of cases and work load statistics can be furnished for all concerned.

Bureau of Criminal Identification and Investigation

A "pulling pool" of clerks was established to secure all fingerprints and records in a prescribed manner which prevented loss of time due to many different people making numerous trips to the files to secure the material.

The issuing of APB's (All Point Bulletins) was shifted to the 12 midnight to 8 a.m. shift. This allowed night personnel to process the messages, speeded up communications and save the time of day personnel needed for other duties.

Evaluation of the amount and type of work done between 4 p.m. and 8 a.m. resulted in a decrease in the 4 p.m. to 12 a.m. crew from six to four persons, and the 12 a.m. to 8 a.m. crew from four to 2 persons.

The completion and use of the fingerprint manual standardized many procedures and has decreased errors.

Information on the disposition sheets relating to parolees, discharges, and decreased subjects, which are sent weekly to the Federal Bureau of Investigation, has been revised. This change reduced the amount of typing to less than one-half of that previously required.

Division of Administration

During the year the administrative section formulated a plan to provide better state-wide teletype coverage, better administrative business service and more realistic financing of the network. Also in connection with teletype work, the section originated a format for standardization of relaying teletype messages which was accepted by California peace officers and communication technicians.

An accounting and inventory control of the department's approximately 40,000 law books by the use of tabulating equipment was established during the year. This change should result in increased control and efficiency in future years.

Department of Justice
OTHER CURRENT EXPENSES

ITEM 145 of the Budget Bill

Budget page 513
Budget line No. 53**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 1955-56 Fiscal Year	2,500
Increase	None

Department of Justice—Continued

RECOMMENDATIONS

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

ANALYSIS

The amount of \$2,500 is requested to provide fees for special counsels for making investigations for discovery and recovery of property to which the State may be entitled by escheat and to conduct criminal prosecutions in counties where the district attorney is disqualified to conduct the prosecution.

The request in the amount of \$2,500 for 1956-57 is the same as the amount estimated for 1955-56. The actual expenditure of \$3,225 for 1954-55 consisted of substitute fees for attorneys in three separate cases.

Approval of the amount budgeted is recommended.

**Department of Justice
OTHER CURRENT EXPENSES**

ITEM 146 of the Budget Bill

Budget page 513
Budget line No. 58

**FOR SERVICES RENDERED COLORADO RIVER BOARD FROM THE
GENERAL FUND**

Amount requested	\$341,868
Estimated to be expended in 1955-56 Fiscal Year	345,368
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Decrease (1.0 percent)	—\$3,500

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line page No.
		Work load or salary adjustments	New services	
Salaries and wages	\$5,320	\$5,320	—	522 63
Equipment	—8,820	—8,820	—	523 9
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Total decrease	—\$3,500	—\$3,500	—	523 11

RECOMMENDATIONS

Amount budgeted	\$341,868
Legislative Auditor's recommendation	341,868
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Reduction	None

ANALYSIS

This budget request is to cover the 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. These funds administered by the Attorney General will be used to retain the services of legal firms.

The budget request is predicated upon continuation of this activity at the level approved by the Legislature for the current fiscal year. In view of the recent appointment of a new special master and the complex and unpredictable nature of this activity, approval is recommended subject to further analysis of individual items of expenditure for conformance with projected price levels.

Department of Justice—Continued

The \$3,500 decrease for the current budget is attributable to a decrease in equipment requests offset by normal salary increases.

Approval of the amount budgeted is recommended.

DEPARTMENT OF MENTAL HYGIENE

Budget page 525
Budget line No. 23

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

Amount requested	\$74,253,450
Estimated to be expended in 1955-56 Fiscal Year	67,215,838
Increase (10.5 percent)	\$7,037,612

Summary of Increase

	Total increase	INCREASE DUE TO		Budget Line	
		Work load or salary adjustments	New services	page	No.
Salaries and wages	\$5,403,486	\$4,508,698	\$894,788	525	9
Operating expense	1,637,000	1,478,612	158,388	525	10
Equipment	13,757	13,757	--	525	11
Less: increased reimbursements ..	—16,631	—16,631	--	525	20
Total increase	\$7,037,612	\$5,984,436	\$1,053,176	525	23

RECOMMENDATIONS

Amount budgeted	\$74,253,450
Legislative Auditor's recommendation	72,858,662
Reduction	\$1,394,788

STATE HOSPITAL SUMMARY

We have summarized the analysis of the budget requests of the state hospitals for the mentally ill and mentally deficient below. We have treated the 14 state hospitals as a group since similar standards have been used for staffing, operating, and equipping these hospitals.

Proposed New Positions

A total of 1,020.3 new positions are requested for the 14 state hospitals for the 1956-57 Fiscal Year. We find that 200 or 20 percent of these new positions are requested to provide an increase in levels of service previously authorized by the Legislature. The balance of 820.3 positions, or 80 percent, are based on anticipated work load changes.

These proposed new positions have been tabulated by position classification in Table 3 which shows the breakdown between positions requested on a work load basis and those requested to increase previously authorized levels of service, and indicates costs for each of these.