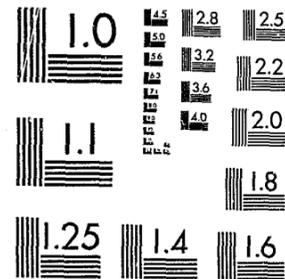


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The Impact of Fiscal Limitation on California's Criminal Justice System

Jan M. Chaiken, Warren E. Walker,
Anthony P. Jiga, Sandra S. Polin

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The Impact of Fiscal Limitation on California's Criminal Justice System

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February 1981

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PREFACE

Proposition 13, which limited property tax levels in the state of California, was approved by the voters in June 1978. This Report investigates the effects of Proposition 13 on California's criminal justice system during the first year after its passage. It presents information on revenue and expenditure trends both before and after passage of Proposition 13, examines the responses of each of the elements of the criminal justice system, and identifies general trends and patterns that may have significant implications for the future.

The National Institute of Justice supported this research under Grant 78-NI-AX-0155. Preparation of the present Report was paid for in part by The Rand Corporation, using its own funds. The Report should be of interest to a wide audience, including officials and researchers in the criminal justice community; students and analysts in the fields of political science and public policy analysis; other local, state, and federal government officials; and concerned citizens.

The material in Chapter 11 has appeared previously in a Rand Note:

- Warren E. Walker, Jan M. Chaiken, Anthony P. Jiga, and Sandra Segal Polin, *The Impact of Proposition 13 on Local Criminal Justice Agencies: Emerging Patterns*, N-1521-DOJ, June 1980.

Other related Rand publications on fiscal containment in government, and on Proposition 13 in particular, include:

- Albert J. Lipson and Marvin Lavin, *Political and Legal Responses to Proposition 13 in California*, R-2483-DOJ, January 1980.
- Anthony H. Pascal, Mark David Menchik, Jan M. Chaiken, Phyllis L. Ellickson, Warren E. Walker, Dennis N. DeTray, and Arthur E. Wise, *Fiscal Containment of Local and State Government*, R-2494-FF/RC, September 1979.

- Warren E. Walker and Jan M. Chaiken, *The Effects of Fiscal Contraction on Innovation in the Public Sector*, P-6610, April 1981.
- Mark David Menchik, Judith C. Fernandez, and Michael N. Caggiano, *How Fiscal Restraint Affects Spending and Services in Cities*, R-2644-FF/RC, January 1982.
- Mark David Menchik, Anthony H. Pascal, Dennis N. DeTray, Judith C. Fernandez, and Michael N. Caggiano, *Fiscal Restraint in Local Government: A Summary of Research Findings*, R-2645-FF/RC, April 1982.
- Dennis N. DeTray, Judith C. Fernandez, Anthony H. Pascal, and Michael N. Caggiano, *Fiscal Restraints and the Burden of Local and State Taxes*, R-2646-FF/RC, August 1981.

SUMMARY

BACKGROUND

During the first year after the passage of Proposition 13 we examined some of its effects on California's criminal justice system. Proposition 13 was a citizen initiative, approved in June 1978, that reduced property taxes by rolling back the taxable value of most property to its 1975 market value and reducing the tax rate from the previous year's average of 2.7 percent of value to 1.2 percent of value. If no compensating revenues had been found, Proposition 13 would have forced a 23 percent decrease in total expenditures of local governments. However, the state government bailed out local governments with funds from its large accumulated surplus, and local governments raised user fees and expended some of their reserve funds. As a result, city government expenditures increased slightly in the fiscal year beginning July 1978 (fiscal year 1979), but not as fast as inflation, and county expenditures actually declined. Consequently, some cuts or adjustments were necessitated.

Our study produced a portrait of the changes that occurred in local criminal justice agencies¹ by means of interviews, analyses of budgets and other fiscal documents, and review of published reports and articles. We selected four counties and three or four cities in each of the counties as targets of these data collection activities. They varied substantially in their dependence on property tax revenue and in their response to changed fiscal circumstances after the passage of Proposition 13.

¹ County criminal justice agencies are: district attorney (prosecutor), public defender, sheriff, courts, probation, and--in some counties--planning or coordinating agencies. City criminal justice agencies are: police and city attorney.

TRENDS IN CRIMINAL JUSTICE AGENCIES' EXPENDITURES AND ACTIVITIES

On the whole, city and county criminal justice agencies fared somewhat better than other city and county agencies in the two years after passage of Proposition 13. However, substantial variations were experienced among the criminal justice functions and among jurisdictions. In the five years preceding Proposition 13, statewide expenditures on local criminal justice functions had been increasing somewhat faster than inflation, but not as rapidly as other comparable city and county functions.² Afterwards, few criminal justice agencies continued to spend at a rate that outstripped inflation, and most experienced a wrenching turnaround from previous patterns of growth.

Law Enforcement

Law enforcement had been given a specially favored status, shared only by fire protection, in the state's bailout legislation. The law provided "that the level of police and fire protection programs actually provided in the 1977-78 fiscal year shall be continued in the 1978-79 fiscal year." But because the legislation failed to relate program levels to funding or manpower, and it specifically allowed governing bodies to make police programs "more efficient and effective," most city councils and county boards of supervisors took the position that they had free rein to establish budgets for police and sheriffs' departments.

In actuality, the impact of reduced revenue was substantially more severe for sheriffs' law enforcement functions than for police departments. Statewide, police department expenditures increased 6.2 percent in the year after Proposition 13, which was ahead of the average 2.2 percent increase for all city functions other than criminal justice. By contrast, statewide sheriffs' law enforcement functions increased only 1.9 percent, behind other county functions such as health and sanitation (up 44 percent), courts (up 6 percent), and public ways and facilities (up 2 percent).

² Public assistance functions are excluded in the comparison.

The relatively deeper cuts (in constant dollars) experienced by the sheriffs' law enforcement function are partially explained by the counties' heavier dependence on property tax, compared to cities. More important, however, is a rapid increase in local adult corrections expenditures (up 17 percent) in the year after Proposition 13, pressed by an increase in the number of people jailed. Because sheriffs' departments include both law enforcement and corrections functions, often combined in a single budget, the sheriff typically has authority to shift expenditures between the two functions. Compelled by external pressures and state mandates to increase the resources devoted to correctional activities, sheriffs withdrew them from law enforcement activities.

Prosecution

Prosecution was the fastest-growing criminal justice function before Proposition 13, with expenditures increasing at 21 percent per year. In the year after passage of Proposition 13, statewide statistics appear to show an expenditure increase of 12 percent, second only to that of adult corrections among local criminal justice agencies. However, a closer look at expenditure trends in district attorneys' offices shows that one component--the family support units--account for most of the upward trend both before and after 1978. These units, set up under federal and state laws that promote investigation and prosecution of parents' failure to provide support for their children, are essentially "free" to the county budget, because the federal government provides incentive payments in addition to reimbursing part of the counties' administrative costs. As a result, they constitute a rapidly increasing portion of district attorneys' expenditures.

Obtaining a clear statewide picture of the extraordinary growth in expenditures for family support units is difficult because of the variations in accounting methods among counties and over time. In our study counties, expenditures for family support units increased at an annual rate between 26 and 40 percent in the years immediately before Proposition 13. In the year after Proposition 13, when overall county expenditures other than public assistance declined 3 percent, statewide

expenditures for family support units increased 42 percent. Since family support units expended 31 percent of all district attorneys' funds in 1979, the increase experienced by "traditional" prosecution functions after the passage of Proposition 13 was only 2 percent, far smaller than inflation.

Defense

In California, indigents are defended by public defenders or court-appointed counsel. Twenty counties, most of them small, do not operate a public defender system. While public defenders were at first hard hit in budget-cutting after the passage of Proposition 13, county officials rapidly discovered that overall expenditures were not necessarily reduced by this action. Any indigent cases that could not be defended by the public defender would necessarily have a court-appointed attorney represent them at county expense. By the end of the second year after the passage of Proposition 13, the total increase in public defender expenditures exactly matched the rate of increase before Proposition 13.

Courts

The counties finance over 90 percent of the costs of the trial courts in California, and the state finances the remaining 10 percent and the total cost of the appellate courts. Like the defense function, courts experienced a brief decline in expenditures for one year after the passage of Proposition 13, but soon returned to the rate of increase previously experienced.

There had been a general impression among criminal justice officials that Proposition 13 offered an excellent opportunity to implement changes that had been discussed for many years. It appeared that the issue to be decided was not *whether* the state would assume a greater share of trial court operating expenditures, but *what form* that state aid would take. The options ranged from a complete state "buyout" of trial court expenses to an expansion of the existing state subvention program. However, despite high-level reviews and strong recommendations by study commissions, no such action was taken by the governor or legislature.

Probation

Probation departments, operated by all counties in California, provide a diversity of services only partially suggested by their name. In addition to supervising juveniles and adults who have been placed on probation by a court, they conduct all presentence investigations, operate all local detention and correctional facilities for juveniles, run various community treatment programs, and carry out a range of crime prevention activities. Probation departments were hard hit in the aftermath of Proposition 13 with reduced expenditures (in current dollars) and a 5 percent decrease in personnel.

In contrast with other criminal justice agencies, which needed to make only minor program adjustments, large numbers of probation services and programs were eliminated. Those services that were eliminated tended to be unmandated ones, such as delinquency prevention, crisis resolution, specialized supervision and therapy, and diversion programs. In addition, a common response of probation departments throughout the state was to allow supervision caseloads to rise and to increase the span of control for supervisory probation officers.

State Criminal Justice Agencies

Proposition 13 did not bring about any direct change in state sources of revenue. However, the state treasury increased because of lower deductions of property taxes on state income taxes, and it was reduced by the state's bailout of local governments. Fairly substantial fluctuations in expenditures on state criminal justice agencies (e.g., the Department of Corrections, the Youth Authority, and the Highway Patrol) in the year after Proposition 13 did not appear to be related in any important way to the state's changed fiscal situation or to the apparent public mandate to control spending at all levels of government.

EMERGING PATTERNS IN GOVERNMENTAL RESPONSES

In analyzing and interpreting the information we collected, we concluded that few of the emerging patterns of governmental response were particular to individual criminal justice agencies. We summarize

some of the more important trends here. Limitations of the study's scope and methods prevent us from asserting more than that these trends are worthy of more careful attention and research.

Short-Term Solutions to Long-Term Problems

Most local governments got through the first year after Proposition 13 by making cuts that were largely invisible to the public. These cuts generally provided short-term savings, but higher costs are likely in the long run. Two examples of these types of cuts are:

- *Deferment of equipment purchases, new capital improvements, and maintenance of existing capital stock.* Cutbacks such as these produce no visible harm during the first year or two. But then they lead to the deterioration of buildings, security systems, vehicles, etc. Replacement and repair of equipment that breaks down because it was not maintained generally costs more than the maintenance would have cost, especially if the value of wasted personnel time is considered--as when a police patrol car needs emergency repairs.
- *Reduction of expenditures on planning and research activities and postponement of management information systems.* These kinds of changes mean that data for effective problem identification, planning, and management are not available when needed, that new planning tools are not being developed or used, that talented personnel who could suggest long-term solutions are not being retained or kept knowledgeable, and that innovative responses to fiscal constraints are unlikely to be forthcoming.

Intergovernmental Relations

One of the most visible and immediate consequences of the passage of Proposition 13 was a change in the relative importance of the various sources of funds available to local governments. As the role of property taxes becomes less important, revenue from state government (and, to a lesser extent, the federal government) has a relatively larger influence on local government activities. Local officials

expressed concern about the threats to local autonomy and home rule posed by this trend. They believed it was unrealistic to expect the state to provide a large share of local government's revenues without exerting significant control over their allocation. In addition, the post-bailout situation, in which the state was subsidizing sharply different levels of services among local governments based on pre-Proposition 13 levels, would eventually have to undergo reform to achieve greater equity.

The impact of Proposition 13 on the use of federal funds depended primarily on how these funds had previously been allocated. In one of our study counties, nearly half of general revenue-sharing funds had previously been devoted to community-based human service functions, such as halfway houses for released prisoners, drug abuse prevention programs, and the like. These were particularly hard hit after Proposition 13, when the county chose to apply federal funds to in-house governmental functions that otherwise faced cuts. In cities and counties where revenue-sharing funds had previously been spread widely, the impact was more diffuse.

Cooperation among local criminal justice agencies, for the purpose of achieving greater efficiency, was generally made more difficult by the bailout mechanism adopted by the state government. For example, only a complex series of contracts between cities and a county government could allow the county's sheriff's department to be compensated for taking over and centralizing the cities' crime laboratory functions.

Federal and State Mandates

A mandate is a requirement for a local government to perform some activity on behalf of national or state policy objectives. Mandates come in many sizes, shapes, and forms, including "strings" attached to grants, court orders, regulations, and legislation. We noted two important consequences of mandates in times of fiscal contraction. First, most mandates are unfunded or significantly underfunded, and the cumulative weight of hundreds of mandates is a sizable burden on local governments. When the revenue for local governments is prevented from increasing to meet the rising cost of mandates, local officials face a serious problem of compliance.

Second, mandates have an important impact on the mix of services provided by local government. Basic services such as police patrol and criminal prosecution traditionally had strong local constituencies, and there was no need for state or federal governments to mandate them. Rather, the mandated activities were intended to be carried out in addition to traditional local government services. But we found that when budget cuts are required, mandated programs and functions remain while nonmandated programs and functions are cut. Local officials find themselves forced to undertake what to them seem to be low-priority activities.

Goals and Objectives of the Criminal Justice System

Fiscal limitations inevitably lead to a rethinking of what the criminal justice system should and should not do. We observed trends that we think portend a less humane and less responsive system. Agencies generally respond to reduced budgets (in real dollars) by shedding demand: They stop performing certain kinds of activities that they previously would have undertaken on their own initiative or at the request of a citizen or another criminal justice agency. District attorneys reduce the categories of offenses they will prosecute and cut back on investigations into matters such as official corruption and consumer fraud. Police departments screen out reported crimes that are unlikely to be solved, concentrating investigative resources on the remaining crimes. Probation agencies pay less attention to supervising persons under their charge and focus more on functions that are required by other parts of the system: providing presentence reports for judges, operating bail-release programs, and the like.

While some observers may welcome the increased efficiency implied by these efforts to focus resources, others may feel that the system is losing some aspects of humaneness that it previously showed toward arrestees, defendants, convicts, complainants, victims of crime, and citizens needing various kinds of assistance or reassurance.

ACKNOWLEDGMENTS

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The issues covered in this study were developed with the guidance of an expert advisory panel, whose assistance we gratefully acknowledge. Appendix A is a list of the panel members who met with us and offered their suggestions.

The information in this Report is drawn in large part from over 60 interviews with people closely related to California's criminal justice system--both inside government and outside. They are listed in Appendix B. We thank them for agreeing to be interviewed, taking time out of their busy schedules to talk with us, giving us candid insights into the working of the criminal justice system, and providing us with budget documents, reports, and other data.

We are indebted to Forrest Brigham, a Rand consultant, for extracting the specific information we needed from various sources, tabulating it in a consistent manner for all of our study sites, and tracking down explanations for data items that appeared to be erroneous. We also acknowledge the contribution of Albert Lipson of Rand's Sacramento office, who conducted interviews, provided material on the impact of Proposition 13 on state agencies, and organized the meeting of our advisory panel. Michael Caggiano provided data and tabulations that had been compiled for another Rand study.

We are grateful to Charles H. Levine, Edwin O. Stene Distinguished Professor of Public Administration at the University of Kansas, and Margaret A. Thomas of The Rand Corporation, who reviewed an earlier draft of this Report and offered helpful suggestions for its improvement.

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1. INTRODUCTION

1.1. PROPOSITION 13 AND THE STATE BAILOUT

Proposition 13 was a citizen initiative, approved by the voters in June 1978, that reduced property taxes in California by amending the state constitution. The main provisions of the amendment follow.¹

- The value of residential, commercial, and business property for tax purposes was rolled back to 1975-76 market values, except for property that was sold, changed ownership, or was constructed after 1975.
- Property values were permitted to increase at no more than 2 percent per year to reflect inflation.
- The total property tax on any property was limited to 1 percent of its value, except that additions were permitted to cover indebtedness previously approved by the voters.
- Imposition of new or higher taxes (other than property taxes) was made more difficult.

Since the average property tax rate was reduced by more than half (from 2.67 percent in the year before Proposition 13 to 1.2 percent in the year afterward) and property values in 1978 were substantially higher than they had been in 1975, Proposition 13 reduced property tax revenue to California's local governments by an estimated 60 percent, or \$7 billion out of anticipated revenue of \$11.4 billion.

If the local governments had been forced to absorb this entire revenue loss, the impact would have been substantial--about a 23 percent decrease in their expected total revenue. However, the state government bailed out the local governments with a combination of two fiscal relief mechanisms that reduced their losses by \$4.1 billion. First, the state took over certain state-mandated expenses previously borne by counties. Second, it provided block grants to schools, cities, counties, and

¹ The complete text of the constitutional amendment added by Proposition 13 appears in Appendix C.

special districts.² The state's source of funding for the bailout was a large accumulated surplus whose existence, together with confusing and erroneous predictions of its size, contributed to the passage of Proposition 13.

Because of the state's bailout and increases in revenues other than property taxes, total California local government revenues actually increased slightly in the year after Proposition 13. Moreover, by drawing down reserves, local government expenditures increased even more. However, after adjustment for the high rate of inflation, the average local government experienced a real loss in revenue. This fiscal situation stood in sharp contrast to the steady increase in real revenue to which many (but not all) local governments had been accustomed.

1.2. RESEARCH FOCUS

Our study focused on the year following the passage of Proposition 13: July 1, 1978 through June 30, 1979. Because the fiscal effects of Proposition 13 on local government were small, at least in the short term, we did not expect to find major immediate changes in government services or in the impacts of those services on ultimate performance outcomes. This was especially true of law enforcement, since the state bailout legislation required recipients of bailout funds to continue to provide the same programs.³ Instead, we anticipated finding, and did find, trends and patterns in the first year that portend important changes for the future.

The study paid particular attention to the following areas of change:

- *Patterns of expenditures and resource allocations.* The types of agencies, programs, and activities that suffered the most or fared the best in the wake of both budgetary changes and uncertainty about the future following the passage of Proposition 13.

² The details of the state's bailout legislation (SB-154), and its political history, are presented in [45].

³ The legislation also protected fire departments with the same provisions.

- *Intergovernmental relations.* The extent to which control over local programs shifted to the state and federal governments, and the degree to which cooperation among agencies changed-- either among agencies of different types (e.g., sheriff and district attorney) or agencies of the same type in different jurisdictions.
- *Innovation and efficiency.* The extent to which the climate was enhanced or degraded for instituting major improvements in equipment, practices, or procedures.

Our detailed findings are presented in the following chapters. While the data we have brought to bear, and nearly all of our examples, are drawn from the criminal justice system, we believe that many of our findings apply as well to other functions of local government. We cite related studies that suggest, either empirically or theoretically, the general applicability of some of our statements. In some instances we have speculated on trends that might arise, even though no clear evidence for them had yet appeared in our work or that of others. Limitations of the study's scope and methods prevent us from asserting any more than that the trends we saw are worthy of more careful attention and research.

Generally, the picture is not an encouraging one. With some notable exceptions, in the year following the passage of Proposition 13 we did not find local governments grappling with resource allocation problems and focusing expenditures on the highest-priority activities. Instead we found:

- Attempts to apply short-term solutions to long-term problems.
- An exodus of some of the best people from local government, a lowered sense of dedication and reduced morale among those remaining, and increased difficulties in attracting high-quality replacements.
- A growing influence of state and federal governments over local government activities.

- A growing conflict between local government autonomy and the mandates and dictates of higher-level governments.
- Changes in the goals and objectives of the criminal justice system.

Before discussing our findings, we describe briefly the types of information collected for this study in the following section and discuss how the study sites were selected in Chapter 2. Chapters 3 and 4 present budget and personnel trends before and after Proposition 13. Chapters 5-10 focus on the various agencies that make up the criminal justice system, highlighting the most significant impacts of fiscal limits on each. In Chapter 11 we synthesize the material presented in the preceding chapters and discuss the major trends and patterns that seem to be emerging in response to fiscal limitation in California.

1.3. RESEARCH METHODS

The study was basically a wide-ranging reconnaissance effort, intended more to identify the major trends and consequences of fiscal limitation than to produce a comprehensive, statistically reliable portrait of changes throughout the state.

To develop insights into the types of changes that were likely to occur, we selected for careful examination a small number of jurisdictions that we believed would display a wide range of representative responses to property tax limitation. The jurisdictions selected for study included four primary counties (Alameda, Los Angeles, Kings, and San Joaquin) and two secondary counties (San Diego and San Francisco). We selected three or four cities within each primary county as study sites, including the largest city.⁴

In all the study counties (whether primary or secondary), the research team tracked developments related to fiscal limitation through published sources such as newspapers, public opinion polls, and locally conducted studies. In the primary counties the project team carried out the following two additional activities:

⁴ Chapter 2 identifies the study sites, gives information about their characteristics, and explains how they were selected.

- Analyzed budgetary changes in county government, in countywide criminal justice agencies (district attorney, public defender, sheriff, courts, county clerk, probation, and any criminal justice planning or coordinating agencies), in selected city governments, and in city criminal justice agencies (police and city attorney).
- Interviewed over 60 key people inside and outside the system (e.g., criminal justice agency administrators, private providers of diversion services, union leaders). The interviews were semistructured, following a detailed list of research questions within the various subject areas (resource allocations, intergovernmental relations, personnel, etc.). Not every topic was covered in every interview, but the interviewer's notes were transcribed into a uniform format that facilitated comparison of comments by different people on a given topic. All the interviews were conducted during the fiscal year that followed passage of Proposition 13 (July 1978 to June 1979).

The discussion in the remainder of this Report draws on these budgetary analyses and interviews as well as on published data and reports that apply to other counties or the state as a whole.

2. SELECTION OF STUDY SITES

We selected for careful study a small number of jurisdictions that we believed would display a wide range of representative responses to property tax limitation. The *primary* counties and cities selected are given in Table 2.1.

The *secondary* counties, which are San Francisco and San Diego, were studied in much less depth. We tracked events in these counties because they are large and influential and we did not want to be ignorant of any unusual or interesting events that occurred there as a result of Proposition 13.

The decision process used to choose the primary counties and cities is described below. Detailed information on their characteristics is contained in Appendix D.

Table 2.1
PRIMARY STUDY SITES

County	City
Alameda	Oakland
	Fremont
	Piedmont
	San Leandro
Los Angeles	Los Angeles
	Compton
	Hawthorne
	Cerritos
Kings	Hanford
	Corcoran
	Lemoore
San Joaquin	Stockton
	Lodi
	Manteca

2.1. SELECTION CRITERIA

1. Since Los Angeles County is by far the largest county in the state (having nearly four times the population of the next largest county and including 32.5 percent of the state population) and its statistics dominate state averages and trends, we felt Los Angeles County should be included in the study.
2. We wanted the selected counties to be diverse to ensure that they were representative of other California counties in terms of likely *effects* of fiscal limitation and also *adaptations* or *reactions* to fiscal limitation. In particular, if some pattern of events occurred in numerous California counties it should also have occurred in at least one of our study counties. Therefore, we selected counties to be diverse in the following characteristics:
 - a. Political and economic dominance of the county by an urban center, along the following spectrum:¹
 - County dominated by a single major city.
 - County dominated by several cities.
 - Basically rural county with an urban center.
 - Rural with no urban center.
 - b. Geographic location in the state.
 - c. Population density.

¹ The percentage of the county's population located in the largest city is a relevant statistic here; so also is the percentage of workers in agricultural occupations.

- d. Extent to which the county government provides primary services.²
3. Similarly, within the selected counties, we chose *cities* exhibiting a diversity in the following characteristics:
- a. Dependence on property tax (measured by the percentage of revenue derived from property tax before Proposition 13).
 - b. Change in revenue after Proposition 13 if there were no bailout. (A good measure of this would be the average total tax rate for properties in the city. Such a statistic is not generally available. We examined the city tax rate--a not very satisfactory proxy.)
 - c. Range of urban services provided. (This affects the opportunity to make tradeoffs in allocating resources to cope with limited revenue.)
 - d. Anticipated future growth. (How cities will be able to finance services in newly developed areas is an important question.)
 - e. Crime rate.
 - f. Percentage of the city's budget devoted to criminal justice activities.
 - g. Basic demographics: median income, percentage minority groups, etc.

We tried to find cities that provide a range of services similar to those provided by cities outside California, in particular in the East (so that our results might be more easily generalized to a non-California environment). However, this led only to the possibility

² This can be partially measured by the percentage of the county's population in unincorporated territory. Also of interest would be measures of the extent to which services are provided by special districts, but aggregate statistics of this type are not readily available.

of selecting San Francisco, with its unified city-county government, and San Francisco is in no way typical of cities in the East. Its governmental structure is unique among California cities, and therefore it was not suitable for selection as a site that represents other California cities either. We did decide to monitor developments in San Francisco as a secondary site, but did not choose it as a primary study site.

In selecting particular cities, the objective was not necessarily to find a range of characteristics within each county. Rather, at least one of the selected cities was intended to be somewhat "typical" of other cities in the county. We obtained a range of city characteristics out of the differences among the counties.

2.2. CHARACTERISTICS OF SELECTED COUNTIES

The four counties chosen (Los Angeles, Alameda, San Joaquin, and Kings) rank 1st, 5th, 15th, and 33rd in population, respectively, among California's 58 counties. Three are in Standard Metropolitan Statistical Areas (SMSAs).³ Further details on the selected counties are as follows.

Alameda County was the state's third largest manufacturing county in 1971. (It may now be fourth behind Santa Clara.) Agricultural lands are being converted to residential use, although the county's products include high-value crops such as nursery stock and cut flowers. In the coastal, older area of the county, school districts and cities are coterminous. Alameda County includes a high-value residential enclave, Piedmont, and an industrial enclave, Emeryville. It also includes Berkeley and Livermore, with high-technology industries, and Alameda, which has a naval base.

Kings County has a similar population density to other central valley agricultural counties, such as Merced, Tulare, and Kern. The county is primarily agricultural: cotton, alfalfa, barley, corn, safflower, wheat, and sugar beets are the largest field crops; cattle, milk, turkeys, and fryers are other important products. There is a small manufacturing sector, consisting primarily of food processing and

³ Table D.1 in Appendix D contains county characteristics and shows that there is adequate variation in the statistics of interest.

petroleum refining (the southern end of the county borders on the Elk Hills and the western edge includes the Kettleman Hills). There are three cities--Corcoran, Hanford, and Lemoore--whose economies all relate primarily to agriculture. There is a Naval Air Station at Lemoore.

Los Angeles County is the largest manufacturing county in California, as well as the largest in population with approximately one-third the state total and four times more than the second-ranked county. The county is third-ranked in density, with 90 percent of the population living in urbanized areas. (Only one of the county's 79 cities is in the agricultural Antelope Valley.)

San Joaquin County is an agricultural area centered around a major city, Stockton, in an SMSA county. Stockton has a deep water port through the San Joaquin River and San Francisco Bay. The county also includes major terminals for the Western Pacific and Southern Pacific railroads. The most important agricultural products are milk, tomatoes, grapes, asparagus, and sugar beets. Approximately one-third of all manufacturing workers are engaged in food processing. Escalon, Lodi, Manteca, and Ripon are primarily food processing cities, and Tracy includes transshipment as well as food processing. Stockton has a major industrial sector in farm implementation manufacturing.

2.3. SELECTION OF CITIES WITHIN COUNTIES

The characteristics of interest in choosing cities within each selected county were specified in Sec. 2.1. The basic approach was to choose the largest city in each selected county and two or three others also. (A number of population, criminal justice, and revenue statistics for cities in the four selected counties, which were used in selecting the cities, are listed in Appendix D, Table D.2.) No attempt was made to select cities with a range of characteristics for each county. Instead, by selecting at least one typical city in each county, the resulting cities exhibited a range of city characteristics because of differences among the counties.

The cities selected, and the justification for each selection, are given below, county by county. Figure 2.1, a map of California, identifies all the selected counties and cities.

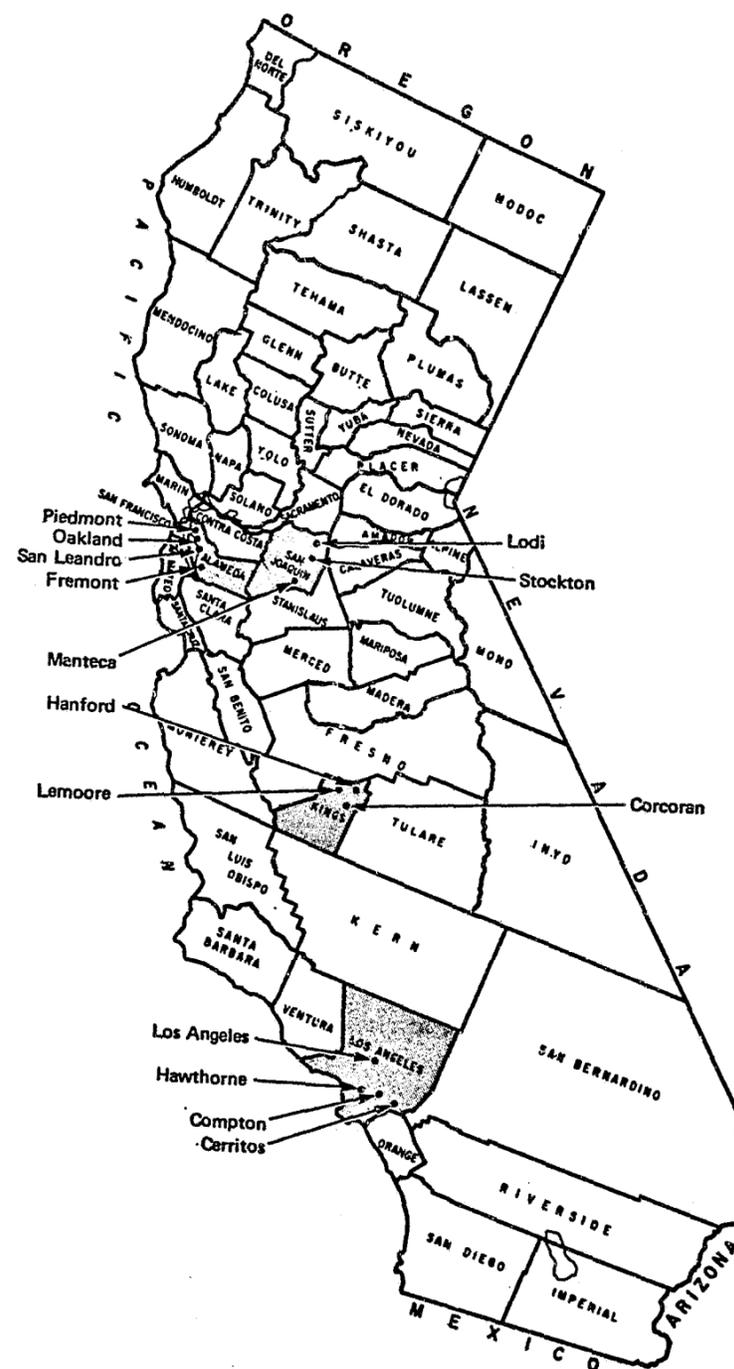


Fig. 2.1 - Counties and cities selected as study sites

2.3.1. Alameda County

Oakland is the largest city in the county and was therefore automatically selected. Its overall population has been declining whereas its minority population has been increasing. A 1973 referendum that limited allowable city property tax rates created fiscal problems for the city even before the passage of Proposition 13.

Fremont is typical of the cities in Alameda County on most of the tabulated characteristics. It also includes several areas that have been growing in recent years. (Its population is estimated to have increased by over 20 percent between 1970 and 1977.)

Piedmont is a wealthy enclave completely surrounded by Oakland. Before Proposition 13, it received the highest percentage of its revenue from the property tax of any city in the four selected counties (63.6 percent).

San Leandro is typical of other cities in the county in many respects but had the lowest percentage of its revenue provided by the property tax (16.5 percent) and lowest property tax rate (0.59) of any city in the county.

2.3.2. Kings County

There are only three incorporated cities in Kings County. We selected all three. *Hanford* is the largest city in the county. It serves as the county seat and cultural center for the region.

Corcoran is the headquarters of the world's largest family-owned farm and California's largest corporate farms.

Lemoore is a rapidly growing manufacturing center. The world's largest naval air station borders on the city.

2.3.3. San Joaquin County

Stockton is the largest city in the county and was therefore automatically selected.

Lodi is typical of the cities in San Joaquin County on most of the tabulated characteristics.

Manteca is the fastest-growing city in San Joaquin County. (Its population increased by 33 percent between 1970 and 1977.) It is typical of other San Joaquin County cities on most other characteristics.

2.3.4. Los Angeles County

Los Angeles is the largest city in the county and was therefore automatically selected.

Compton has the highest crime rate of any city of over 50,000 population in the state. It also has close to the lowest per-capita income in the state and relies heavily on federal and state grants and subventions.

Cerritos is the fastest-growing city in California. (Its population almost tripled between 1970 and 1977.) In other respects it is typical of many of the cities in the county, except that it levies no property tax. (Its residents do pay property taxes to the county, school district, and special districts.)

Hawthorne has one of the highest per-capita expenditures on criminal justice of any city in the state (\$191.80). It also had one of the lowest percentages of revenue provided by the property tax (2.9 percent), and one of the lowest property tax rates (0.85) of any city in the county.

3. FISCAL TRENDS IN CALIFORNIA LOCAL GOVERNMENT BEFORE AND AFTER PROPOSITION 13

3.1. INTRODUCTION

This chapter provides some details of the statewide fiscal trends mentioned in Chapter 1 and shows how the study sites reflect these trends. Our purpose is to set the stage for understanding the situation faced by government officials in the study sites. In this chapter we cover all functions of local government together; in the next chapter we examine the criminal justice functions and explain how they fared in comparison with other government functions and with each other. These two chapters draw on more recent data sources than were available when the information from the interviews and other sources was being collected for the other chapters. Thus, Chapters 3 and 4 help place the immediate reactions of criminal justice agencies in a broader temporal context.

When examining the revenues and expenditures of individual local governments, one can choose among many sources of data, all of which typically show different totals, categories, and amounts in categories. We have used a number of these sources, primarily to exploit differences in their accuracy, level of detail, stability of categories over time, or timeliness in relation to the interviews we conducted in the study sites. Because the accounting practices of jurisdictions vary widely, especially in regard to handling capital expenditures and federal grants, the data we present do not permit comparisons across cities or counties. But trends over time within a city or county generally appear the same, no matter what source of fiscal data is used.

We ordinarily favored the use of audited figures for revenues and expenditures, prepared and compiled months or even a year after the end of the fiscal year. All the figures in this chapter are from audited compilations. However, occasionally in Chapter 4 and frequently in the remaining chapters, we use budgeted figures even though they only anticipate events over the coming year. The budget constitutes a psychological reality for government officials during the course of the

fiscal year, and it helps us to understand expectations even if these expectations turned out to be incorrect. Budgets also show breakdowns that help distinguish criminal justice from other categories, and these are sometimes unavailable in audited tabulations. We use the terms *revenue* and *expenditure* to refer to audited figures after the end of the fiscal year and the terms *budget*, *budgeted*, or *anticipated* to refer to figures generated before or during the year.

Although the budget process is often a distant reflection of reality, it was especially chaotic in the year following the passage of Proposition 13. Many cities and counties had to adopt budgets before the state bailout was approved, so they made various assumptions about whether there would be a bailout, its overall size, and the formula to be used for allocating bailout funds among cities and counties. Later, amended budgets were adopted, which may or may not have been published as such. Where we show budgeted figures, we have tried to use those that reflect an accurate knowledge of the amount of the state bailout.

To analyze trends over time, we adopted fiscal year 1973 (July 1972 to June 1973) as the base year against which to compare changes. This choice allowed us to examine a five-year period for trends before the passage of Proposition 13. We do not intend to suggest that the budgets or expenditures in that year were any more or less sensible than in nearby years. Increases or decreases over the five-year period were converted into average annual changes, for purposes of comparison, by determining what constant rate of growth or decline, compounded annually, would have led to the same result. For example, an overall 50 percent increase over the five-year period has been converted into an 8.4 percent (not 10 percent) average annual rate of increase.

Comparing changes over time, especially in subcategories of expenditures, is hazardous because expenditures can be moved from one category to another (or even out of the budget altogether) by institutional reorganizations or modified funding mechanisms. For example, a municipal enterprise or special district can be established to fund a function previously covered by a city. Depending on the budget or auditor's report consulted, these expenditures can simply vanish from the city's expenditures, with or without explanation in the text of the document. When changes like this occur in a large

jurisdiction, even major statewide trends can be obscured or distorted. We have adjusted for a number of these aberrations in an attempt to bring about consistency over the study period. For example, expenditures present in 1973 but missing in 1978 were either added back in 1978 (using other data sources) or deducted in 1973. For this reason, our figures may differ from published statewide totals. We cannot claim to have spotted all necessary adjustments, especially if they occurred in small jurisdictions that were not among our study sites, but our adjusted figures should be more suitable for comparisons than are the raw figures.

3.2. REVENUE TRENDS

During the five-year period before passage of Proposition 13, local government revenue in California was increasing faster than inflation. Revenues of county governments increased somewhat more slowly than those of other forms of local government but they too slightly outpaced inflation. In Table 3.1, the columns that compare fiscal year 1973 with fiscal year 1978 show that total revenues for all counties in California increased from \$5585 million to \$8318 million, or an increase of 8.3 percent per year. This is nearly identical to the 8.2 percent per year increase in the consumer price index (last line of the table).

The revenue growth for city governments was, on the whole, substantially faster. As shown in Table 3.2, city government revenue increased at an annualized rate of 12.7 percent per year during this five-year period when the consumer price index increased 8.2 percent per year.

Tables 3.1 and 3.2 also show the relative dependence of counties and cities on property taxes. Counties were substantially more dependent on property taxes than cities (33 percent of county revenues as compared to 22 percent of city revenues in FY 1978), and consequently county finances faced a greater threat from Proposition 13. Moreover, the dependence of county governments on property tax revenue had remained nearly constant (at one-third of total revenue) during the period from 1973 to 1978. But cities had gradually been reducing their dependence on property tax, which was smaller than that of counties to start with (26 percent of total revenue in 1973).

Table 3.1
REVENUE TRENDS FOR CALIFORNIA COUNTIES
(\$ millions)

Revenue Source	FY 1973		FY 1978		FY 1979		FY 1980	
	Amt	%	Amt	%	Amt	%	Amt	%
Property tax	1915	34.3	2763	33.2	1318	16.9	1655	20.5
State government	1345	24.1	1987	23.9	2815	36.0	2663	32.9
Federal government	1494	26.8	2208	26.6	2175	27.8	2158	26.7
Property tax + state + federal	4754	85.1	6958	83.6	6308	80.7	6477	80.1
Other sources	831	14.9	1360	16.4	1507	19.3	1607	19.9
Total	5585	100.0	8318	100.0	7815	100.0	8084	100.0

Trend Item	Average Annual Percent Change		
	FY 1973- FY 1978	FY 1978- FY 1979	FY 1978- FY 1980
Percent revenue from			
Property tax	- 0.6	-49.1	-21.4
State government	- 0.2	+50.6	+17.3
Federal government	- 0.1	+ 4.5	+ 0.2
Other sources	+ 1.9	+17.7	- 2.1
Total revenue	+ 8.3	- 6.0	- 1.4
Consumer price index	+ 8.2	+ 9.5	+11.4

SOURCES: Rand tabulations from *Financial Transactions Concerning Counties of California* [26]. California statewide consumer price index (weighted sum of three metropolitan areas' indexes).

Table 3.2
REVENUE TRENDS FOR CALIFORNIA CITIES
(\$ millions)

Revenue Source	FY 1973		FY 1978		FY 1979		FY 1980	
	Amt	%	Amt	%	Amt	%	Amt	%
Property tax	860	26.2	1304	21.9	639	10.6	910	14.0
State government	527	16.1	745	12.5	1012	16.8	816	12.5
Federal government	403	12.3	1192	20.0	1164	19.3	1072	16.5
Property tax + state + federal	1791	54.6	3241	54.4	2815	46.6	2797	43.0
Other sources	1487	45.4	2712	45.6	3224	53.4	3708	57.0
Total	3278	100.0	5953	100.0	6039	100.0	6506	100.0

Trend Item	Average Annual Percent Change		
	FY 1973- FY 1978	FY 1978- FY 1979	FY 1978- FY 1980
Percent revenue from			
Property tax	- 3.5	-48.4	-20.0
State government	- 4.9	+34.4	0.0
Federal government	+10.2	- 3.5	- 9.2
Other sources	+ 0.1	+16.9	+11.8
Total revenue	+12.7	+ 1.4	+ 3.8
Consumer price index	+ 8.2	+ 9.5	+11.4

SOURCE: Rand tabulations from *Financial Transactions Concerning Cities of California* [25]. See also Table 3.1.

Without the state bailout, Proposition 13 would have lowered county revenues in FY 1979 to \$7148 million,¹ which is a 14 percent decrease from FY 1978 and is 21.5 percent lower than counties' anticipated revenue if previous trends had continued. By contrast, city revenues would have been only 2 percent below their FY 1978 revenue and 13 percent lower than anticipated revenue if previous rates of growth had prevailed.

The state bailout, higher than expected sales tax receipts, and institution of new and higher fees made the revenue picture more favorable. As shown in Table 3.1, county revenues in FY 1979 were only 6 percent below their FY 1978 values (14 percent below anticipated revenues under previous trends). City revenues (Table 3.2) were 1.4 percent higher in FY 1979 than in FY 1978 (but 10 percent lower than would have been anticipated in FY 1979 under previous trends). Even these figures do not accurately reflect the amount of fiscal relief provided to counties by the state. In addition to increasing subventions to counties, the state "bought out" some of the public assistance functions of county government. Hence, part of the counties' revenue decrease reflects expenditures no longer borne by the counties; this is discussed in Sec. 3.3.

The period following passage of Proposition 13 saw a dramatic switch in the fiscal relationships among levels of government. The one-time jolt from loss of property tax money was coupled with reversals in other long-term trends. Most noticeably, the growing largesse from the federal government to cities slowed dramatically. Between 1973 and 1978 the percentage of California cities' revenue from the federal government had been increasing at 10.2 percent per year (Table 3.2), but a steep (relative) decline began in 1979, simultaneously with the loss of a substantial portion of property tax revenue.

¹ Revenues excluding the bailout have been estimated by adding the actual FY 1979 revenue received from all sources other than state subventions to a projection of previous trends in state subventions.

3.2.1. Variations Among Study Counties

As with most data of this sort, the statewide trends obscure substantial differences among individual jurisdictions. Since our study sites were selected specifically to highlight these differences, the range in revenue trends among them is quite substantial. Table 3.3 shows some characteristics of the study counties pertinent for understanding their revenue situation. An important source of differential impact was the effective property tax rate before and after the passage of Proposition 13. The effective tax rate (amount collected in property taxes divided by valuation) varied substantially even after the passage of Proposition 13 because property taxes above the 1 percent limit were collected for previously approved indebtedness. In our four study counties the effective tax rate (for county government purposes only) after Proposition 13 ranged from 2.1 percent in Los Angeles County to 1.0 percent in Alameda County.

Less important was the percentage of revenue derived from property tax (Table 3.4), as this did not vary substantially among our study counties. All told, Alameda County fared worst and Los Angeles County best. After the state bailout, Los Angeles County actually experienced an overall increase in revenue (but not enough to keep up with inflation; compare Table 3.1). The other three counties experienced revenue losses. Alameda County's predicament was even more stark when compared with its previous trends. In contrast with the statewide pattern of a decreasing dependence on property tax, Alameda County's dependence on property taxes had been increasing. No wonder, then, that Alameda County's supervisors took a rapid and vigorous budget-cutting stance in response to Proposition 13 (discussed in Sec. 3.3).

3.2.2. Variations Among Study Cities

Cities experienced widely different effects from reduced property tax rates. Fluctuations in local sources of revenue and federal grants resulted in large swings both upward and downward in 1979, and cities did not cluster around the "average" 1.4 percent revenue increase shown in Table 3.2. Revenues and property tax rates are given in Table 3.5.

Table 3.3
POPULATION, INCOME, AND PROPERTY TAX RATES OF STUDY COUNTIES

Characteristic	Alameda	Kings	Los Angeles	San Joaquin
Population				
1978 est., thousands	1,121	70	7,042	305
Percent change since 1970	+ 4.4	+7.6	+0.1	+ 4.6
Percent change since 1970 in population outside cities	+31.8	-8.2	-5.5	-13.1
Family income, median, 1973 (\$)	14,736	10,711	13,730	12,736
Property tax rate (dollars per \$100 valuation)^a				
FY 1978 (before Proposition 13)	3.0	3.4	4.2	3.7
FY 1979 (after Proposition 13)	1.0	1.2	2.1	1.4

SOURCES: Rand calculations from data in *Financial Transactions Concerning Counties of California* [26]. See also Appendix D, Table D.1.

^aSince assessed valuation of property was 25 percent of market value, the Proposition 13 limit corresponded to a total rate of \$4 per \$100 valuation for all government functions combined.

Table 3.4

REVENUE SOURCES FOR STUDY COUNTIES

Revenue Sources	Alameda	Kings	Los Angeles	San Joaquin
Total Revenue				
1978 (\$000)	382,900	31,600	3,326,000	152,500
Average annual percent change (1973 to 1978)	+ 7.2	+ 8.5	+ 7.3	+ 7.1
Percent change 1978 to 1979	- 7.4	- 3.6	+ 5.0	- 5.2
Percent of revenue from property tax				
In 1978	37.2	30.2	35.4	29.8
In 1979	13.9	11.6	17.7	14.2
Average annual percent change (1973 to 1978)	+ 9.8	- 3.1	- 0.6	+ 6.8
Percent change 1978 to 1979	-62.7	-61.5	-49.9	-52.4
Percent of revenue from state				
In 1978	25.8	26.1	24.3	27.3
In 1979	37.6	39.8	38.5	39.2
Average annual percent change (1973 to 1978)	- 0.2	- 1.4	-0.1	+ 1.7
Percent change 1978 to 1979	+45.7	+52.5	+58.4	+43.6
Percent of revenue from federal government				
In 1978	25.9	31.1	26.3	28.2
In 1979	33.6	34.7	27.0	29.5
Average annual percent change (1973 to 1978)	- 0.2	+ 2.3	- 1.5	+ 3.4
Percent change 1978 to 1979	+29.7	+11.6	+ 2.7	+ 4.6

SOURCE: Rand tabulations from data in *Financial Transactions Concerning Counties of California* [26].

Table 3.5

REVENUES AND PROPERTY TAX RATES FOR STUDY CITIES

Study Site	Property Tax Revenue per \$100 Valuation			Total Revenue (\$000)			Percent of Revenue from Property Tax		
				1978	Average Annual Percent Change				
	1978	1979	Change		1978	1973- 1978	1978- 1979	1978	1979
Alameda County									
Fremont	1.3	0.5	-63	27,164	+15	+ 1	26	10	-63
Oakland	2.7	1.0	-63	171,557	+14	- 9	23	9	-62
Piedmont	2.6	0.9	-66	3,265	+12	-14	64	23	-64
San Leandro	0.8	0.3	-66	23,441	+10	- 6	17	5	-68
Kings County									
Corcoran	2.1	0.9	-56	1,522	+11	-10	12	8	-33
Hanford	1.8	0.7	-62	6,574	+16	+34	15	4	-71
Lemoore	2.0	0.7	-64	2,062	+22	-16	17	10	-40
Los Angeles County									
Cerritos	0.5	0.0	--	12,541	+27	-14	13	0	--
Compton	1.1	1.2	+ 2	22,163	+ 8	+ 6	20	8	-59
Hawthorne	0.8	0.4	-56	13,603	+12	- 9	14	7	-51
Los Angeles	2.7	1.4	-48	1,217,113	+14	+ 2	26	13	-51
San Joaquin County									
Lodi	1.7	0.7	-58	11,368	+13	+14	16	7	-56
Manteca	1.9	0.8	-59	5,171	+17	+15	16	7	-54
Stockton	2.0	0.8	-59	71,885	+12	- 5	12	6	-53

SOURCE: Rand tabulations from *Financial Transactions Concerning Cities of California* [25].

The percentage reductions in property tax rates (per \$100 valuation) were essentially the same for all cities within a given county.²

However, this reduction in overall revenue does not appear to be systematically related to the rate before Proposition 13 or to the dependence of the city on property taxes. Piedmont, with a very high dependence on property taxes (64 percent of revenue), experienced a sizable revenue loss (14 percent), but so did Cerritos and Lemoore, which depend only modestly (or not at all) on property taxes.

Aside from Hanford, where the increased revenue in 1979 was from a targeted federal grant, the study cities whose fiscal situation seemed soundest were Manteca, Lodi, Compton, Los Angeles, and Fremont. Lodi's revenue increased faster than had been the pattern in the preceding five years.

3.3. TOTAL EXPENDITURE TRENDS

Although expenditures cannot be tracked to sources, as can revenues, they give a somewhat clearer picture than revenue trends of the effects of Proposition 13 on local government finance. First, expenditure patterns tend to be somewhat more stable over time, whereas some revenue is expended over the course of several years but is recorded in the year received. Second, revenue figures alone do not indicate the size of governmental reserves, which can also be used to fund current expenditures. Table 3.6 shows that the relationship between revenues and expenditures changed rather dramatically after the passage of Proposition 13. Whereas expenditures had traditionally lagged behind revenues, permitting contributions to reserves, in the years after Proposition 13 expenditures crept up on revenues and, in the case of counties, exceeded revenues on the average. Many cities and counties were drawing down their reserves for current expenditures.

We have analyzed the expenditure figures so that they help indicate what happened to the revenue available to fund those local government functions pertinent to this study. As mentioned above, part of the state program of fiscal relief to counties after the passage of Proposition 13 consisted of taking over (or buying out)

² The anomalies in Table 3.5--Cerritos and Compton--appear to be due to reporting practices for data compiled by the State Controller. Cerritos' budget showed no property tax in 1978, the same as 1979.

Table 3.6

EXPENDITURES COMPARED WITH REVENUES: CALIFORNIA COUNTIES AND CITIES

Expenditure	1973	1978	1979	1980
Total county expenditures				
\$ million	5216	8083	7795	8455
Relation to revenue	-7%	-3%	-0%	+5%
Total city expenditures				
\$ million	3029	5502	5662	6345
Relation to revenue	-8%	-8%	-6%	-2%

SOURCES: Rand calculations from data in *Financial Transactions Concerning Counties of California* [26] and *Financial Transactions Concerning Cities of California* [25], adjusted for comparability among years.

certain public assistance functions previously funded by the counties. Since our primary interest here is on the service functions of government, especially criminal justice functions, and not on income transfer functions, we can avoid discussing unnecessary details of the state buyout by examining expenditures other than those for public assistance.

During the five-year period before the passage of Proposition 13, public assistance was both the largest and the slowest-growing category of expenditures. Consequently the growth rate of county expenditures other than public assistance was substantially larger than the growth rate of total county revenues. In fact, counties, which appear to have been growing more slowly than cities when total revenues are examined, had a substantially higher growth rate than cities when expenditures exclusive of public assistance are examined (Fig. 3.1).

Table 3.7 shows the expenditure patterns for city and county government before and after Proposition 13. For cities the expenditure increases in the years before Proposition 13 are almost identical to the revenue increases in Table 3.2. Beginning with fiscal year 1979,

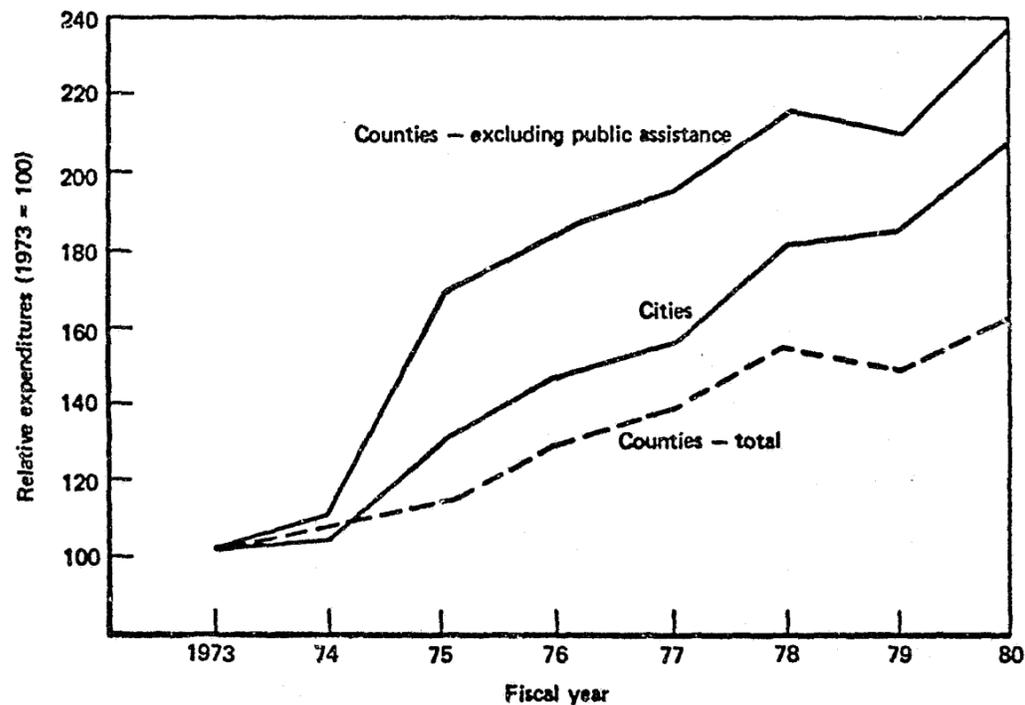


Fig. 3.1 - California cities' and counties' expenditures, relative to fiscal year 1973

Table 3.7
EXPENDITURE TRENDS IN CALIFORNIA CITIES AND COUNTIES

Trend Item	1978 (\$ million)	Average Annual Percent Change		
		FY 1973- FY 1978	FY 1978- FY 1979	FY 1978- FY 1980
City expenditures	5502	12.7	2.9	7.4
County expenditures	7795	9.2	-3.6	2.3
Public assistance	3203	2.1	-4.5	-1.8
Excluding public assistance	4592	16.7	-2.9	5.1
Consumer price index		8.2	9.5	11.4

SOURCES: Expenditure figures from *Financial Transactions Concerning Counties of California* [26] and *Financial Transactions Concerning Cities of California* [25], adjusted for comparability among years. California statewide consumer price index (weighted sum of three metropolitan areas' indexes).

expenditures increased only slightly faster than revenues. County total expenditures follow similar revenue trends up to 1978, with the effect of expenditures from previously accumulated reserves evident in the 1979 and 1980 figures. However, county expenditures other than public assistance had been increasing at an annualized rate of 16.7 percent per year during the five-year base period, and they declined by 2.9 percent in the first year after Proposition 13.

Hence, the fiscal impact of Proposition 13 on county services other than public assistance was, on the whole, larger than the impact on city services. Not only did Proposition 13 interrupt a faster rate of increase in the cost of county services, but it brought about a temporary reversal in 1979. Even by 1980, the relatively heavier impact on county services had not been compensated.

Table 3.8 summarizes the expenditure trends in the counties and cities we selected for study. Confirming and clarifying the previously noted trends in revenue, this table shows that among our study sites were the entire range--from cities that were able to carry on "business

Table 3.8
EXPENDITURES OTHER THAN PUBLIC ASSISTANCE IN
STUDY COUNTIES AND CITIES

Study Site	FY 1978 (\$000)	Average Annual Percent Change		
		FY 1973- FY 1978	FY 1978- FY 1979	FY 1978- FY 1980
Alameda County	203,303	20	- 5	2
Fremont	23,610	14	1	3
Oakland	161,586	12	- 2	-1
Piedmont	2,826	10	-16	9
San Leandro	21,642	14	- 6	1
Kings County	19,059	19	-12	-2
Corcoran	1,624	18	- 6	5
Hanford	6,770	23	29	-5
Lemoore	2,018	15	0	7
Los Angeles County	1,776,091	16	- 2	5
Cerritos	9,567	9	5	-3
Compton	23,939	12	-10	2
Hawthorne	13,974	16	-12	-1
Los Angeles	1,052,713	10	13	12
San Joaquin County	74,315	18	5	9
Lodi	9,765	12	15	6
Manteca	4,637	17	13	17
Stockton	76,998	27	-15	-6
Consumer price index		8	9	11

SOURCES: Expenditure figures from *Financial Transactions Concerning Counties of California* [26] and *Financial Transactions Concerning Cities of California* [25], adjusted for comparability among years. California statewide consumer price index (weighted sum of three metropolitan areas' indexes).

as usual" to cities and counties forced to deal with major cutbacks. In Alameda and Kings Counties, and most of the study cities within them, the initial reaction in the first year after the passage of Proposition 13 was to cut back to levels that by the next year were judged to be an overreaction. San Joaquin County and its cities, with the very notable exception of Stockton, continued spending at approximately the same (real dollar) level as before Proposition 13.

4. GENERAL EFFECTS ON CRIMINAL JUSTICE AGENCIES

4.1. OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM

On the whole, criminal justice agencies in California fared somewhat better than other agencies after passage of Proposition 13. However, substantial variations were experienced among criminal justice functions and across jurisdictions. Local adult corrections agencies continued spending at levels that often equaled or exceeded (in real dollars) their previous levels, whereas probation agencies were hard hit with reduced expenditures (in both real and current dollars) and cutbacks in personnel. This chapter presents data that demonstrate these trends and discusses the general impacts of Proposition 13 on criminal justice personnel. It also compares the impacts on criminal justice agencies with the impacts on other functions of government.

The tabulations and comparisons in this chapter serve as a common reference point for discussions of the individual components of the criminal justice system in Chapters 5 to 10. (The later chapters also provide additional details.) As in Chapter 3, we use county expenditures *exclusive of public assistance* as a base of comparison for county expenditures on the criminal justice system.

The responsibilities and activities of the criminal justice agencies in California are spelled out in later chapters. Here we give a brief overview to clarify the meaning of our tabulations. The primary criminal justice agency in city government is the police department. In addition, city attorneys have a criminal justice function that usually accounts for a small part of their budget, namely, prosecution of their municipality's cases of criminal code violations. In four jurisdictions¹ it also includes the major function of prosecuting misdemeanors. The bulk of the work of city attorneys' offices involves civil matters, especially the legal representation of their city.

¹ Los Angeles, Santa Monica, San Diego, and San Francisco.

In counties, the sheriff provides law enforcement services in unincorporated areas and also in cities that contract for them with the county. The sheriff also maintains jails for adults convicted of misdemeanors and those awaiting adjudication or sentence. District attorneys prosecute persons charged with crimes (both misdemeanors and felonies), investigate official corruption, sponsor grand jury inquiries, and operate family support units, which investigate and prosecute parents who fail to provide support for their children.² The public defender provides defense of indigents, in parallel with a court-appointed counsel system. Twenty counties, most of them small (and including Kings County), do not operate a public defender system. Probation departments, operated by all counties in California, provide a diversity of services: In addition to supervising juveniles and adults who have been placed on probation by a court, they conduct all presentence investigations (juvenile and adult), operate all local detention and correctional facilities for juveniles, run various community treatment programs, and carry out a range of crime prevention activities. Counties also finance nearly all (about 90 percent) of the costs of the trial courts. (The state funds appellate courts and the remainder of the cost of trial courts.) Both civil and criminal courts are intertwined in a way that prevents separate identification of their expenditures using standard budgetary materials.

State criminal justice agencies are described separately and discussed in Sec. 4.3.

4.2. EXPENDITURE TRENDS IN LOCAL GOVERNMENT CRIMINAL JUSTICE AGENCIES

4.2.1. Cities' Criminal Justice Functions

During the five years preceding the passage of Proposition 13, the budgets of police departments in California grew at a rate that outpaced inflation but was slightly below the increase in other city expenditures. Table 4.1 shows that the average city police department's expenditures increased 12.3 percent per year, as compared to a 13.2 percent rate of increase for other departments. In ten of our 14 study

² These are called child support units in some counties.

Table 4.1
EXPENDITURE TRENDS BY FUNCTION
IN CALIFORNIA CITIES
(\$ millions)

Category	FY 1973		FY 1978		FY 1979		FY 1980	
	Amt	%	Amt	%	Amt	%	Amt	%
Police	534	17.6	956	17.4	1015	17.9	1145	18.0
City attorney	18.6	0.6	39.0	0.7	40.0	0.7	45.7	0.7
All others	2476	81.7	4507	81.9	4606	81.3	5155	81.2
Total	3029	100.0	5502	100.0	5662	100.0	6345	100.0

Category	Average Annual Percent Change		
	FY 1973- FY 1978	FY 1978- FY 1979	FY 1978- FY 1980
Police	12.3	6.2	9.4
City attorney	15.9	2.6	8.3
All others	13.2	2.2	6.9
Total	12.7	2.9	7.4

SOURCE: Rand tabulations from *Financial Transactions Concerning Cities of California* [25].

cities, overall city expenditures increased faster than police department expenditures (Table 4.2).

At the same time, expenditures for city attorneys' offices increased substantially faster than those for other city departments. Although a small fraction of most cities' budgets, city attorneys' spending increased 15.9 percent per year on average in the five years before passage of Proposition 13. Based on the analysis by Chaiken and Walker [13], we believe this growth rate is accounted for primarily by a rising tide of litigation against municipalities and to a lesser extent by the increased workload created by the increase in number of prosecutions of persons accused of crimes.

After the passage of Proposition 13, the relative positions of police, city attorneys, and other services reversed, reflecting new priorities in city government. Although police departments by no means achieved the same spending rate increase they had previously experienced, nor even an increase equal to inflation, they fared substantially better than other city services on the average (Table 4.1). In all but two of our study cities (Los Angeles being one of these exceptions), police expenditure increases outstripped those of other city services in the two-year period following Proposition 13 (Table 4.2).

City attorneys fell behind police in their rate of increase and, instead of being substantially ahead of other city services, they were only slightly ahead.

4.2.2. Counties' Overall Criminal Justice Functions

The overall experience of the criminal justice function of counties was quite similar to that of cities (Table 4.3). During the five years before the passage of Proposition 13, the county criminal justice function had expenditure increases of 12.6 percent per year, faster than inflation but somewhat slower than the 16.7 percent rate that applied to county services overall.³ After Proposition 13 the relative positions

³ We use this somewhat imprecise term to refer to functions other than public assistance.

Table 4.2

POLICE EXPENDITURE TRENDS IN STUDY CITIES
(\$ thousands)

Site	Expenditures FY 1978	Average Annual Percent Change		
		FY 1973- FY 1978	FY 1978- FY 1979	FY 1978- FY 1980
Alameda County				
Fremont				
Total	23,610	14	1	3
Police	5,508	17	0	4
Oakland				
Total	161,586	12	- 2	- 1
Police	34,409	17	4	5
Piedmont				
Total	2,826	10	-16	9
Police	581	12	1	29
San Leandro				
Total	21,642	14	- 6	1
Police	2,884	8	4	9
Kings County				
Corcoran				
Total	1,624	18	- 6	5
Police	304	16	23	15
Hanford				
Total	6,770	23	29	- 5
Police	817	17	- 4	13
Lemoore				
Total	2,018	20	- 1	- 3
Police	243	15	0	7
Los Angeles County				
Cerritos				
Total	9,567	9	5	3
Police	1,425	8	87	7
Compton				
Total	23,939	12	-10	2
Police	5,043	12	-12	2
Hawthorne				
Total	13,974	16	-12	- 1
Police	2,731	19	15	14
Los Angeles				
Total	1,052,713	10	11	12
Police	224,622	9	2	4
San Joaquin County				
Lodi				
Total	9,765	12	15	6
Police	1,152	11	- 1	8
Manteca				
Total	4,637	17	13	17
Police	673	15	11	11
Stockton				
Total	76,998	27	-15	- 6
Police	8,697	13	12	15

SOURCE: *Financial Transactions Concerning Cities of California* [25], modified by data from budget documents in cases of large disparities or changes in accounting practices.

Table 4.3

EXPENDITURE TRENDS BY FUNCTION IN CALIFORNIA COUNTIES
(\$ millions)

Function	FY 1978	Average Annual Percent Change		
		FY 1973- FY 1978	FY 1978- FY 1979	FY 1978- FY 1980
Total expenditures excluding public assistance	4,730	+16.7	- 2.9	+ 5.1
Criminal Justice	1,277	+12.6	+ 3.1	+ 8.4
Judicial	433	+14.8	+ 5.7	+ 9.7
Law enforcement	439	+11.7	+ 1.9	+ 7.6
Detention and correction	406	+11.6	+ 1.5	+ 8.0
General Government	1,383	+14.7	- 6.3	+ 3.9
Public Ways and Facilities	408	+ 8.5	+ 2.0	+ 7.0
Health and Sanitation	1,149	+37.7	+44.0	+ 2.5
Recreation and Cultural	106	+13.4	-23.5	- 5.4

SOURCE: *Financial Transactions Concerning Counties of California* [26], modified for consistency among years in regard to functions funded by enterprise funds and accounting methods related to personnel benefits.

NOTE: The categories are those defined in the source. "Judicial" includes county clerk, courts, district attorney, and public defender. "Law enforcement" (called "police protection" in the source) includes the law enforcement portion of the sheriff's budget and approximately \$40 million (in FY 1978) for marshals and county coroners (if merged with the sheriff's department). "Detention and correction" includes the probation department and the adult corrections portion of the sheriff's department. Some small categories are omitted from the tabulation but included in the total.

reversed, as in the case of city police departments. Since in revenue matters counties fared worse than cities overall, the county criminal justice function did not fare as well as police departments but did have a rate of increase (8.4 percent average over two years) that exceeded the overall county rate (5.1 percent). Two years after the passage of Proposition 13, county criminal justice had suffered cutbacks (in real dollars), and a dramatic reversal of a long trend of real increases, but it stood relatively favored compared with other county functions.

As aggregated in Table 4.3, the three major subdivisions of the criminal justice function, namely, judicial, law enforcement, and detention and correction, showed approximately the same expenditure trends. (The aggregation disguises some wide disparities among agencies, discussed in Secs. 4.2.3 and 4.2.4.) In comparison with the four other major functions⁴ shown in Table 4.3, criminal justice had been expanding before Proposition 13 at a rate slower than all but Public Ways and Facilities. Health and Sanitation, by far the fastest increasing major function before Proposition 13, slowed to a rate of increase substantially slower than that of criminal justice by two years after. Recreational and Cultural expenditures, hard hit in the immediate aftermath of Proposition 13, were still more than 10 percent below their FY 1978 spending levels (in current dollars) in FY 1980.

Table 4.4 shows that our study counties were representative of the statewide trends. In each of them, criminal justice expenditures increased before Proposition 13 at a rate slower than expenditures on other county services. In the two-year period after Proposition 13, expenditures on criminal justice either increased more rapidly than other categories of expenditures, decreased more slowly, or increased in the face of overall decreases. In only one of the study counties (San Joaquin) did the criminal justice system keep up with inflation in the two years after Proposition 13. Even so, its real rate of increase was much lower than its average over the previous five years.

⁴ Education is not a major function of counties in California, since primary and secondary education is funded by school districts.

Table 4.4
CRIMINAL JUSTICE EXPENDITURES IN
STUDY COUNTIES
(\$ thousands)

Function	Expenditures FY 1978	Average Annual Percent Change		
		FY 1973- FY 1978	FY 1978- FY 1979	FY 1978- FY 1980
Alameda County				
Total expenditures				
excluding public assistance	203,303	+20	- 5	+ 2
Criminal justice	83,193	+17	- 5	+ 2
Judicial	33,794	+19	+ 1	+ 6
Law enforcement	14,270	+15	+ 2	+ 5
Detention and corrections	35,129	+16	-14	- 2
Kings County				
Total expenditures				
excluding public assistance	19,059	+19	-12	- 2
Criminal justice	4,228	+19	- 2	+ 8
Judicial	1,470	+20	- 7	+ 8
Law enforcement	1,269	+17	+12	+17
Detention and corrections	1,488	+18	- 8	- 0
Los Angeles County				
Total expenditures				
excluding public assistance	1,776,091	+16	- 2	- 5
Criminal justice	407,654	+ 9	+ 5	+ 6
Judicial	136,938	+12	+ 8	+ 7
Law enforcement	148,806	+ 7	- 1	+ 8
Detention and corrections	121,909	+ 8	+ 9	+ 3
San Joaquin County				
Total expenditures				
excluding public assistance	74,315	+18	+ 5	+ 9
Criminal justice	23,041	+17	+ 8	+10
Judicial	7,774	+19	+11	+13
Law enforcement	7,969	+18	+ 8	+11
Detention and corrections	7,298	+14	+ 5	+ 5

4.2.3. County Criminal Justice Agencies

Because individual counties report their expenditures to the California State Controller in various formats, it is difficult to obtain statewide total expenditures in the subcategories shown in Tables 4.3 and 4.4. Special tabulations by the Bureau of Criminal Statistics and Special Services (BCS) of the state Department of Justice provide total statewide expenditures for probation departments, sheriffs' law enforcement functions, courts, local adult corrections, public defense, and prosecution. Summaries of the BCS figures for the five years before passage of Proposition 13 and the two years after are given in Table 4.5. The agencies are listed in order of their rate of expenditure increase during the five years before Proposition 13. Although the source data for this table differ from those in previous tables, the relative positions of the agencies according to their rate of increase over five years should not be affected by the details of the calculations.

Table 4.5
EXPENDITURE TRENDS FOR CRIMINAL JUSTICE AGENCIES
OF CALIFORNIA COUNTIES
(\$ millions)

Function	Expenditures FY 1978	Average Annual Percent Change		
		FY 1973- FY 1978	FY 1978- FY 1979	FY 1978 FY 1980
Probation departments	270	+11.6	- 3.3	+ 9.0
Sheriffs' law enforcement	397	+11.8	- 2.0	+12.6
Courts	197	+11.9	+ 3.4	+11.1
Local adult corrections	154	+12.2	+17.0	+18.4
Public defense	55	+16.8	+ 2.1	+16.9
Prosecution	149	+20.7	+11.5	+17.6

SOURCE: *Crime and Delinquency in California* [18].

NOTE: Not compatible with previous tables. Monies spent for construction or derived from federal and state grants are not included here; state as well as county funds for courts are included.

The table shows that in the first year after passage of Proposition 13, probation departments and the law enforcement portion of sheriffs' departments took the brunt of the cutbacks experienced by the system. Sheriffs' law enforcement functions fared substantially worse than city police departments, both because of the relatively less favorable fiscal position of counties compared with cities and because of the below-average fiscal position of county law enforcement functions as compared with other county criminal justice functions.

A partial explanation of the fiscal situation for the sheriffs' law enforcement function can be seen in the high rate of increase (17 percent) in expenditures on adult corrections in 1979. In many counties a single budget, under the control of the sheriff, provides for both law enforcement and corrections functions. If the sheriff found himself compelled by forces beyond his control to increase expenditures on correctional services,⁵ his only immediate means of adapting was to cut back on law enforcement. The temporary nature of this adaptation can be seen in the 1980 figures, which show that not only did corrections expenditures continue to rise at increasingly rapid rates, but law enforcement expenditures increased sufficiently to compensate for the loss in the previous year.

Probation departments, by contrast, emerged from Proposition 13 in a much debilitated condition. They had the largest rate of decrease of any criminal justice agency in 1979, and by 1980 they were still lagging far behind.

While the figures in Table 4.5 suggest that the prosecution function was highly favored, both before and after Proposition 13, the true pattern is actually obscured by an extraordinary growth in expenditures on district attorneys' family support units. Obtaining a clear statewide picture of this phenomenon is quite difficult because of variations in accounting methods among counties and over time. In our study counties, expenditures for these units increased at an average annual rate more than double that of inflation before Proposition 13--from 26 percent (in Los Angeles County) to 40 percent (in San Joaquin County).

⁵ For example, because of court mandates--see Chapter 9.

By 1978, nearly all family support expenditures were separately reported to the state controller. In the year after Proposition 13, these expenditures increased statewide by 42.1 percent, making these units one of the fastest-growing components of government (see Table 4.6). After adjusting for their influence, it appears that the "traditional" criminal prosecution function of district attorneys fared about the same as courts and public defenders in the year after Proposition 13. In contrast with Table 4.5, which shows prosecution as the second-fastest-growing criminal justice function in the two years after Proposition 13, the adjustment suggests that traditional prosecution functions experienced about the same rate of overall increase as public defense. (This issue is discussed further in Sec. 6.2.)

Table 4.6
SEPARATION OF TOTAL PROSECUTION EXPENDITURES
IN CALIFORNIA
(\$ thousands)

Function	Expenditures			Average Annual Percent Change	
	FY 1978	FY 1979	FY 1980	FY 1978- FY 1979	FY 1978- FY 1980
Total prosecution	148,676	165,848	205,571	11.5	17.6
Family support units	35,863	50,954	52,806	42.1	21.3
Other than family support	112,813	114,894	152,765	1.8	16.6

SOURCES: Total prosecution figures are from *Crime and Delinquency in California* [18]. Family support units figures are from Rand tabulations from *Financial Transactions Concerning Counties of California* [26], 1978, 1979, and 1980.

4.3. EXPENDITURE TRENDS IN STATE CRIMINAL JUSTICE AGENCIES

Although Proposition 13 did not bring about any direct change in state sources of revenue, it affected state spending in at least three major ways. First, the state treasury was expected to benefit by approximately \$1 billion due to reduced state property tax relief to local governments and lower deductions of property taxes on state income taxes. Second, the vote on Proposition 13 was widely regarded as a public mandate to control spending at all levels of government. And third, after the state's bailout of local governments had been voted, those funds were no longer available for the state to spend.

The major state criminal justice agencies are the Department of Corrections, the California Youth Authority (CYA), the Highway Patrol, the Department of Justice, the Office of Criminal Justice Planning (OCJP), and the Community Release Board.⁶ Expenditure trends for these agencies are shown in Table 4.7. Unfortunately, many of the figures in the table do not provide meaningful comparisons related to the effects of Proposition 13. For example, the rapid increase in CYA expenditures beginning in 1979 reflects changes in accounting practices and expenditures for programs that were consolidated under the CYA in 1979 by the County Justice Subvention Act (AB 90). Here we describe the agencies briefly and discuss any important changes that occurred as a result of Proposition 13.

The Department of Corrections is responsible for the control, care, and treatment of serious offenders and for those in the civil narcotics program committed to its 12 correctional institutions. It also supervises parolees from its facilities. The budget for its institutions program has consumed a gradually increasing share of its total budget, from 81 percent in 1973 to 83 percent in 1978 and then up to 89 percent in 1979. Between 1973 and 1978 the expenditures for institutions doubled, while the average daily census in the institutions remained about the same. Average daily population began rising steeply shortly before the passage of Proposition 13 and was up 6

⁶ Some of these agencies also perform services unrelated to criminal justice. For example, the California Highway Patrol aids distressed motorists, and the Department of Justice represents the state in civil matters.

Table 4.7

EXPENDITURE TRENDS FOR CALIFORNIA STATE
CRIMINAL JUSTICE AGENCIES
(\$ thousands)

Agency	Expenditures FY 1978	Average Annual Percent Change		
		FY 1973- FY 1978	FY 1978- FY 1979	FY 1978- FY 1980
Department of Corrections	277,180	+14.6	+ 2.3	+17.6
Highway Patrol	219,193	+ 9.6	- 1.1	+12.1
Youth Authority	124,488	+ 8.7	+37.8	+34.0
Department of Justice	69,175	+18.7	+ 4.5	+ 2.7
OCJP	68,669	+15.6	-23.5	-15.6
Community Release Board ^a	4,868	+36.2	- 9.4	- 5.0

SOURCES: State of California Governor's Budgets, various years.

^a In 1977, the Community Release Board replaced the Adult Authority and the Women's Board of Terms and Paroles, whose combined expenditures in FY 1973 were used in this comparison. The Community Release Board is now called the Board of Prison Terms.

percent in 1979. Most of the expenditure increases after Proposition 13 were driven by the increased commitment rates to prison. The Community Corrections program was the only part of the Department of Corrections that experienced an expenditure reduction after Proposition 13. A significant portion of that reduction came from a reduction in the parole caseload primarily because of a change brought about by a new determinate sentencing law effective in 1977. This law placed a one-year limit on the period of parole supervision and a six-month limit on the time a parolee could serve in prison after parole revocation. Between August 1, 1977, and December 31, 1978, the felon parole population dropped 31.3 percent from 14,557 to 9,997. Later legislation extended to three years the parole period for those determinately sentenced and increased prison time for parole revocation to one year. This gradually increased parole population and costs, but not to their previous levels.

The California Highway Patrol is primarily responsible for control of traffic and enforcement of the Vehicle Code along state highways and county roads. In addition, it aids distressed and injured motorists, investigates accidents, and aids other law enforcement agencies. The CHP reduced actual expenditures in the first year after Proposition 13. This was accomplished by a reduction in personnel that was part of a several-year trend that began in FY 1976 when previously mandated roadside passenger vehicle safety inspections were eliminated by the legislature. As a partial response to the declining number of traffic officers, and to promote more efficient use of existing traffic officers, the CHP began to concentrate its uniformed personnel on major roadways and reduce its routine patrol of lightly traveled roads in unincorporated areas. This action removed 388 officer-years from "low visibility" roadways, placing them instead on major highways where most accidents occur.

In 1979, legislation was enacted phasing out CHP's school guard crossing program, eliminating 400 person-years from the CHP budget. This program was conducted in 14 counties in which the CHP trained and supervised school crossing guards. Since the program had previously been paid for by the counties, this legislation resulted in no financial savings. Its primary effect was to transfer responsibility for the program to local authorities and to eliminate 400 person-years from the state budget.

The CYA provides custody, care, and treatment of juveniles and some young adults committed to its eight institutions and five forestry camps. It also supervises parolees discharged from its facilities and allocates the county subventions authorized under AB 90. After adjusting for accounting and organizational changes, we estimate that the CYA experienced a 6 percent average annual rate of growth after the passage of Proposition 13. Since this was slower than the rate of inflation, CYA was forced to cut back some positions. The units that experienced cuts were Parole Services and Planning, Research, and Evaluation.

The Department of Justice, headed by the independently elected attorney general, provides legal and law enforcement services to state and local agencies. Its law enforcement activities include

investigation of narcotics cases and related enforcement, criminal identification and information services, investigation of organized crime, and criminal intelligence.

The Department of Justice is one of the few state criminal agencies besides the CHP to have reduced manpower after Proposition 13. However, initial reports suggest that these reductions have had no major programmatic effects on criminal justice activities. Most of the positions were cut from the law enforcement division and affected the department's identification and information programs. Most of the reductions are considered by the program's managers to have had little major impact on the department's performance, since they affected activities of limited value such as the supply of certain records to federal authorities and the elimination of a photo file. However, the elimination of several criminalist positions was alleged to have hurt laboratory services previously available to local law enforcement agencies, and the elimination of some staff reduced the ability of the department to work with local law enforcement agencies, helping them to make better use of BCS data. The criminal law division lost some personnel responsible for responding to requests for legal opinions from local law enforcement agencies.

In 1979-80 the newly elected attorney general refused to reduce the department's staff by an additional 100 positions as requested by the Department of Finance. Instead, 35 positions were eliminated and other cuts in operating expenses were made. Complaints have been made that the attorney general has reduced legal services to certain state agencies. However, it is difficult to determine if this reduction was a result of a policy decision or prompted by budgetary constraints or both. In addition, fewer resources are being devoted to environmental law and service to local and state agencies as a result of 1979-80 position reductions.

The Office of Criminal Justice Planning is the state planning agency that administers federal funds under the Safe Streets Act of 1968. It also develops a statewide plan to improve criminal justice and delinquency prevention, provides technical assistance to state and local agencies, and administers the state's Career Criminal Prosecution Program. Its declining budget is explained by the reduction (and

eventual elimination) of the federal grant program it administered. (In its peak year, \$65 million was allocated in federal funds.)

The Community Release Board (CRB) was established by the Uniform Determinate Sentencing Act of 1977 (SB 42). The reduction in CRB expenditures in FY 1979 is primarily accounted for by the one-time reduction in board workload for extended term hearings required by the retroactive application of the law.⁷ As a new agency, the CRB was exempt from personnel reductions and a hiring freeze that applied to nearly all state agencies. The board was able to hire staff to implement its new responsibility to review judicial sentencing decisions for disparity. The board spent more for fewer positions in FY 1978 than in FY 1979 primarily because more expensive hearing officers hired temporarily for extended term hearings were replaced by less costly staff needed for disparity review. Proposition 13 appears to have had little effect on the CRB.

4.4. IMPACTS ON PERSONNEL

State and local government employment mushroomed after World War II [56]. In 1949, state and local governments in the United States employed 9.5 percent of all nonagricultural civilian employees. By 1969 this figure had risen to 13.8 percent, and average real compensation for these employees grew about 13 percent faster over this period than it did for employees in the private sector. As a result, while state and local government compensation for full-time employees was below that of employees in the private sector in 1949, it had achieved parity with the private sector by 1969. This, coupled with better job security than offered by the private sector, made public employment increasingly attractive.

Growth in state and local government employment began to moderate in the 1970s. For example, municipal government employment, which had been growing at an average annual rate of 3.2 percent between 1962 and 1972, grew at an average annual rate of less than 1 percent between 1972 and 1976. Thus, even before Proposition 13, government was no longer

⁷ The board was required to set a release date calculated under the new law for all those previously imprisoned and to conduct hearings for those whose terms were to be extended beyond the release date.

such a growth industry. With fiscal limitation measures like Proposition 13, forces arose to prevent compensation of state and local government employees from keeping pace with that in the private sector. Moreover, two factors specifically related to the implementation of Proposition 13 had impacts on government personnel in California. These factors were:

- The elimination of cost-of-living increases in the first year's bailout legislation. (This provision was later declared unconstitutional by the state Supreme Court.)
- Hiring freezes imposed by many governments.

These developments convinced many local government employees that the gains made over the last few decades were now being eroded. They saw uncertainty over job security; smaller increases in salaries and benefits; reduced chances for advancement; deteriorating working conditions (including an increase in workloads and a decrease in clerical support for professional staffs); and a decline in job prestige and job satisfaction.

If this decline in morale were to continue for a substantial period, state and local government could face serious problems in the future. For example, administrators claimed that many of the best people in government were leaving--primarily skilled people such as nurses, computer programmers, attorneys, and legal secretaries, who had better opportunities in the private sector. The quality of their replacements (and even those for less skilled positions) appeared to be declining. The Alameda County Administrator observed a lowered sense of dedication among county employees. The Oakland Police Chief claimed that declining morale had a more deleterious effect on the operations of his department than the loss of positions. There was an increased militancy among workers (e.g., a greater tendency to participate in job actions) and less orientation toward public service.

In this section we examine some of these trends in more detail, using information gathered in our interviews and information from newspaper articles and published reports.

4.4.1. Decreases in Personnel Positions

One of the major arguments used by opponents of Proposition 13 was that its passage would force local governments to lay off massive numbers of employees. Predictions of 500,000 firings were common. Local governments prepared "doomsday" budgets calling for large reductions in staffing levels. (For example, Los Angeles County's proposed budget for FY 1979, which was presented to the Board of Supervisors just before passage of Proposition 13, called for a 36 percent reduction in the number of employees.)

As a result of the state's bailout, local governments did not have to make massive cutbacks in personnel. Nonetheless, as shown in Fig. 4.1, the number of government employees did decline in California in the first year after Proposition 13. Total state and local government employment decreased by 4.9 percent, or approximately 67,000 positions, and the number of both city and county employees also declined (by 2.6 percent, not shown). While with hindsight we can see that some of the lost positions were later recouped, during fiscal year 1979 there was a very dramatic reversal in the long-standing trend toward increasing employment. This increase had averaged 3 percent per year in the five years preceding Proposition 13. Required cutbacks were generally made by imposing a hiring freeze and letting attrition take its course. Thus, layoffs accounted for only a small fraction of the lost government positions, and almost all of the layoffs occurred in the first few months after the passage of Proposition 13. In Los Angeles County, for example, the number of employees dropped by over 4000 between June and December 1978. However, there were fewer than 300 layoffs during that period (less than 0.4 percent of the county's work force).

With but one exception, our interviews revealed that layoffs were based strictly on seniority within a classification. In those agencies forced to lay off relatively large numbers of employees, the seniority rule was regarded as the least painful criterion, and the one most amenable to use in a crisis, when decisions had to be made quickly. It also had the widest acceptance among employees. The Alameda County District Attorney is the only agency in our study whose employees were exempted by the county charter from civil service seniority protection.

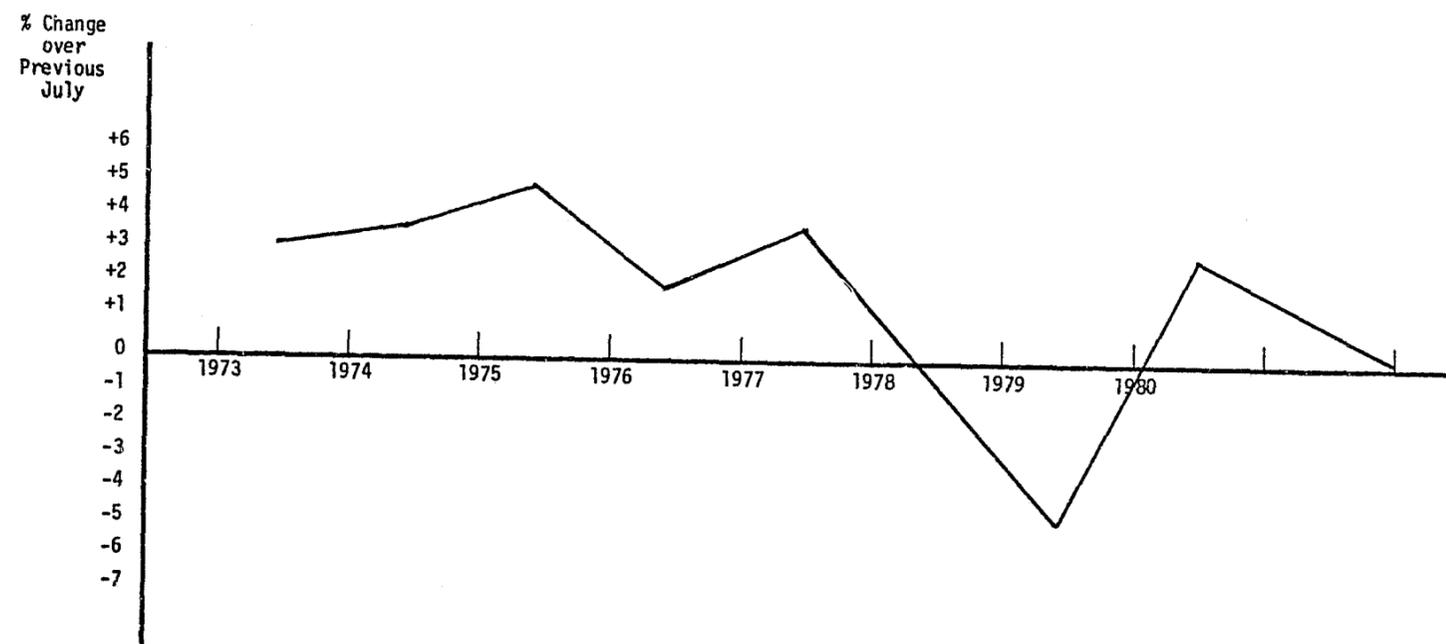


Fig. 4.1—Trends in total state and local government employment in California

SOURCE: California Labor Market Bulletin, Statistical Supplement, July month-end figures, California Employment Development Department, Sacramento, California.

Although he used this freedom, the district attorney viewed it as a mixed blessing. It was not easy to lay off or force retirement of older employees who were not as productive as employees with less seniority.

Obtaining an accurate picture of employment trends within the criminal justice system proved difficult or impossible. The form in which employment data are collected and recorded varies among levels of government according to the purpose served by the data. Some tabulations show the number of persons employed, whether full- or part-time; others show full-time equivalent positions; others show authorized positions or authorized full-time equivalent positions. Ordinarily, any one of these, if consistent over the years, would give the same impression of trends in employment. But in the wake of Proposition 13, some agencies began making substantially greater use of part-time personnel than in the past, whereas others cut back sharply on part-time personnel. Some agencies operated well above their authorized employment levels until the last possible moment (e.g., the end of the fiscal year), whereas others, constrained by hiring freezes, operated substantially below their authorized levels. Hence, any single data source gives an incomplete and possibly misleading picture of employment trends.

Table 4.8 shows figures for authorized full-time positions, compiled by the California Bureau of Criminal Statistics. They are generally consistent with the expenditure trends discussed in Secs. 4.2 and 4.3, especially when the prosecution expenditures on "other than family support" (Table 4.6) are used instead of total prosecution expenditures. While all agencies experienced net personnel growth in the five-year period preceding the passage of Proposition 13, three agencies (probation, defense, and parole) experienced declines in authorized positions in the year after Proposition 13 and all the others except courts and the CYA experienced slower increases than in the previous years. Most agencies, with the notable exception of parole, recouped their personnel losses by the end of fiscal year 1980, but during fiscal year 1979, when we conducted interviews, few officials expected any rebound the next year. (Circumstances allowing for fewer parole officers, namely, the institution of determinate sentencing, are discussed in Sec. 4.3.)

Table 4.8

EMPLOYMENT TRENDS IN THE CALIFORNIA CRIMINAL JUSTICE SYSTEM

Agency	Authorized Full-Time Personnel (in thousands)			
	1973	1978	1979	1980
Law enforcement	59.7	64.9	65.1	67.3
Police departments	33.5	36.2	36.3	37.5
Sheriffs' departments	18.2	21.2	21.3	21.8
Prosecution	4.4	6.8	6.9	7.2
Public defense	1.4	1.8	1.8	1.9
Courts	1.2	1.3	1.3	1.4
Probation departments	9.2	10.2	9.7	10.9
State Department of Corrections				
Correctional officers	3.6	4.1	4.1	4.5
Parole officers	0.6	0.6	0.5	0.5
Youth Authority	3.7	4.1	4.3	4.5

Agency	Average Annual Percent Change		
	1973-1978	1978-1979	1978-1980
Law enforcement	1.7	0.3	1.8
Police departments	1.6	0.3	1.7
Sheriffs' departments	3.1	0.3	1.4
Prosecution	9.0	1.6	3.4
Public defense	5.2	-0.9	3.5
Courts	1.0	2.0	2.9
Probation departments	2.1	-4.7	3.6
State Department of Corrections			
Correctional officers	2.7	0.1	5.4
Parole officers	-0.6	-11.3	-7.2
Youth Authority	2.2	4.4	4.5

SOURCE: *Crime and Delinquency in California* [18].

NOTE: Some categories are not shown. Personnel counts are taken on a certain date each year, either June 30 or October 31, depending on the agency.

^a Personnel serving corrections functions are included here with personnel serving law enforcement functions.

Officially, none of the agencies we surveyed reported a disproportionate impact on minorities and women resulting from the agencies' reductions. But according to the Alameda County Probation Employees Association, there was disproportionate impact on their ability to serve Hispanic clients, as a result of the layoff of Spanish-speaking employees.

During the first few months after the passage of Proposition 13, resignation-retirement rates were twice the pre-Proposition 13 level. The reasons for attrition cited most often by the managers we interviewed were perceived job insecurity and limited prospects for future pay increases and promotions. Increased workloads were not an important factor, although anticipation of greater workloads in the future may have contributed to the decisions of some persons to leave.

The most dramatic manifestation of increased attrition in the criminal justice system that we noted was the movement of clerical staff out of law and justice agencies. Legal stenographers, in particular, are being sorely missed by their former employers, who are unable to compete with private law firms paying significantly higher salaries. Replacements have been hired, but they generally lack the experience of those who left. This loss is reflected in delays in the preparation of briefs and other legal documents, and the "borrowing" of senior administrative secretaries to perform line duties.

Attorneys with two or more years of experience left public law offices at higher rates than usual. For example, in June 1978 the Contra Costa District Attorney's office had 61 lawyers. Because vacancies were not being filled, the staff of prosecutors was down to 50 by March 1980 [84]. According to a number of prosecutors and defenders, attitudes are returning to those of earlier years when employment in a public law office lacked sufficient prestige to encourage good attorneys to make a career out of such employment. Once again, attorneys remain with a public office only long enough to gain trial experience before moving to the private sector. There is concern that this increased attrition will result in a lack of "depth" in the offices of the public defender and district attorney. That is, there may be only a small

cadre of capable senior attorneys between those recently hired and the managers at the top. It is the senior attorneys who handle most felonies and other difficult cases.

Attrition varied greatly among police and sheriff departments. Attrition in the Los Angeles Police Department was much greater than anticipated by command personnel, who had estimated the size of the force after Proposition 13 by assuming normal attrition and a hiring freeze. Attrition was also very high in the San Diego Sheriff's Department and Police Department. The Piedmont Police Department, which for years has had a high turnover because of low salaries and benefits, experienced an even higher attrition rate the year after Proposition 13. The Oakland Police Department lost one-fifth of its criminal investigation staff.

In contrast, police departments in smaller cities that were not so dependent on the property tax did not experience increased attrition. The department in San Leandro, a city of 70,000, which is in such an enviable state of fiscal soundness that it was able to deposit its bailout check in the bank to use as a contingency for the future, actually experienced a *decline* in attrition after the passage of Proposition 13. The police chief attributed this to a perception on the part of his employees that the city is well-off financially. Employees can look forward not only to job security but also to continued moderate salary increases, he said.

Early retirements accounted for a significant share of the increased police officer attrition. In Los Angeles, early retirements from the sergeant level and above were cited as the main component of the heightened attrition rate. In San Diego the increased frequency of early retirements was also noted. Now, instead of recruits being supervised and trained by senior officers, "what you've got is probationers training probationers," according to a sergeant in the San Diego Police Department [72]. The effects of inexperience remain to be seen, the sergeant added. In many jurisdictions a burst of early retirements preceded the passage of Proposition 13. This was caused by concern among police officers, subsequently proved valid in some communities, that changes would be made in their pension plans if Proposition 13 were passed.

Many of those who resigned or retired early from local criminal justice agencies had skills that were readily transferable to the private sector; they included legal secretaries, attorneys, and computer programmers. However, it was the impression of the managers with whom we spoke that most of the police officers, deputy sheriffs, and probation officers who left went into occupations in the private sector totally unrelated to their previous professions. For example, a lieutenant in the personnel office of the San Diego Sheriff was quoted as saying "one deputy quit to become an airline pilot. Another left to operate a delicatessen. A lot of guys are just getting soured on law enforcement in general" [83]. Those who retired were generally the more experienced employees in the various agencies. Thus, the attrition that followed the passage of Proposition 13 drained many criminal justice agencies of their most skilled and experienced personnel.

The above-average attrition that was experienced by state and local government agencies just before and just after the passage of Proposition 13 had tapered off by the end of 1978. In addition, the complete or partial hiring freezes that had been imposed were generally lifted by the end of FY 1978. As a result, many criminal justice agencies (with the notable exception of probation) ended FY 1978 at a staffing level above their minimum for the year, but with a larger proportion of young and less experienced personnel.

4.4.2. Recruitment and Advancement

Although one might expect that agencies whose employees were departing in abnormally large numbers might have some difficulty in attracting high-quality replacements, in the short term such problems did not often occur in criminal justice agencies. Most police departments reported an ample supply of people wanting to become officers. In fact, the Manteca Police Department had so many qualified officers from other departments seeking employment that it did not anticipate hiring any inexperienced recruits in the foreseeable future. Similarly, officials in public law offices expressed little concern over their ability to attract capable young attorneys. Since the number of newly graduating attorneys exceeded the employment opportunities for them, and most of them desired trial experience, it was not difficult to

fill open positions for assistant district attorneys and public defenders. The officials we interviewed expressed concern primarily with the implications of attrition for the overall quality of their staff. They anticipated that the best recruits would remain in public employment for the shortest period.

We also did not observe severe limitations on promotional opportunities in the criminal justice agencies we studied. Since attrition rates were fairly high among employees eligible for retirement, numerous supervisory or management-level positions were opening. In agencies where this was not the case, management sought opportunities to reward exceptional performance by means other than promotion, for example by instituting within-grade merit increases. However, despite the dearth of immediate restrictions on personnel advancement, the perception of most government employees seemed to be that promotional opportunities would definitely decrease in the future, and this was a consideration for some of them leaving their jobs.

4.4.3. Decline in Public Employee Working Conditions and Prestige

Since the workloads of most criminal justice agencies are externally generated (crime reports, arrestees, court cases, probationers to be supervised), staff reductions generally resulted in increased work per employee. For example, in the Contra Costa District Attorney's office, mentioned above, the average lawyer handled 450 cases in the year before Proposition 13 was passed, and 550 cases in the year after. Many agencies were forced to increase the span of supervisory control, too. The number of probation officers under the control of a single supervisor increased from 7 to 9 in San Diego County, from 7 to 10 in San Mateo County, and from 6.5 to 8 in San Bernardino County [77, p. 60].

In addition to handling a larger volume of cases, employees more frequently found themselves doing work outside of their normal range of responsibilities. The employees' association of the Alameda County Probation Department filed a grievance, alleging that a number of supervisors now expect the line staff to "cover for them." A chief assistant district attorney observed that his administrative

responsibilities were being neglected because he had to handle trials of cases dropped by attorneys who left his office.

Other indications of deterioration in working conditions included less satisfactory support services, such as secretarial and data processing, and the necessity to reschedule or even postpone vacations to handle the increased amount of work. Signs of increased strain among employees were readily noticeable. The chairwoman of the Los Angeles City Council's Police, Fire and Public Safety Committee said she was receiving an increasing number of complaints from citizens about poor treatment from police. "It probably is the fact that our officers are uptight," she said. "Many of them are discouraged."

Many local government employees have perceived a loss of prestige in public service jobs. Typical of their feelings is a complaint voiced by the Alameda County Superior Court Administrator whose neighbors cannot understand what he does or why he is needed. Those people who do acknowledge the necessity of his position fail to see it in equivalent private sector management terms; they think he should be paid significantly less than his current salary. But the administrator believes he could readily get a job in the private sector at a salary 50 percent higher than he now receives. Others expressed similar complaints: "It's embarrassing to say in social circles that one works for the government," a budget analyst in Los Angeles County told us. And other researchers have concluded: "Not too many workers or job seekers are likely to feel overly enthusiastic about employment that so often is associated in the public mind with waste, inefficiency, and ineffectiveness" [77, p. 62].

Some jurisdictions have reacted to Proposition 13 by cutting back on training and limiting attendance at conferences. However, one yardstick of the professionalism of an agency that is informally used by employees is the agency's commitment to training and support for participation in professional conferences. Training and conferences give an employee a heightened sense of self worth that is often underestimated.

4.4.4. Labor-Management Relations

Immediately after the passage of Proposition 13, labor-management relations were temporarily but strongly influenced by the provision in

the bailout legislation that prohibited cost-of-living increases for employees of local governments accepting bailout funds. Until this provision was overturned by the California Supreme Court, personnel morale plummeted and attrition skyrocketed; nevertheless, labor was very docile in contract negotiations. "Apparently government workers were so intimidated then by the threat of massive layoffs that they curbed any inclination to protest the ban on pay raises"[6]. Instead, they concentrated their efforts on legal challenges to the ban, which proved successful in February 1979.

Once the court permitted local governments to award pay raises, labor organizations became much more militant and demanding. Negotiations in the summer of 1979 over contracts for fiscal year 1980 were marked by labor unrest unprecedented in recent California government experience. This development had been foreseen in the news media at the time of the court's decision [55], and was described in July 1979 as follows: "an unprecedented number of strikes in local governments throughout the state, almost all triggered by the pent-up frustrations of Proposition 13 limitations on local government budgets" [6]. During this period, the California Highway Patrol and numerous police departments held sickouts, and large numbers of state and local government workers went on strike.

In Los Angeles County, sickouts encompassing 60 to 90 percent of employees were carried out by sheriff's deputies, prosecutors, and public defenders, among others. As a result, more than 400 prisoners held for minor offenses were released from county jails [40], citizens were asked to go to sheriff's stations to file certain crime reports [40], and criminal proceedings involving suspects in custody were almost all postponed [60].

Although the period of maximum labor unrest has passed, the sources of employee frustrations and militancy remain. As long as inflation exceeds the rate of increase in government revenues, the average employee will not be able to return to the level of compensation in real dollars received before the passage of Proposition 13. Under such circumstances, negotiations over salaries and benefits will necessarily be strained.

5. LAW ENFORCEMENT

5.1. BACKGROUND

Traditional local law enforcement services are provided in California by a combination of city police departments and county sheriffs' agencies. Most city governments choose to support their own police departments but some contract with their county's sheriff for provision of law enforcement services. The sheriff provides law enforcement services also in the unincorporated portions of the county, which typically make up a large fraction of the area of the county, but a small fraction of the population. Additional functions of sheriffs, such as operating jails and other correctional services, are provided equally to all parts of the county, whether in cities with police departments or not, and are discussed further in Chapter 9.

California law enforcement agencies on the whole have a reputation for progressiveness and professionalism, with fairly strict civil service requirements for selection, job assignment, and promotion, and high educational standards for recruits and commitment to continued training of officers.

As described in Chapter 4, during the five-year period preceding passage of Proposition 13, law enforcement agencies experienced budget growth that slightly exceeded the inflation rate but in many localities was not as fast as the increase in other local governmental services.

Budget documents and interviews from our study sites showed that the bulk of budget increases was due to improved salaries and benefits and that the uniformed force sizes typically had remained constant or had slightly declined in the years before Proposition 13. Force sizes increased in cities with increasing populations but not always at a rate that kept pace with the population growth. So, whether in absolute or comparative terms, most law enforcement agencies had already entered a period of limitation or retrenchment.

Agencies experiencing substantial increases in law enforcement personnel or budgets were primarily initiating new functions not previously performed or were expanding ancillary functions. For example, Alameda County's Sheriff Department had initiated an

organized crime unit under federal grant funding and had assumed responsibilities for ancillary functions previously performed by individual departments: consolidated dispatch of patrol cars, operation and maintenance of communications equipment, crime laboratories, and criminal identification.

5.2. PROGRAM CHANGES AFTER PROPOSITION 13

Law enforcement agencies were presumably protected against budget reductions in the first year after Proposition 13 by a specific "maintenance of effort" provision in the state's bailout legislation. However, the actual wording of the legislation was so loose that one of the police officials we interviewed called it "a farce and a political ploy," and another called it "an election year rhetorical response." The law provided "that the level of police and fire protection programs actually provided in the 1977-78 fiscal year shall be continued in the 1978-79 fiscal year," but it specifically allowed local governing bodies to make police programs "more efficient and effective." Most city councils and county boards of supervisors took the view that the law gave them free rein to establish budgets for police or sheriffs' departments. The Los Angeles City Attorney stated this view in an opinion: "Since program levels are evidently not required to be determined by reference to funding or manpower, . . . it has been left to local legislative bodies to evaluate program levels on the basis of any relevant criteria they choose to utilize." Moreover, the legislation could be read as limiting its provisions to "police protection" programs, rather than all law enforcement programs, so that only an ambiguous portion of the budget was even potentially protected.

Despite the legislation's lack of teeth, it clearly reflected a public consensus that law enforcement, along with fire protection, deserved high priority when local governments adapted to the revenue reductions brought about by Proposition 13. It is therefore somewhat surprising that, while this consensus eventually prevailed in determining police expenditures, in the initial budgeting process after Proposition 13, police did not fare as well as the average government department. For the state as a whole, police budgets increased 1.5 percent in the year after Proposition 13 (over actual expenditures in

the prior year), whereas all other city agencies increased 4.3 percent [75, p. 37]. In nine of our 14 study sites, the budget increase for the police was lower than for the average agency. At the time we conducted our interviews, police administrators were just beginning to come to grips with their initially unfavorable budgetary decisions. One police chief we interviewed said his agency had "taken the brunt of Proposition 13." Sheriffs' departments generally fared somewhat better. In three of our four study counties the sheriff's law enforcement budget increased in the year after Proposition 13, in the face of overall decreases in the total county budget. The remaining county showed the opposite trend (a decreasing sheriff's budget with an increasing total budget).

Whenever a law enforcement agency received an increased share of the budget, there always seemed to be special circumstances. (For example, Stockton had experienced a rapid increase in violent crime in the year before Proposition 13, with several widely publicized murders including that of a police officer who was the police chief's son. In the year after Proposition 13, Stockton's City Council authorized an increase of 10 officers in the police force.) Whatever the reason for the increased share, interviewees in those agencies took a noticeably more optimistic view of the impacts of Proposition 13 than did interviewees in agencies that suffered *relative* cutbacks. Typical observations in agencies with *relative* gains were that "nothing important" had been affected, or that "healthy reductions" had been made. One police official said that the budgetary situation had served as a politically expedient explanation for a reorganization and personnel changeover that was sorely needed anyway and that resulted in a reduced number of supervisory officers (captains).

By contrast, interviewees in law enforcement agencies that fared less well than other agencies in their city or county expressed serious concerns, even if their own budget had increased. In one small police department that gained authorization for an additional officer after Proposition 13 (but did not receive a budget increase as large as other city agencies), the chief pointed out that his city's population was increasing, and the police force was not expanding nearly enough to compensate. Similarly, other interviewees pointed to increasing crime

rates or increasing numbers of emergency calls from the public as indicators that "maintenance of effort" was inadequate to maintain the quality of service.

Where reductions in personnel, services, or ancillary functions were undertaken, the patterns were very similar across departments. Nearly all interviewees indicated that field services had not suffered cuts and would be the last to suffer cuts, and their personnel statistics appeared to support this contention. Moreover, care was being taken not to allow an increase in the ratio of supervisory personnel to lower-level staff. (This seemed to reflect a general sensitivity to the political issue of "fat in government" that had been highlighted in the campaign for Proposition 13.)

Common targets of budget reductions were as follows:

1. *Vehicle replacement.* In nearly every department studied, the replacement schedule of patrol vehicles had been interrupted, often with no vehicles scheduled for purchase in the year after Proposition 13. Slight variations on this theme occurred in one city police department that was not replacing equipment of any kind, and in another that was purchasing smaller vehicles than originally planned. Simultaneously, and somewhat inconsistently, many agencies reduced their budgets for maintenance and repair of vehicles, often by delaying routine servicing. Maintenance of communications equipment was also cut back in some departments.
2. *Training.* Departments that were decreasing their personnel complement through attrition naturally had a lessened requirement for recruit training. However, continuing and refresher training for officers were often substantially cut back. A majority of law enforcement agencies in study sites reported such reductions. One chief pointed out the "double benefits" from reducing training. First, the personnel and operating costs associated with running the training programs were saved. Second, the officers who otherwise would be attending training sessions were available for field work, thereby keeping the field service force up to strength in the

face of overall personnel reductions or a need for added personnel in some other unit.

3. *Travel, conferences, and subscriptions to publications.* This budget was almost universally reduced. In one small city police department it was eliminated altogether.
4. *Capital expenditures.* Depending on the budgeting and financing arrangements adopted, capital expenses could be funded out of current revenue and be dependent on property tax in the same way as operating expenses. Where this was the case a common reaction to Proposition 13 was to cancel or defer capital improvements. In one city, the interviewee reported that deferral of capital expenditures "more than bore the brunt" of budget reductions, allowing selected increases in other areas.

Programs and activities that were selected for budget reductions in some localities but were carefully protected or even increased in other departments were as follows:

1. *Community crime prevention.* One chief reported that these programs are "the first to go" when budgets are constrained, because they "can't absolutely be shown to be cost effective." However, other police departments increased their efforts on crime prevention programs, arguing that they provided the best chance of relieving pressure on the field forces and sharing the workload of anticrime activities with members of the public.
2. *Research, planning, and statistics.* Many police officials argued that planning was even more important when difficult budgetary decisions had to be made than it was in times of fiscal expansion. They expressed some variant of the sentiment, "Now is when I really need good management information." Others pointed out that their planning staff was already very small, perhaps two or three people, so no reduction was possible without eliminating the unit entirely.

A few police officials, and the majority of interviewees in sheriffs' departments, indicated that their research and

development budget had been cut, in some instances substantially. We found no apparent reasons why some departments increased planning budgets and others did not. In two cases, however, increases in planning budgets came about because the departments had received grants from the Law Enforcement Assistance Administration (LEAA) requiring planning activity.

3. *Overtime.* Some law enforcement agencies reduced their budgets for overtime payments and further restricted the circumstances under which overtime pay could be granted. Interviewees in these departments indicated several negative consequences. One was a curtailment of the department's ability to respond promptly and effectively to major emergencies requiring numerous officers. Supervisors tended to respond conservatively, especially in regard to calling in off-duty officers.

A second unfavorable consequence pointed out by interviewees was a decline in arrests. Officers who could reasonably avoid making arrests that would require them to work overtime would do so, because they could not be paid overtime.

Third, many officers had accumulated numerous days off in lieu of overtime. If they insisted on taking the days to which they were entitled as vacation days, the department would be short-handed.

4. *Response to citizen calls for service and crime reports.* Many police departments reduced the categories of incidents to which they would dispatch a patrol car, arranging instead to take reports on the telephone or to refer the caller to another source of assistance. This technique of workload management, known as "calls-for-service screening" is widely recommended to police departments as a method for increasing efficiency. But many were reluctant to institute screening under the force of reduced budgets, rather than as a method for capturing more officer time for other important tasks.

Similarly, "case screening" has been used by many police departments to separate crime reports requiring follow-up

investigation from those that should be abandoned unless new information comes to light. Some California police departments, Los Angeles included, were among the last holdouts resisting the movement toward case screening. They adhered to a policy of investigating all serious crimes reported, partly because victims are entitled to this service and appreciate it. However, nearly all of them, Los Angeles included, adopted case screening under the pressures of fiscal limitation.

5.3. RELATIONSHIPS AMONG LOCAL AGENCIES

Law enforcement agencies were affected by changes not only in their own budgets but also in the budgets of other agencies with which they interacted. These interactions might be between agencies in the same jurisdiction (e.g., a city police department and a city data processing department), between similar agencies in different jurisdictions (e.g., two police departments), or between two levels of government (e.g., a police department and a sheriff's department).

Commonly mentioned intrajurisdictional problems of police departments concerned support services, particularly data processing. A city police department that does not perform its own data processing has to depend on separately funded city or county agencies for such diverse services as provision of management information; budget and expenditure data; processing of crime, arrest, and traffic accident reports required by higher levels of government; keeping track of persons in custody; crime analysis; and personnel scheduling, advancement, and promotion. Digital communications with the computerized data bases of other agencies might also be affected. Many police officials mentioned an increase in problems arising from system downtimes and errors in software that could not readily be repaired. In some instances, law enforcement agencies were unable to properly manage their adjustment to Proposition 13 because they lacked timely information and projections on current employee attrition, capital expenditures, and the like.

Other important intrajurisdictional problems involved the creation of additional demand for police services when other agencies cut back on functions they previously performed. Since the police are "an agency of last resort," citizens who are unable to obtain satisfaction for their

complaints by contacting the immediately responsible agency eventually turn to the police. An example of this type was reported in the City of Piedmont, where the Parks and Recreation Department reduced the number of monitors assigned to tennis and basketball courts and other recreational facilities. The police received an increasing number of calls that previously would have been handled by the monitors (such as to settle disputes on whose turn it was to use facilities, or to silence a noisy group interfering with a game). The amount of time taken away from other police work was sufficiently large to induce the police chief to propose an ordinance specifying the circumstances under which police were to respond to calls from recreational facilities.¹

Increased work also arose from situations in which the police had previously provided temporary service until another agency arrived to take responsibility. If, after Proposition 13, the responsible agency took longer to arrive or refused to handle the situation, the police were left with a problem on their hands. For example, if a police cruiser discovered traffic congestion caused by a fallen tree, downed power lines, broken roadway, or inoperative traffic signals, the police would have to direct traffic, erect signs, or install barriers if the power department or road department did not respond.

5.3.1. Cooperation Among City Police Agencies

Most of the time, a police department operates quite independently of the police in other cities. However, occasionally they do assist one another, and in large cities the accumulated burden of requests for assistance can be quite substantial. We found from our interviews that in times of fiscal limitation these forms of cooperation are often increasingly restricted.

Typical examples of forms of cooperation that were less likely to occur after Proposition 13 (especially if travel is required for the exchange of information) included the following: locating or arresting a person in City A who is a suspect in a crime in City B; providing City B with a person's history of arrests, gang membership, and so forth, in

¹ By way of contrast, the chief in Hanford specifically mentioned that his department had anticipated problems of this type, but none of any importance had occurred in his city.

City A; providing detectives in City B with information about crimes being investigated in City A that are possibly similar to ones in City B. Generally the offering of free advice or consultation was becoming discouraged, with the natural consequence that officers began to feel more like competitors of their counterparts in neighboring agencies than like colleagues. Whether overall there is a gain or loss of efficiency from such changes is not entirely clear.

Police departments also have an informal system of mutual assistance; personnel from one department may be sent to a neighboring city to help handle unusual occurrences. Around the time that Proposition 13 was passed, police chiefs in some areas in California openly debated the possibility of restricting such assistance to dire emergencies, or of executing formal agreements including payment for services provided. To our knowledge, no actions of this type actually took place.

Few of those we interviewed foresaw any serious movement toward consolidation of police agencies in different cities as a result of fiscal limitations. They believed that commissions might investigate such possibilities but previously valid counterarguments would still prevail. Especially in counties with only one major city (as in our study county of San Joaquin), there is little sentiment in favor of consolidating small departments with the large one. The crime problems and priorities of the large city are felt to be so different from those of the small cities that the latter's interests would be neglected under consolidation. In other instances, desire for local control plays a major role. The Chief of the Piedmont Police Department, whose city is surrounded by Oakland, was confident that if consolidation with the Oakland police was ever seriously proposed because of financial difficulties, the residents would not hesitate to vote for a special tax assessment to support the continuation of their own police services.

5.3.2. Relationships Between City Police and County Agencies

In many California counties the sheriff's office performs a variety of central functions on behalf of some or all of the city police in the county. Examples include consolidated dispatching systems, operation of a crime laboratory or criminal identification services (i.e.,

maintenance and processing of fingerprint and rap sheet criminal information files), operation and maintenance of radio communications equipment, execution of criminal warrants, and pretrial detention of persons in custody. The trend in recent years has been toward increasing centralization of such functions, because of the apparent economies of scale. Yet, as the Hanford Police Chief observed in an interview, much unnecessary duplication of effort remains.

Obstacles to greater centralization have not usually been economic in nature, although the same chief did point to the small size of his department as a reason for rejecting centralized dispatch. The one person who operates Hanford's dispatching system also serves to keep the police station open at night, books arrestees, and handles notifications, among other functions. If the city participated in central dispatch, it would either be unable to keep its station open at night or it would face higher total costs for doing so. Aside from a few examples of this type, most obstacles to greater centralization have in the past arisen from local pride and from each city's desire to maintain local control over all aspects of law enforcement.

However, after the passage of Proposition 13 and its associated implementing legislation, the incentives for resisting centralization have increased. By allocating post-Proposition 13 property tax revenues to jurisdictions based on prior patterns of allocations, the state legislation has tended to freeze functions in whatever agency previously performed them.

No longer is it easy for a sheriff's department to increase its budget to take on a new function while city police departments reduce their budgets correspondingly to reflect the transfer of the function to the sheriff. While such an arrangement might appear attractive to the taxpayers if the overall expenditure for the function was reduced, in fact their tax payments are unaffected by any cost-cutting actions by government agencies. Moreover, the allocation of tax revenues among jurisdictions (e.g., county versus city) is determined by their relative budgets before the passage of Proposition 13 rather than by their current relative needs. So the sheriff cannot effectively increase his agency's budget (and thereby its power or influence) by taking on new functions. The only reasonable mechanism for transferring functions is

for each cooperating city police department to contract with the sheriff. Such an arrangement places the sheriff in a position of less than full control over the function, playing an ancillary role to the city police departments, and subject to future withdrawal of some or all of the cities from the contractual plan. Few sheriffs would be motivated to pursue such an arrangement. The analogous problem does not arise for cooperative agreements among city police departments after the passage of Proposition 13. Cities do not share a common tax base and always had to enter into contracts to have a joint function.

An interesting impact of Proposition 13 on contracted services was found in cities without severe budgetary limitations whose law enforcement services were provided under contract by the sheriff. One of our study cities, Cerritos, did not experience fiscal limitations after the passage of Proposition 13 because it had adequate revenue without levying any property tax. With an increasing population and increasing revenue, Cerritos was able, if it so chose, to contract for additional sheriff's patrol units, detectives, and other law enforcement personnel. However, those contract personnel depended on support and ancillary services that could be cut back due to the overall financial situation of the sheriff's office.

A contract city, whatever the strength of its finances, is unable to prevent delays and deterioration in centrally provided services that have experienced budget cuts. For example, a contract city's law enforcement programs could obviously be affected by any substantial reduction in speed or quality of searches for "wants and warrants" on a person in custody, or stolen vehicle checks, in examination of pawnshop tickets for stolen merchandise, in processing of licenses of various types, or in refresher training. At the time of our interview, the captain of the sheriff's station covering Cerritos had not observed any deterioration in services such as these from the Los Angeles County Sheriff's Department, but he was clearly concerned about what might happen in the future.

The overlapping geographical jurisdiction of county sheriffs and the police in cities within the county provides many opportunities for "demand shedding" in which the police abandon an activity and

the sheriff is obligated to pick it up.² For example, if a city chooses to stop providing detention facilities for arrestees, its police can simply take them to the sheriff, who must then take them into custody. Or, the city police can deliver people in custody to the sheriff faster than in the past, thereby avoiding some expenses for prisoners' food, salaries of guards, etc. Similarly, if a city police department "fails" to execute a court-ordered warrant, the obligation to do so may devolve on the sheriff.

After the sheriff's department, the county agencies having greatest interaction with city police departments are the superior and municipal courts. Changes in relationships between law enforcement agencies and courts were mixed in nature during the study period. In one city (San Leandro) the local branch of the municipal court had been closed as a consequence of Proposition 13, resulting in higher costs for the police department (travel time, travel expenses, and a greater amount of overtime incurred). In Fremont, by contrast, the municipal court arranged for procedures that decrease police department expenditures by permitting police officers to submit written declarations in lieu of appearing in minor cases of traffic violations.

Several police officials observed that whenever the court falls behind in its scheduling, police officers waste time (and possibly accumulate overtime) by appearing at the appointed hour. They expressed concern that, with fiscal limitation, inefficiencies and delays would occur more frequently. No statistics, however, were produced to demonstrate that such a problem was actually arising.

5.3.3. Relationships Between Law Enforcement Agencies and State Government

Generally, law enforcement agencies are not subject to many state mandates, and except for changes in the Penal Code and in laws of criminal procedure state actions have little effect on their operations.³ At the time of our interviews a change in procedures for

² "Demand shedding" is one of the common responses by government agencies to budget reductions. It occurs when, instead of cutting back on the activity, the agency ceases to perform the activity entirely.

³ The substantial influence of state mandates on the correctional functions of sheriffs' agencies are discussed elsewhere.

handling certain types of minor motor vehicle violations was causing consternation among police officials interviewed in Fremont and several other cities as to how the costs would be covered. The violations in question involved citations for mechanical violations or driving without a valid license or registration. Previously, some police agencies handled these violations by issuing a citation to the driver, a copy of which went to the court, and a fine would be paid.

Under new legislation (effective at the same time as Proposition 13), local law enforcement agencies have to keep track of the citations issued and allow the driver or vehicle owner two weeks to appear at their offices and demonstrate that the violation was corrected or possession of a valid license or registration. The legislation thus reduces revenue to the county and adds to the workload of the police. Interviewed police officials were contemplating various ways to escape the burden of the law.

Another state mandate adopted around the same time required that law enforcement officers be trained to administer first aid and cardiopulmonary resuscitation (CPR). The mandate called for training classes to be conducted and possibly new training staff to be hired, at a time when some agencies were trying to reduce expenditures by cutting back on training. The mandate also implied added costs for overtime if the department opted to train night-shift personnel during the day.

The Hanford Police Chief pointed out that standards developed by the Commission on Peace Officers Standards and Training (POST) prevented him from saving anything by reducing training, because his department was already near the minimum. He, as well as several others interviewed, in large agencies as well as small, mentioned that new training standards for reserve officers were essentially prohibiting the future use of civilian volunteers in reserve positions. These civic-minded people provide whatever services are needed, including uniformed patrol, for several days a month at a token payment of \$15. The new legislation required that reserve officers (excepting those already on the force) meet the POST minimum standards for new regular recruits, requiring about 400 hours of training. The mandate constitutes an obstacle both for the department unable to fund the training and for the prospective reserve officer who is employed elsewhere during the day

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when the training is given. Many departments were planning to deemphasize or abandon reserve programs that they considered successful, due to recruitment difficulties.

Interviewees in Lodi and Stockton made pointed political comments on these training requirements. They felt that groups had lobbied the governor and state legislators on behalf of organized labor and were pressing for these requirements to help protect the jobs of full-time officers in times of fiscal constraint. The interviewees believed that the notion that volunteers threaten the jobs of regular sworn officers was misguided and untenable.

Other state activities were mentioned as sources of workload for police agencies. For example, when the state locates a prison in the jurisdiction of a law enforcement agency, or places more serious criminals as inmates in an existing facility, the police face an added burden of investigating and helping to prosecute crimes committed in prison by prisoners or by people visiting prisoners, and escapes. Generally the state attempts to estimate the cost of the burden and reimburse the locality. But interviewed officials believed they were not fully compensated.

As another example, several sheriffs we interviewed complained about reductions in CHP services on rural roads in their area. This state agency, facing budget constraints itself (although not directly produced by Proposition 13), shifted its emphasis of patrol away from county roads to major state and interstate highways. Although the CHP officers had always been primarily concerned with traffic enforcement, not crime-related problems, our interviewees felt the CHP had had a valuable crime-deterrent effect and had acted as the sheriff's eyes and ears to provide early notice of crime incidents.

The withdrawal, or lessened coverage, of CHP units left the sheriff with an impossible requirement to fulfill under circumstances of fiscal constraint. The Sheriff of San Joaquin County felt he should be entitled to add deputies to increase his patrol of affected unincorporated areas. But even if he had the resources to do so, the California Government Code effectively prohibits sheriffs from regularly enforcing traffic laws.⁴ So he anticipated both lessened enforcement of traffic laws and also less satisfactory handling of crimes.

⁴ Los Angeles County is an exception.

5.4. LAW ENFORCEMENT PERSONNEL

For the most part, the effects of Proposition 13 on law enforcement personnel were not substantially different from effects in other parts of the criminal justice system, as discussed in Sec. 4.4. Serious declines in morale and increases in labor strife, attrition, and recruitment difficulties were experienced in cities and counties suffering cutbacks, whereas cities that had been less dependent on property taxes and faced a more optimistic financial future experienced good morale and an ample supply of high-quality candidates for employment. Personnel issues particular to law enforcement include reserve officers, discussed in Sec. 5.3.3, and civilianization and retirement benefits, discussed below.

5.4.1. Civilianization

In some police departments, especially in the eastern part of the United States, sworn officers used to perform nearly all functions, including answering telephones and typing reports. Such a pattern was never common in California, and in fact by 1979 statistics collected by the International City Management Association (ICMA) showed that over 27 percent of police department employees in California cities of over 250,000 population were civilians, compared with 15 percent in large cities elsewhere in the United States.⁵

Substituting civilians for sworn personnel in as many positions as possible is recommended by most modern textbooks on police management. For example, the ICMA text *Local Government Police Management* [29, p. 302] states:

Since cost pressures exert extreme influence over any streamlining effort in . . . a police agency, appropriate consideration must be given to the use of nonsworn personnel in specialized jobs not requiring the services of sworn officers. . . . In order to promote greater efficiency and economy, specific positions should be targeted for nonsworn personnel with appropriate opportunities for job enrichment and promotion.

⁵ Calculated from [50], Table 1/1.

Recent experiments have shown that civilians can handle selected traditional assignments of sworn officers, such as responding to calls for service for noncrime-related incidents [79], operating crime prevention programs, enforcing traffic laws, and investigating traffic accidents.

Despite the apparent cost implications of civilianization and a fairly wide disparity among study departments in their extent of use of civilians, we did not find police officials actively considering substantial changes in their use of nonsworn personnel. Basically all California departments, whether they used many or few civilians, appeared to be satisfied with their current levels of civilianization. Interviewees who commented on this matter all expressed the view that whereas marginal changes could possibly be made, their department was already using nonsworn personnel to the greatest extent possible.

The circumstances following passage of Proposition 13 were not conducive to experimenting with new modes of personnel assignment. The departments facing substantial cutbacks were unable to hire the personnel they felt they needed, and they would be better able to argue that their agency should be treated differently from other agencies if the personnel in question were sworn.

5.4.2. Benefits for Law Enforcement Officers

Traditionally, sworn law enforcement officers (along with firefighters) have received substantially better health and retirement benefits than their civilian counterparts. Generally, uniformed employees can retire earlier than civilians and receive a larger pension. They are typically also entitled to larger supplements to their pensions in the event of service-related disability and to larger family death benefit allowances in the event of service-connected death. For example, an Urban Institute study estimated that in 1979, San Francisco police officers and firefighters received benefits equivalent to 29 percent of their annual compensation, compared with 11 percent for typists and stenographers employed by the city [23, p. 58]. (This was the largest disparity in the 12 sites they studied.)

In the past the public has supported these special benefit packages for uniformed employees as an appropriate means of attracting and retaining people in a profession that carries an unusually high risk of disability or death. The benefit provisions have been incorporated in city charters and other forms of legislation that are resistant to change, rather than being simply parts of collective bargaining agreements. City council members and county supervisors, influenced by the strong public support enjoyed by labor organizations representing uniformed employees, have proposed and campaigned for many of the improvements in these benefits that have occurred over the years.

During the period before tax limitation, there was little need for elected officials to contemplate seriously the ultimate cost of retirement benefits, since the cost would be incurred many years in the future when presumably taxes could be higher. In fact, increasing retirement benefits rather than salaries was a politically favorable method for responding to the demands of labor during collective bargaining, since it did not require any immediate tax increase and left partially unknown the total cost of the labor agreement.

After the passage of Proposition 13, however, local governments could project their maximum revenue for future years rather accurately and observe that retirement payments would consume increasing portions--perhaps even more than 100 percent--of anticipated revenues. This led many jurisdictions to consider restricting future benefits or reversing previously won provisions of retirement plans. In Los Angeles, retired uniformed employees are entitled to cost-of-living increases in their pensions, and the high inflation rates that happened to follow the passage of Proposition 13 helped focus attention there on the fiscally unpredictable consequences of such provisions.

Interviewees in several cities pointed to the likely overhaul of law enforcement employee benefits as a major consequence of Proposition 13. Depending on their point of view, they either characterized this development as a welcome and ultimately necessary reappraisal of expenditures that were out of control or as an assault on a system that has induced high-quality, motivated people to become police officers in California. Generally police officials, whether representing labor or management, opposed any rollback in benefit provisions.

In Los Angeles, legal and political arguments over pension reform for uniformed employees have continued unabated since the passage of Proposition 13. Many city council members wanted to reduce benefits for current as well as future members of the force, but there was serious question of the legality of doing so. A charter amendment that applies only to future employees was passed in November 1980, which provides for a higher retirement age than presently permitted, a cap on cost-of-living increases, and other reversals of benefits enacted over the past decade.

Interviewees in other cities also indicated that benefits were being examined. The thrust of these efforts was not to change the provisions of the benefits but rather to assure that claims for the benefits were more carefully reviewed for validity.

It seems clear, then, that the passage of Proposition 13 did bring about a recognition that employee benefits were an increasing component of local government expenditures and various efforts to control those expenditures. Law enforcement personnel, as well as firefighters, appear likely to feel the impact of these developments.

6. PROSECUTION

6.1. BACKGROUND

The primary responsibility of prosecutors in California is to prosecute criminal offenders (which includes investigation and initiation of complaints). Authority for the prosecution of persons charged with crimes (both felonies and misdemeanors) is statutorily vested in the district attorney, who is designated the "public prosecutor." Each county in California has a district attorney who is constitutionally required to be an elected official. Although city attorneys usually handle civil matters and their own municipality's criminal code violations, in a few cities (including Los Angeles) they also prosecute all misdemeanors within their jurisdiction.¹

District attorneys also have the authority to "sponsor, supervise or participate in any project or program to improve the administration of justice."² This broad specification of responsibility permits a wide range of other activities, including the investigation of official corruption, the sponsorship of grand jury inquiries concerning matters of budget or efficiency, and the enforcement of family support statutes.

Family support units³ have been set up pursuant to federal and state laws under which the district attorney is responsible for investigating and prosecuting civil and criminal complaints of parents' failure to provide support for their children. Under this program the office also prosecutes parents for failure to comply with court orders for family support arising out of divorces, separations, and paternity actions.

Extensive federal involvement in family support programs began in 1975 when legislation was passed providing federal funding to counties for such programs.⁴ Funding by the federal government takes the form of

¹ The Los Angeles City Attorney was one of the criminal justice officers we interviewed. There are three other such city attorneys: Santa Monica, San Diego, and San Francisco.

² California Government Code, Section 26500.5.

³ In some jurisdictions, such as Los Angeles, they are referred to as child support units.

⁴ In that year, PL 93-647 was passed initiating a Federal Child Support Enforcement Program.

reimbursement of a proportion of a county's administrative costs as well as incentive payments.⁵ Before the passage of Proposition 13, the state augmented the federal share with additional incentive payments.⁶

In FY 1979 the bailout legislation (SB 154) suspended the state's incentive payments. Instead, the state assumed the counties' share of administrative expenses. Since these expenses generally outweigh the incentive payments, this change netted the counties an additional \$9 million in FY 1979.⁷

6.2. BUDGETARY TRENDS

Expenditure figures presented in Sec. 4.3, together with the budgets of prosecutorial agencies in our study sites, revealed these patterns:

- During the five years before the passage of Proposition 13, total agency expenditures and those of each of the major office divisions increased at an average rate of 21 percent per year, considerably faster than inflation.
- Despite Proposition 13, expenditures continued to increase in FY 1979 in each of the agencies studied except for the Kings County District Attorney; however, the rate of increase was not as large as the average over the preceding five years. The average increase statewide in FY 1979 was 11.5 percent.

⁵ Reimbursement of administrative expenses amounts to 75 percent, and since 1977 the incentive payments have been 15 percent of collections.

⁶ The state enabling legislation provided for supplemental incentive payments by the state of 18.75 percent until July 1, 1976, and 12.75 percent thereafter. Until Proposition 13, therefore, counties received a total of 27.75 percent in incentive payments.

⁷ SB 154 appropriated \$17.2 million to cover the county share of administrative costs, and state incentive payments in FY 1978 totaled \$8.3 million. The bailout legislation passed by the state legislature in 1979 (AB 8) restored incentive payments and increased the percentage rate, but it again made counties responsible for paying 25 percent of the program's administrative expenses.

- Expenditures for family support programs rose at about twice the rate of expenditures on prosecutorial programs during fiscal years 1973 to 1978 and, thus, have accounted for a steadily increasing proportion of the district attorney's total budget.
- In FY 1979 the increase in expenditures for family support programs generally exceeded the rate of inflation, whereas prosecutorial expenditures failed to keep pace.

In three of the four agencies we studied, the family support units fared better than the prosecutorial divisions in FY 1979. Thus, combining the two functions in budget formulation creates a certain distortion. In Alameda County, for example, expenditures for the prosecution division increased only 1 percent in FY 1979, whereas those for family support increased 32 percent. The overall office increase was 8 percent. A similar distortion occurred in Kings County, which cut back expenditures in FY 1979. The prosecution division lost 16 percent, and the child support unit suffered a 2 percent loss.

It is not surprising, consequently, that expenditures for family support activities can constitute an increasingly significant proportion of a district attorney's total budget. What is startling is how high the proportion has become. Table 6.1 shows the percentage of agency expenditures for family support in our study's counties in fiscal years 1978 and 1979. In FY 1979, such expenditures were between 30 percent and 50 percent of total expenditures.

Table 6.1

DISTRICT ATTORNEY EXPENDITURES ON FAMILY
SUPPORT ACTIVITIES IN STUDY COUNTIES
(in dollars)

FY 1978			
Site	Total	Family Support	Family Support Percent-age
Alameda	10,159,867	2,445,042	24.06
Kings	545,140	229,365	42.07
Los Angeles	44,768,840	19,363,008	43.25
San Joaquin	2,524,644	874,215	34.63
Total	57,997,491	22,911,630	39.50

FY 1979			
Site	Total	Family Support	Family Support Percent-age
Alameda	11,020,781	3,227,031	29.28
Kings	454,010	225,525	49.67
Los Angeles	47,574,529	20,133,830	42.32
San Joaquin	2,983,724	1,071,813	35.92
Total	62,033,044	24,658,199	39.75

6.3. PERSONNEL TRENDS

Trends of the number of personnel in prosecution agencies are consistent with the budgetary trends described in the previous section. Statewide, authorized personnel in prosecution agencies increased by an average of 9 percent per year in the five years preceding the passage of Proposition 13. In the year following its passage, the number of full-time authorized positions increased by 1.6 percent, in contrast to the decreases or slower increases experienced by almost all other criminal justice agencies [17, p. 144]. The increase occurred primarily in the family support units. (For example, in FY 1979, the number of personnel in the Los Angeles District Attorney's Criminal Division dropped from 1027 to 1024, whereas the number in the Child Support Division increased from 990 to 1079.)⁸

Although there was a slight increase in authorized personnel in FY 1979, the fiscal year began with a loss of personnel. In Los Angeles it was precipitated primarily by the county- and city-imposed hiring freeze combined with accelerated attrition. In Alameda and Kings Counties, layoffs were made. Eight attorneys were terminated in Alameda County, one in Kings.

As in other governmental agencies (see Sec. 4.4), attrition in prosecution agencies occurred at a much faster pace in FY 1979 than in previous years. It was particularly acute among legal secretaries and attorneys with two to five years of experience. The Los Angeles City Attorney, for example, lost 34 people in the first six months following passage of Proposition 13. Prosecutors claimed that services suffered across the board as a result of these initial losses. By the end of the 1979 fiscal year, however, most of the personnel losses had been restored. The freezes were lifted, attrition tapered off, and replacements were hired.

There had been no problem finding attorneys to fill vacant positions before the passage of Proposition 13, and none was experienced after its passage. There is an abundance of attorneys, especially of new Bar admittees (over 6000 individuals passed the California Bar exam in 1979).⁹ When openings were announced in October 1978, the District

⁸ These figures are taken from the Los Angeles District Attorney's response to a State Department of Finance survey, January 2, 1979.

⁹ In the February 1979 exam, 2105 passed; 4077 passed the July 1979 exam (*Los Angeles Daily Journal*, May 22, 1979, and November 20, 1979).

Attorney's office in Los Angeles received more than 700 applications in two days for fewer than 20 positions.

Although the effects of the initial loss of personnel may be temporary because of the ease of acquiring replacements, there is still a fear of long-term negative consequences. The persisting steady departure of middle-level experienced attorneys--the "brain drain" [70, p. 1]--combined with the difficulty in recruiting skilled legal secretaries contributes to continued workforce instability. Moreover, although the pool of attorneys may remain large, prosecutors fear that new recruits may not be of the same high caliber as those leaving.

6.4. IMPACTS ON PROGRAMS, WORKLOADS, AND QUALITY

6.4.1. Program Changes

Programs within prosecuting agencies underwent little change in the year following the passage of Proposition 13. No services were eliminated. Moreover, in only a few areas were there any deliberate program or service reductions, and most of those were small or temporary. Even so, investigations and prosecutions in consumer fraud cases were reduced in Alameda County and prosecution of traffic offenses was further curtailed. For a short period, prosecutors in San Joaquin County refused some nonviolent misdemeanor cases. In Los Angeles, the Organized Crime and Narcotics Division in the District Attorney's office did not accept new cases for three months.¹⁰

The small changes in prosecution programs does not follow directly from the fact that budgets and personnel levels increased in FY 1979. The increases for prosecutorial activities were generally less than the rate of inflation; and most prosecutors indicated that the number of cases they had to handle was also increasing. The small changes in prosecution programs were largely due, therefore, to a policy decision made by almost all district attorneys: to adapt to post-Proposition 13 reality by tightening the criteria used to decide whether or not an offense should be prosecuted, by increasing workloads, and by reducing

¹⁰ Response by Los Angeles District Attorney, Criminal Division, to Los Angeles Grand Jury survey on the effects of Proposition 13, November 20, 1978.

the amount of time spent per case, instead of by shedding demand (i.e., giving up the prosecution of any identified category of crime). In fact, many prosecutors that we interviewed were critical of those who advocated that certain offenses, even violations of minor criminal regulations, no longer be prosecuted, implying that such changes would be unethical or inappropriate.

An example of a tightening in filing criteria in the aftermath of Proposition 13 is the dramatic increase in the number of "wobblers" (felony arrests that can be prosecuted as misdemeanors) that are being prosecuted as misdemeanors. Prosecution as a misdemeanor usually means that less time is spent in investigation and case preparation. In addition, if the crime occurs in one of the four cities in which the city attorney prosecutes misdemeanors, reducing the charge to a misdemeanor results in demand shedding. (The case can be transferred to a city attorney, thereby reducing the district attorney's workload.)

The Los Angeles City Attorney estimated that approximately 70 percent of the felony arrests in the city were being prosecuted as misdemeanors. These wobblers include such cases as burglary, aggravated assault, and auto theft. They constitute an increasing proportion of all cases presented to the City Attorney--8 percent in 1976, 11 percent in 1977, and 18 percent in 1978.¹¹ The 25,678 such "felony referrals" received by the City Attorney in 1978 represented a 43 percent increase over the 17,921 felony referrals received in 1977. This shift in cases presages a change in the role of the city attorney's office (see Sec. 6.5.2).

6.4.2. Impacts on Workloads

Given prosecutors' reluctance to stop prosecuting any single category of crime, a constant number of cases combined with the small decrease in real resources experienced by criminal divisions in FY 1979 would have led to increased workloads. Compounding the problem, most prosecutors indicated that they handled more cases in FY 1979 than in the previous year, and they expect the trend to continue. In addition, a decrease in clerical personnel increased the workload on the remaining support staff.

¹¹ "Cases Reviewed for Filing--by Complaint Source." Statistics provided by the office of the Los Angeles City Attorney.

The increase in caseload was attributed primarily to a rise in the number of complaints filed, but new legislative and court (constitutional) mandates were identified as another major cause. The Los Angeles City Attorney cited the enactment of rent control ordinances; the District Attorney in Kings County gave as an example the determinate sentencing law,¹² which requires additional investigation and preparation to identify and prove specific elements of the crime that are potentially related to sentence length. Deputy district attorneys in Los Angeles mentioned increased work arising from a California Supreme Court decision pertaining to the confinement of criminal defendants in mental hospitals.¹³ The District Attorney in Alameda County talked about new requirements to prosecute certain juveniles as adults¹⁴ and the general increase in "procedural complexities" of cases required by court and legislative decisions. The District Attorney in San Diego also targeted court decisions as a continuing source of additional work, citing an increase in administrative and evidentiary requirements that increase pretrial time as well as the length of trials.

An additional factor leading to increased workload, which was cited by the Los Angeles District Attorney, is the spillover effect from reductions in other local government agencies:

The Los Angeles County Sheriff, for example, closed his Fraud Investigation Unit, expecting [this] department to pick up the slack. The Los Angeles Police Department is attempting to relieve itself of post-preliminary investigative

¹² SB 42, the Uniform Determinate Sentence Act of 1976, which went into effect July 1, 1977. See also Chapter 8 of this Report.

¹³ *In re Moye* 22 Cal. 3d 457 (1978), which applied determinate sentencing to a defendant found not guilty by reason of insanity (NGI). The immediate effect of the decision was the reevaluation of all NGI defendants confined in state mental institutions who had exceeded their maximum term. Unless the individual was found to be dangerous, he had to be discharged. The term of those individuals still considered dangerous could be extended for one year but only following a judicial hearing. In Los Angeles alone the District Attorney's office estimated they had 300 such cases to review.

¹⁴ Imposed by AB 3121.

responsibilities, requesting that [our] Bureau of Investigation take over that job. City attorneys around the County have been threatening to pull out of prosecution of misdemeanors and leave their workload to the D.A. Now, when we have less resources available to do the work, more is being demanded of the D.A.¹⁵

In spite of the above indications of increased workloads, it is difficult to make an accurate assessment of the impact of Proposition 13 on district attorneys' workloads. This is because public prosecutors have enormous control over their workloads. Although their basic function is mandated, the mandate is extremely broad. There is discretion throughout the criminal justice system; nonetheless, prosecutors have much more discretion over commitment of their resources than do other parts of the system. Judges cannot refuse a case when presented; sheriffs cannot refuse to jail those sentenced. Prosecutors, on the other hand, have virtually unlimited discretion in any given case in deciding whether to prosecute, in determining the extent of investigation and preparation to be allocated to the case, and in committing resources to the prosecution of the case. (See [66], for example.)

As a result, much of the workload in a district attorney's office is under his control. It is determined by his general philosophy and priorities and specific decisions related to each individual case. Limited resources, instead of increasing workloads, may force him to reduce the amount of effort he devotes to certain types of offenses. For example, in his budget request before the passage of Proposition 13, the Los Angeles District Attorney had asked for additional positions for increased enforcement in major fraud cases and increased enforcement in consumer and environmental protection cases.¹⁶ Because of Proposition 13, these additional positions were not authorized. Enforcement of these cases continues, but at or below previous levels.

¹⁵ Response by Los Angeles District Attorney, Criminal Division, to Los Angeles Grand Jury survey, November 20, 1978.

¹⁶ Response by Los Angeles District Attorney, Criminal Division, to Los Angeles Grand Jury survey, November 20, 1978.

6.4.3. Impacts on Quality

The prosecutors interviewed agreed that what had suffered most in the first year after the passage of Proposition 13 was the quality of representation they were able to provide. They alluded repeatedly to the general degradation of performance and the fear that this trend might continue, although they also agreed that it was difficult to obtain objective measures of quality.

One indication of reduced quality that was mentioned to us is that attorneys are spending less time than previously in case preparation. As reported by the Los Angeles District Attorney: "Preparation time for court cases was cut down severely both in Municipal and Superior Court, as well as in our Juvenile Division. Preparation is the key to winning in court."¹⁷

Another indication of reduced quality is that less-experienced attorneys are handling some cases that would have been handled by more experienced attorneys before Proposition 13. For example, when the Organized Crime and Narcotics Division of the Los Angeles District Attorney was unable to accept new cases for three months, some of the cases were assigned to deputies in other divisions.

Increases in attorney caseloads and decreases in the staffing of criminal courts were other frequently used indicators. The latter provides a good illustration of the difficulty of documenting a decline in quality by means of quantitative measures. Prosecuting agencies attempt to maintain a certain ratio of attorneys to trial courts. Below this ratio, they believe flexibility diminishes and representation deteriorates. However, there is no standard for setting this ratio, and the desired ratio varies considerably among jurisdictions.

In Alameda County, the District Attorney's "rule of thumb" is 2.5 attorneys per criminal court, but the County Administrative Officer believes it should be 2. In Los Angeles the number of deputy district attorneys per Superior Court has decreased from 4 to somewhat under 3. However, the "historically agreed upon staffing level" is 3. The City Attorney's office in Los Angeles attempts to maintain a 1.5 ratio in

¹⁷ Response of Los Angeles District Attorney, Criminal Division, to Los Angeles Grand Jury survey, November 20, 1978.

each municipal court. One prosecutor admitted that he measures performance levels more by intuition than by other means.

One way in which prosecutors have attempted to adapt to a reduction in resources without cutting programs is by eliminating some reporting functions. For example, in the settlement of felony cases, lawyers in the Los Angeles District Attorney's office were required to prepare written explanations for their actions in court. These written recommendations were reviewed by supervisors in the office, who used them to make sure that the policies of the office were being followed and that equal justice was being dispensed in all areas of the county. According to the District Attorney, "People simply do not have the time to prepare these documents under current circumstances, and they have been scrapped in all but the most serious cases. Quality control and equal justice suffers."¹⁸

6.5. EMERGING PATTERNS

6.5.1. Prioritization and Decriminalization

In FY 1979, prosecutors were not forced to make major cutbacks. However, with the specter of increasing fiscal constraints, prosecutors in the state began to discuss actions that might be taken in the future to adapt to such constraints. Most of the possible actions tended to fall into two categories: a reordering of prosecution priorities among criminal offenses, and a push to decriminalize certain offenses.

The following were mentioned as possible reorderings of prosecutor priorities among criminal offenses:

- The Ventura District Attorney announced that his office would focus on crimes of violence and serious felonies at the expense of some types of minor offenses [81].
- In San Joaquin County, prosecution of infractions was likely to be eliminated and prostitution cases would be deemphasized.
- The Los Angeles City Attorney would limit review and filing of complaints for violations of begging, public intoxication, and trespass.

¹⁸ Response by Los Angeles District Attorney, Criminal Division, to Los Angeles Grand Jury survey, November 20, 1978.

- The Los Angeles District Attorney would eliminate investigation and specialized prosecution of consumer fraud cases, environmental violations, nursing home abuse cases, and patient care violations.

Such changes are not considered as necessarily having negative consequences. Most prosecutors view reevaluation of priorities as a much needed reform. The disagreement is over who should do the reevaluation. Some prosecutors believe that since they are elected officials, these decisions are within their mandate. Others feel that deciding which laws to enforce is the province of the legislature and the public. However, lack of action or indecision by the latter in the face of a continuing reduction in resources may force prosecutors to act unilaterally.

All prosecutors expressed their concern with the need to revamp the criminal statutes to decriminalize certain offenses. Among the changes suggested in the year following the passage of Proposition 13 were:

- The Los Angeles City Attorney identified many misdemeanors that he felt should be reduced to infractions.
- The Alameda County District Attorney proposed that district attorneys should cease prosecuting prostitutes.

The debate over what type of antisocial behavior should continue to be subjected to criminal sanctions existed before Proposition 13. For example, legislation has been introduced annually to decriminalize prostitution. However, fiscal constraints have exacerbated the situation and may well act as the catalyst to action.

6.5.2. Prosecution of Wobblers

The shifting of large numbers of wobblers from district attorneys to city attorneys in cities where this is possible (see Sec. 6.4.1) has implications beyond a mere reallocation of workload among prosecutors. It is likely that the cases that are shifted will be prosecuted more vigorously. To the deputy city attorney who usually handles only

misdemeanors, these are more "interesting" than the traditional cases handled in the office and, therefore, more time is spent on them. However, in most of the state there is only one criminal prosecutor, the district attorney, so that these same types of cases receive short shrift. The result, consequently, is a disproportionate enforcement of certain crimes in certain jurisdictions.

The shift of cases to the city attorney also has an effect on law enforcement agencies. The proportion of wobblers referred to the Los Angeles City Attorney by the police has increased significantly in recent years. In 1976, 66 percent of the wobblers were referred by police agencies and 34 percent by the District Attorney. By 1978 the percentage had increased to 84 percent from police agencies and 16 percent from the District Attorney.¹⁹ Knowing that the District Attorney is likely to reject the case as a felony and transfer it to the City Attorney, the police are eliminating duplication in paperwork by making applications directly to the City Attorney. At the same time, however, they are making decisions that formerly were made by prosecutors. Although this behavior of the police in assuming more of the prosecutorial function began before Proposition 13, fiscal constraints seem to be accelerating it.

6.5.3. Pursuit of Federal and State Funds

Given the fact that there is likely to be increased competition among county agencies for scarce locally generated revenues, most prosecutors to whom we spoke viewed obtaining federal and state funds to support their prosecutorial activities as a priority, and were actively seeking grants. Although the practice of seeking grants is not new, a more urgent need for the funds now seems to be perceived. The fact that many of the grants impose unwanted restrictions seems not to be a deterrent. Some are "bothered" by the strings attached. However, as the District Attorney in Los Angeles stated:

All avenues to secure possible federal or other special grant funds are being explored; specifically, a grant request for an extension of the Career Criminal Program to Branch and Area offices has been submitted; a grant request to fund "Operation

¹⁹ Statistics provided by Los Angeles City Attorney.

Hardcore" (gang related violence violations) has been submitted; a grant request to fund Specialized Prosecutions in Sexual Assaults and Spousal Abuse has been submitted; a grant request to fund a program of increased service to victims and witnesses has been submitted; contact has been established seeking State reimbursement for expenses incurred while attending Criminal Release Board hearings (Lifer Parole Hearings).²⁰

The pursuit of state and federal funding by district attorneys has made their family support units virtually immune from cutbacks. As mentioned in Sec. 6.1, these units are supported primarily by federal and state subventions. They are basically collection agencies for delinquent family support payments that usually contribute money to the county's general fund.²¹ In Kings County, its staff is larger than that of the prosecution unit.

Justification for the growth of the program is twofold: (1) the state and federal governments have placed more emphasis on the function over the years; and (2) the revenue it generates exceeds its expenditures. As long as it remains, as one prosecutor declared, "cost-effective" [76, p. 69], it is likely that this program will continue to enjoy immunity from fiscal cutbacks, despite constraints imposed on other divisions (particularly criminal prosecutions).

²⁰ Response by Los Angeles District Attorney, Criminal Division, to Los Angeles Grand Jury survey, November 20, 1978.

²¹ In FY 1978, the Los Angeles District Attorney's Child Support Program supplied \$6.5 million to the county's general fund.

7. DEFENSE

7.1. BACKGROUND

The Sixth Amendment to the United States Constitution states that, "In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense."¹ The framers of this amendment probably did not anticipate that the amendment would later be interpreted as requiring the provision of defense services at public expense for most felony defendants and almost half of all misdemeanor defendants.

Nearly a century and a half after the adoption of the Sixth Amendment, the Supreme Court ruled that indigent defendants in federal courts had the right to court-appointed counsel at public expense. Another 25 years passed before this right was extended, in the Gideon decision, to indigent defendants charged with felonies in state criminal cases.² A Supreme Court decision³ extended the right to indigents charged with misdemeanors that carry jail sentences.

Governments have developed a number of different methods for providing the indigent defendant with counsel at public expense. In California, the two indigent defender systems used are:

1. The public defender system, in which the defense attorneys are salaried public officials who function in many respects as the counterparts of the public prosecutors. (Among our study sites, the public defender system is used in Los Angeles, San Joaquin, and Alameda Counties.)
2. The court-appointed counsel system, in which defense attorneys are appointed from a list of practicing lawyers (as in Kings County), or through a nonprofit legal corporation (as in San Diego).

¹ *Johnson v. Zerbst*, 304 U.S. 458 (1938).

² *Gideon v. Wainwright*, 372 U.S. 335 (1963).

³ *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

Thirty-eight of the state's fifty-eight counties have a public defender. The Los Angeles County Public Defender's office is the oldest and largest such institution in the United States. Established in 1914, it employs over 360 attorneys. The remaining twenty counties (most of them small) use the court-appointed counsel system exclusively, whereas public defender counties use court-appointed attorneys for certain cases--for example, when the public defender has a conflict of interest or cannot handle a case because of a lack of available staff.

The provision of legal counsel at public expense has mushroomed in the last twenty years. Until the Gideon decision in 1962, nearly all felony cases were defended by private attorneys. In 1976, in Los Angeles County, the Public Defender handled 65 percent of all felony cases, and court-appointed private counsel handled another 6 percent [41, p. 56]. In San Joaquin County the Public Defender handled 1859 juvenile cases in FY 1976, and 3029 juvenile cases in FY 1978, an increase of 63 percent in two years.

The rapid increase in cases handled by public defenders and court-appointed attorneys is due largely to recent court decisions and state legislation requiring the provision of defense counsel at public expense not only for indigent defendants charged with felonies and certain misdemeanors, but in a wide range of other situations. For example,

they represent minors in juvenile court. They represent parents whose custody of their children is being challenged on grounds of neglect or abuse. They represent the old and the mentally ill in conservatorship and civil commitment hearings. They represent mentally disordered sex offenders and mentally incompetent defendants in state hospitals. They even go into civil court to represent indigents charged with contempt of court in family matters, workers whose wages are subject to garnishment, and any civil litigant who, in the opinion of the public defender, is being persecuted or unjustly harassed. [41, p. 56.]

In addition, in a 1979 decision,⁴ the California Supreme Court ruled that indigent men who are sued by the state in a civil action for paternity and family support are constitutionally entitled to free legal counsel.

⁴ *Salas v. Cortez*, 24 Cal. 3d 22 (1979).

The office of the State Public Defender, established in 1975, has the responsibility of representing indigents accused of crimes in the appellate courts. This office also acts as a lobbyist in the state legislature on defense-oriented issues and represents convicts in habeas corpus proceedings and before the Board of Prison Terms (California's parole board).

7.2. BUDGETARY AND PERSONNEL TRENDS

The rapid expansion in the number of cases handled by public defenders has been accompanied by rapid increases in expenditures by counties for defense of indigents (see Sec. 4.2). Between FY 1973 and FY 1979 Los Angeles County's expenditures for this purpose almost doubled, from \$12.6 million in FY 1973 to \$22.3 million in FY 1979. (These figures include both the cost of the Public Defender and the cost of court-appointed attorneys.) Statewide, expenditures by counties for defense of indigents increased at an average rate of 17 percent per year between FY 1973 and FY 1978 (Table 4.5). This rate of increase was second only to prosecution among components of the criminal justice system.

Due to the use of both public and private defense attorneys for defending indigents, the growth rate in public defender personnel was not nearly as rapid as the growth rate in expenditures. Statewide, the average annual increase in full-time personnel in public defender offices between 1973 and 1978 was 5.2 percent (Table 4.8).

In the first year following the passage of Proposition 13, public defender agencies suffered more cutbacks in personnel and expenditures than any other element of the criminal justice system except probation. San Joaquin was the only one of our study counties whose expenditure level for defense of indigents was not reduced. Los Angeles County lost 28 attorney positions. Alameda County eliminated positions for ten attorneys, two investigators, 13 clerks and stenographers, and two student legal assistants. Statewide, expenditures by public defender agencies increased by 2.1 percent in FY 1979 (far less than the rate of inflation), and their number of authorized full-time personnel dropped by 0.9 percent (including a drop of 2.4 percent in attorneys and investigators) [17, p. 144].

Public defenders offered several explanations for the fact that they were affected more by Proposition 13 than most other elements of the criminal justice system. Among the explanations were:

- Defense of indigents is an unpopular function, and thus easier to cut than other functions.
- Public defender agencies lack any organized constituency that will fight to maintain their services.
- Although their function is almost entirely mandated, service levels are not. This differs from the situation faced by corrections agencies whose function is mandated and whose incarceration facilities are carefully monitored.

7.3. IMPACTS ON PROGRAMS AND POLICIES

Expenditure cutbacks were accomplished mainly by reductions in work-force, but cuts also were made in capital projects and maintenance of equipment. The Public Defender in Alameda County, for example, in addition to laying off personnel, discontinued the remodeling of his office and eliminated funds for a management information system that had been under development since 1977. In Los Angeles, capital projects were frozen and maintenance of equipment was curtailed.

As a direct response to reductions in staff, public defender agencies cut back their provision of services. Some cuts were made in tangential programs, such as witness coordination and assistance in obtaining nonlegal services, but others affected their basic function--representing indigent defendants. The changes made were of three types:

- Refusal of cases because of lack of available staff (demand shedding), which forced courts to assign private defense attorneys.
- Reductions in the amount of time spent on some cases.
- Increases in the time to process cases, particularly in the municipal courts.

A public defender is able to make a "Declaration of Unavailability," which is a statement to the court that his office is unable to handle a case. Before Proposition 13, such declarations occurred almost exclusively in cases of conflict. However, in the year following its passage, the use of such declarations when there were no available attorneys increased substantially. In Los Angeles, for example, from March 1977 through February 1978, the Public Defender's office made 1588 Declarations. The figure increased to 8846 for the same period in the following year.

The refusal of cases by the public defender allows him to operate with fewer resources, but does not necessarily reduce the county's costs for indigent defense. Because the defense of indigents is constitutionally mandated, the court has to appoint private attorneys to represent those cases the public defender cannot handle. Funds are provided in the budgets of the courts to pay for these attorneys. In FY 1973 the Los Angeles Superior Court expended \$2.0 million on court-appointed attorneys [51, p. 163]; in FY 1979 it estimated expenditures of \$6.1 million for this purpose [52], which was about \$350,000 more than had been budgeted. The primary reason for the budget overrun was the large increase in Declarations of Unavailability by the Public Defender.

It is far from clear that a county can save money by eliminating public defender positions and using more court-appointed attorneys. Whether it can depends on the relative costs of the two modes of defense for the types of cases refused by the public defender. Los Angeles County found that using more court-appointed attorneys was not a cost-effective strategy. An analysis by the County's Chief Administrative Officer (CAO) concluded that the cost to the county for the defense of indigents would be reduced if the attorney and investigator positions eliminated from the Public Defender's office following the passage of Proposition 13 were restored. As explained in the FY 1980 budget he recommended to the Board of Supervisors: "The cost for these positions will be more than offset by reductions in the mandatory courts expense budgets through avoidance of the need for court appointment of private counsel at a higher cost to the County" [68, p. 61].

Reducing the amount of time spent on cases and increasing the time to process cases both penalize the indigent defendant and reduce the quality of services he receives. As reported by the Los Angeles Public Defender, the reduction in the personnel in his office in the year following the passage of Proposition 13 resulted in "a general dilution of service."⁵

Some non-mandated services provided by public defenders have been eliminated as a result of Proposition 13. For example, Alameda County eliminated a program that was created in 1975 under a three-year LEAA grant. Labeled "Project Crossroads," the program employed non-attorneys to assist clients of the Public Defender in obtaining social, medical, employment, and education services. The Public Defender decided that he did not have enough resources to continue funding the program when LEAA support ended. In addition, he eliminated the position of "Witness Coordinator," which had just been established the previous year. This person had been responsible for coordinating defense witnesses (which are needed in 75 percent of trial cases)--making sure that they would appear when they were needed, arranging for their transportation, etc.

7.4. EMERGING TRENDS

Although the courts and California state law have mandated that indigents receive free legal representation in certain situations, how the mandate is to be carried out is not specified. Practices vary widely among the counties. There is a general feeling that Proposition 13 will lead to changes in these practices.

Kings County, which has no public defender, has already revamped its method of paying for private counsel. Under the previous arrangement, an attorney appointed to defend an indigent received a standard hourly fee for his services. Now, services have been itemized and a fee schedule for each service has been established. Compensation is based on the service performed, regardless of the hours involved.

According to the District Attorney, the effects of this change are already being felt. Because the compensation is not as great as with the previous system, the incentive to get on the list of attorneys to be appointed is not as great. Private practice in Kings County may not be

⁵ Response by Los Angeles Public Defender to Los Angeles Grand Jury survey on the effects of Proposition 13, November 20, 1978.

as attractive as it was before the change. Evidence of this is that attrition of attorneys in the District Attorney's office decreased, and he was able to recruit an attorney currently in private practice.

Even more significant is the effect of this change on the kind of representation a defendant receives. Under the new system, the court-appointed attorney who represents a defendant at a trial receives the same compensation whether the trial is before a judge only (a "court trial") or before a jury. However, jury trials usually take much longer. The fear expressed is that defense attorneys may increasingly opt for court trials.⁶ This is viewed by some as reducing the quality of representation provided to indigent defendants. However, this is not necessarily true. Less time per case enables the court to handle more cases, thereby permitting access to the judiciary by a greater number of persons more quickly. Moreover, a defendant's rights are not necessarily compromised by having only a judge decide the case.

In some counties, maintenance of parity between the district attorney and public defender was a frequently mentioned concern. With a fixed amount of financial resources available, officials fear that prosecution will be pitted against defense for the available resources, and public defenders will come out the losers. Most public defenders feel that district attorneys, being elected officials, have a political advantage over them and that they will have to fight just to maintain their present budgets. Maintaining parity seems to be considered evidence of their political strength. But it is also viewed as essential for ensuring that the public defender is able to compete in court on an equal basis with the district attorney, preventing the indigent from being placed in an unfair position.

In some counties, public defenders were concerned that their agencies might be forced out of existence by fiscal contraction. With limited available resources, counties will give increased consideration to alternative forms of indigent defense. There is much disagreement and little factual evidence concerning the most cost-effective method of providing this service. Opponents of public defenders contend that private law firms under contract can provide at least as good

⁶ In the year following this change in compensation, court trials for misdemeanors increased in Kings County.

representation at a lower cost to the county. Public defenders dispute these claims. The public defender in San Joaquin County says that the average cost to the county is \$87 per case for the public defender and \$225 per case for a private firm. However, this difference reflects the difference in case mix for the two. The public defender handles large numbers of minor cases, whereas appointed counsel are usually involved in more serious cases or when there are multiple defendants.

The dispute over relative costs between private attorneys and public defenders probably has no common resolution for all counties. Differences in case mixes, the market for attorneys' services, and the mode of operation adopted by the public defender may make private attorneys the most cost-effective choice in some counties and not in others. Public defenders we interviewed objected to being compared with private counsel solely on cost. They claimed they provided higher quality defense; for example, private attorneys generally do not have the investigative resources available to the public defender. But in a period of fiscal contraction it seems clear that public defenders will increasingly be required to demonstrate that they can defend indigents at lower cost and more efficiently than other methods.

The fact that public defenders generate practically no revenue also makes them vulnerable to cutbacks. Almost all of their funding comes from the county's general fund. Despite a state law⁷ that *permits* state subventions of up to 10 percent of a county's annual budget for the defense of indigents, actual subventions have never exceeded 2 to 3 percent. The California Public Defenders Association has tried a number of times to get the legislature to pass a bill *requiring* state subventions of 10 percent of public defender expenditures. (They tried again in the year following the passage of Proposition 13.) However, so far they have been unsuccessful in their attempts.

In addition to these subventions, the state reimburses counties for their expenses in defending certain cases. For example, capital crime, in which the maximum penalty is death, is considered "special circumstances" cases for which the state is to reimburse costs. However, local officials contend that actual costs far exceed the state money received. Federal grants have always been a minimal source of revenue for public defenders.

⁷ California Penal Code, Section 987.6.

8. COURTS

8.1. BACKGROUND

California's Constitution vests the judicial power of the state in a Supreme Court, courts of appeal, superior courts, municipal courts, and justice courts. The superior courts, municipal courts, and justice courts are the trial courts of the judicial system; the Supreme Court and courts of appeal are appellate courts that primarily review trial court decisions.

The annual cost of the entire judicial system exclusive of capital outlay for facilities is over \$400 million, of which about \$50 million is paid by the state and the remainder by the counties. The counties finance over 90 percent of the costs of the trial courts, and the state finances the Supreme Court and the appellate courts.

In the five-year period preceding the passage of Proposition 13, the trial courts experienced budget growth that was the same or lower than that of other elements of the criminal justice system but was still higher than that of other government services (Table 4.5). Of our four study counties, San Joaquin was the only county in which the average annual increase in the budgets of the trial courts exceeded the average for the criminal justice system as a whole.

In the year following the passage of Proposition 13, the budgets of the trial courts in most of our study counties were cut, but not by as much as the cuts in other parts of the criminal justice system. In fact, the budget of the justice and municipal courts in Los Angeles County was increased by 2.3 percent, and the budgets of the trial courts in San Joaquin County were increased by an average of 7.3 percent. Statewide, the amount budgeted for trial courts in FY 1979 was 2.9 percent higher than in FY 1978 [2, p. 39]. Thus, the first-year impacts that we found were generally minor. Of more importance were the long-term implications of fiscal limitations on the court system.

8.2. EFFECTS ON PROGRAMS

Overall, there were only small reductions in the programs and services of the trial courts in our four study counties. The reductions that did occur fell disproportionately on the courts' civil functions. Activities related to criminal functions were largely unaffected, reflecting both the higher priority given to criminal matters and guidelines requiring the processing of criminal cases within specified time limits.

In the Los Angeles County Superior Court, for example, the processing of criminal cases was not materially affected by the nearly \$1 million reduction sustained in the court's operating budget. In contrast, "eight civil (court rooms) were eliminated by terminating the hiring of temporary juvenile court referees, retired commissioners, and retired assigned judges" [34, p. 15]. The Alameda County Clerk was similarly guided by the priority of criminal over civil. When faced with the necessity of reducing his workforce by eight positions, he chose to take six of these from his civil division.

As a result, backlogs of civil cases grew larger, while criminal backlogs generally remained constant. In Los Angeles County, for example, the backlog of civil cases increased by over 10,000 cases in the first year following the passage of Proposition 13 (a 16.5 percent increase over the previous year's backlog). During this same period, the backlog of criminal cases actually declined by over 15 percent. However, the increases in backlogs of civil cases cannot be solely attributed to Proposition 13. These backlogs have been growing steadily for many years. For example, in Los Angeles County, the backlog of civil cases went up by over 15 percent in the year preceding the passage of Proposition 13, and by an average rate of 10.6 percent per year in the five years preceding its passage. These increases are primarily due to the growth in the filing of civil cases over these years. (Civil filings in Los Angeles County increased at an average rate of 7.7 percent per year in the five years preceding the passage of Proposition 13. Criminal filings decreased at an average annual rate of 7.5 percent over this period.)

We found many instances where courts sought to cope with a reduction in resources by making decisions that resulted in short-term savings but greater long-term costs. For example, in one county, data processing for courts' research and record keeping was cut back and equipment replacement was eliminated. Judicial education was curtailed in Los Angeles County. Eliminated were the annual judges college, the criminal sentencing institute, and the annual juvenile court institute. Los Angeles County judges who wished to attend the semiannual conferences sponsored by the California Judges Association were obliged to do so at their own expense [34, p. 15].

In a number of cases, the reductions in clerical positions that were made in response to budget reductions led directly to increases in costs. For instance, in one court, records of traffic ticket payment were unable to keep pace with records calling for issuance of warrants. As a result, the sheriff spent time and money arresting some people who had already paid their fines. The reduction in clerical support also created a great backlog in undeposited checks: Not only did the county lose interest on the thousands of dollars' worth of "stale" checks, but it had to spend additional money to obtain new checks [16]. The reductions in clerical positions also led to delays in updating postings and dispositions, which placed an added burden on litigants.

Although some initial cuts were later restored during FY 1979 or later, it is probable that many changes brought about by budgetary constraints will be permanent. For example, one superior court administrator opined that the public would have to accept the greater crowding in facilities and the reduced maintenance that is typical of metropolitan areas in other states. Similarly, accommodations will have to be made by the public to delays in court processes. Before Proposition 13, a plaintiff such as a landlord or credit company could walk into one municipal court we visited with a handful of claims and reasonably expect to have them processed, with a date set in small claims court, by the following day. Now, a week or more might elapse before the claims are processed.

In some cases, judges and their staff viewed Proposition 13 as an expedient mechanism for improving efficiency. For example, a superior court administrator said he used Proposition 13 as an excuse for overruling "frivolous" requests from the judges of his court. In one municipal court, certain hearings requiring the presence of a court reporter began to be scheduled in such a way as to reduce the amount of time that reporters, who are paid by the day, sit idle. Some courts reduced the number of potential jurors (veniremen)¹ called, and discontinued providing free lunches to jurors, except to those who were sequestered. In one court, jurors are now served box lunches in the jury room during deliberations. This saves on the cost of restaurant meals, and speeds a jury's arrival at a verdict. In the same court, a sign posted in the jury assembly room invites jurors to refuse to accept their daily fee.

Most judges would deny that budgetary considerations enter into their judicial decisions, but there has been a greater sensitivity by some judges to the cost of their actions. One municipal court judge told us that he no longer automatically orders presentence investigation reports from the probation department. He is more selective now in asking for such reports. It is reassuring, however, that we found no evidence of judges levying higher fines to increase revenues, although there have been reports of municipal courts taking a heightened interest in traffic court fines [16].

8.3. IMPACTS ON PERSONNEL

Where budgets were prepared for FY 1979, courts were authorized about 3 percent fewer full-time positions compared to FY 1978 [76, p. 65]. This in itself was a small change compared to other criminal justice functions. However, the general feeling among court personnel was that their numbers were too small before Proposition 13, and they argued for the increases they eventually obtained (Table 4.8). They pointed in particular to the need for additional judges. For example, Los Angeles Superior Court Judge William P. Hogoboom wrote: "The major problem faced by the Superior Court is a long standing need for more judges. The

¹ A venire is the entire panel from which a jury is drawn.

documented need for additional judicial positions has increased annually for the past four years from a deficiency of 24 to a present need for 40 additional judges" [34, p. 15].

Morale among court personnel, and particularly among judges, is low. But this has less to do with Proposition 13 than with a perceived attack by Governor Brown and some members of the legislature upon the judicial system in general, and productivity of judges in particular. A visible and repeated example of this is the Governor's vetoing in recent years of legislation that would create new municipal and superior court judgeships in counties throughout the state. Second, many judges believe that the quality of the Governor's appointments to the bench, particularly in the appellate courts, was deficient. Finally, an unprecedented and lengthy investigation of the California Supreme Court by the Commission on Judicial Performance contributed to a decline in both the prestige that court once enjoyed, and the morale of the approximately twelve hundred California judges in subordinate courts.

8.4. COURT FINANCE AND ORGANIZATION

There were basically no changes in the way the courts were organized or financed following the passage of Proposition 13. This was somewhat surprising, since there was a general feeling that its passage offered an excellent opportunity to implement changes that had been discussed for many years. For the preceding ten years unsuccessful efforts had been made annually in the state legislature to achieve "court reform" or court reorganization.

The impetus for most court reform is the fact that counties finance over 90 percent of the cost of the state's trial courts. (The total estimated statewide cost to operate the trial courts in FY 1979 was \$411 million. The state was expected to pay less than 8 percent of the amount.)² California ranks next to last among the 50 states in terms of the share of total judicial expenses paid by the state [8, p. 3].

² See [3], pp. 13, A1, and A2. This total excludes capital outlay, but includes direct and indirect costs, and the cost of bailiffs and clerks.

The impression in the first several months following the passage of Proposition 13 was that the issue to be decided was not *whether* the state would assume a greater share of trial court operating expenses, but *what form* the state aid would take. The options ranged from a complete "buyout" of the trial courts to an expansion of an already existing state subvention. In the first case, all costs of operating the courts would permanently shift to the state. An agency of the state, perhaps the Judicial Council, would supervise the preparation of local budgets, and submit a master budget to the legislature. Judges, clerks, bailiffs, and other county employees who were staff to local courts would all become state employees. In the second case, the state would simply expand the scope of an existing program, under which an annual \$60,000 subvention is provided to the counties for each superior court judgeship created on or after January 1, 1973. This form of aid, if extended to other or all judicial officers, or if its amount were increased, could be enacted with only minimal statutory changes, as opposed to the considerable statutory and constitutional changes required by a "buyout" plan. Under this plan, administration of the courts would remain unchanged, court staff would remain county employees, and local boards of supervisors would continue to approve trial court budgets. If the expanded subventions were granted without "strings," there would be no shift of power from boards of supervisors to the legislature, or from local courts to the Judicial Council. There would also be no advantage provided to those in the legislature who have tried unsuccessfully to unify or otherwise reorganize the trial courts. The California Judges Association favored the simple expansion of the state subvention. The County Supervisors Association of California supported state financial aid for the trial courts without addressing the issue of administration.

In February 1979, the Commission on Government Reform recommended to the Governor and the legislature that "full financial responsibility for the superior, municipal, and justice courts" be transferred to the state, while retaining "for the present" local administration, and that state aid should be allocated to counties "according to an essential needs formula which takes into account the number of judges and workload

experience" [24, p. 44]. The only other recommendation by the Commission regarding the courts was that legislation be enacted to permit the use of electronic recorders in lieu of court reporters.

The Governor chose not to accept the Commission's recommendation regarding court financing and declared in March 1979 that the state would not buy out or expand its subvention for the trial courts. His director of finance, Richard Silberman, declared that state financing of the court system presented "complications without commensurate benefits" [49]. Following the Governor's lead, the legislature did not pass legislation that would change the method of financing trial courts [48]. The formula for long-term aid to local government adopted by the legislature in July 1979 (AB 8) ensured that counties would continue to finance trial courts.

In the short run, to counteract budget reductions brought on by the passage of Proposition 13, courts sought to increase revenues by increasing fees. However, courts and county clerks have little latitude for setting fees, since state legislation limits or sets the fees that they can charge. As a result, in the first year after Proposition 13, we found few examples of increased court fees. According to a survey by the state's Department of Finance, two counties increased filing fees that had been below the state limits [76, p. 47]. In our survey, we found one municipal court that began charging the \$5 fee that state law allows courts to collect for partial recovery of the cost of sentencing an individual to attend driving school.³

County clerks and boards of supervisors supported state legislation allowing an increase in superior court filing fees, some of which had not been increased for several years. They claimed that the maximum permitted fees rarely covered their actual costs and that this was the only long-term solution for their revenue problems. However, the legislature refused to agree to even modest increases in these fees.

³ Section 42007 of the Vehicle Code.

8.5. RELATIONS BETWEEN TRIAL COURTS AND COUNTIES

The American system of government presents county boards of supervisors with a unique problem in dealing with the budgets of the courts. The courts are a separate and equal branch of the government; and many county officials believe courts have the right to *require* that resources be made available by the county if the budgeted amounts are not enough to permit them to perform their necessary functions [76, p. 67]. Reductions in county revenues could lead to an unwanted confrontation between the inherent powers of different branches of government. The state bailout and the political climate have prevented this issue from arising so far. But if courts continue to experience both increases in civil and criminal case filings and reductions in their real revenues, we might begin to see court challenges to the budgetary authority of counties.

Historically, the relationship between the trial courts and the county governments that finance them has ranged from congenial to, at times, openly confrontative, and the sources of conflict have ranged from minor budgetary disagreements to more serious matters, including the number of judicial positions a court should have, and what its basic organizational form should be. Although this relationship was not helped by Proposition 13, the state bailout insured that it would not immediately become much worse.

The bailout provided sufficient funds to counties to permit the continued operation of trial courts without major disruptions. However, one effect of the changed circumstances after Proposition 13 was that in many courts judges became more involved in the preparation and presentation of their budgets, a task previously left to their clerks and court administrators. In one county, although the county administrator requested all departments to submit a FY 1979 budget request that was 21.5 percent below the previous year's approved budget, the superior court and all but one of the municipal courts chose not to do so, instead requesting the funds they felt their court operations *required*. During preparation of the budget for the following fiscal year (1980), the courts and the county administrator agreed that the courts

would be excluded from a requirement, imposed on all other departments, to submit budgets showing the priority of incremental expenditures above 80 percent of the 1979 base.

The courts' position was that since they are unable to control the flow of cases brought to them, their requested budgets reflect only their need, and no more. Of course, what the courts "need" is a matter of interpretation, particularly in times of fiscal constraint, and was the subject of negotiation. While believing there is very little room for reductions in their budgets, most judges do not relish the thought of an inherent powers conflict. They feel the courts could be harmed by the publicity, and that more can be accomplished through cooperation than through confrontation.

Courts can be assertive without being combative, and there are indications that their assertiveness is increasing. In the same county, the judges of the six municipal courts made an issue of how the county apportions municipal fines and forfeitures. Recognizing that gross revenues from these sources sometimes exceed the cost of operating the municipal courts (exclusive of marshals), the courts wanted "credit" for the revenues. They felt that in a time of increasing competition for limited county resources, a change in accounting that would appear to reduce the "net county cost" of the courts would help ensure that the courts would continue to receive adequate financing. Of course, the courts' gain would be at the expense of other budget units which are also concerned about their net county cost. The county administration's response to the judges' position was that all revenues associated with municipal court operations would in the future be shown in presentation of each court's budget. General fund revenues derived from court collections would be taken into account in analyzing court budget requests. But the county asserted that revenues required by law to be distributed outside of the general fund (nearly three-quarters of all municipal court collections) would have no effect on court budget requests.

8.6. QUALITY OF JUSTICE

In our interviews with judges we asked whether the quality of justice had suffered since the passage of Proposition 13. The response was invariably that it had not yet. But there are indications that some small changes have already taken place in the quality of justice, and that more significant changes are likely in the future. For example, the loss of the pretrial supervised release program in one county means that some defendants who otherwise (before Proposition 13) would have been released on their own recognizance before adjudication, were instead remaining in jail for want of the funds necessary to post bail. Deputy district attorneys in Los Angeles said judges are granting more summary probation and encouraging more plea bargaining.

The presiding judge of the San Joaquin County Superior Court said he and other judges were "burning out," working very long overtime hours to keep up with the press of cases. Eventually, he claimed, the effect will show in the quality of justice as the judges find it more difficult to find time to keep up with new developments in the law, and time to reflect on what they are doing. He expected all judges in his court to retire at the earliest opportunity unless additional judges were appointed to ease the workload.

If filings of cases with the courts continue to increase and few additional judges are appointed, backlogs of cases, particularly civil, will necessarily increase. This could cause litigants to wait years before their cases are adjudicated.

Some people are worried that increased court fees will limit the accessibility of justice, making it more difficult for the poor to bring cases to court [16].

9. CORRECTIONS

9.1. BACKGROUND

As in most states, California's correctional system is divided between state agencies and local agencies. State agencies handle primarily convicted felons who are either incarcerated or released on parole. These correctional agencies are the California Department of Corrections, Youth Authority, Rehabilitation Center, and Department of Mental Health. Local corrections activities, provided by county sheriffs' departments and probation departments, cover persons convicted of lesser crimes, those awaiting adjudication or sentence, and those sentenced to probation. The system is further subdivided according to whether the person in question is a juvenile or an adult, but the separation is not precise. (For example, some young adults are sentenced to the California Youth Authority.) In this chapter we examine the agencies whose main functions are detention and incarceration of adults; probation is discussed separately in the next chapter.

During the period after the passage of Proposition 13, local and state correctional agencies experienced strong pressures for increased expenditures, and indications of even higher expenditures in the future. None of these pressures for cost increases was directly associated with Proposition 13, and their causes were quite diverse. Some of the rising costs reflected developments that had been accumulating over long periods of time, whereas others arose from the same conservative political shifts within the voting public that made the passage of Proposition 13 possible. In this chapter, after describing the immediate changes in budgets and personnel following passage of Proposition 13, we discuss the following sources of increased costs in the future:

- Changes in inmate populations,
- State and federal mandates related to conditions and activities in institutions,
- The movement for greater prisoner rights.

Because correctional agencies were faced with nearly unavoidable cost increases from these sources at the same time that government revenues were reduced, they illustrate the kinds of dislocations that can occur when fiscal limitations are instituted.

9.2. BUDGETARY AND PERSONNEL TRENDS

During the five years before passage of Proposition 13 (FY 1973 through FY 1978), local expenditures for corrections increased 12 percent per year, and expenditures of the California Department of Corrections increased 14.6 percent per year (Table 9.1). Both of these rates of increase were higher than the rate of inflation.

Despite the passage of Proposition 13, statewide expenses for adult corrections continued to increase in FY 1979 at precisely the same rate as they had in the previous five years. Remarkably enough, this overall constancy of increase was accomplished by a higher rate of increase at the local level (17 percent) and a smaller rate of increase at the state level (12 percent). Expenditures for institutionalizing adults continued to increase as in previous years, while expenditures for parole agencies actually declined. This decrease in parole activities was brought about by legislative change, unrelated to Proposition 13, that temporarily decreased the period of parole supervision to one year.¹ The increased rate of expenditure for local jails does not reflect an increase in inmate population. Rather, an Abt Associates Report found that counties anticipated later increases in jail populations and continued their previously planned construction activities [42].

¹ The legislative change was the Determinate Sentencing Law, SB 42, which is also mentioned in Sec. 8.4. The average daily parole population was 19,203 in FY 1978 and decreased 15 percent to 16,245 in FY 1979. The effect was only temporary because later legislation (SB 1057) increased the parole period to three years.

Table 9.1

EXPENDITURES OF ADULT CORRECTIONS AGENCIES, EXCLUDING PROBATION (In \$ thousands)

Expenditure Item	FY 1973	FY 1978	FY 1979	Average Annual Percent Change	
				FY73- FY78	FY78- FY79
Local jails and rehabilitation	87,131	154,328	180,514	12.1	17.0
California Dept. of Corrections ^a	140,013	277,179	309,607	14.6	11.7
Total	277,144	431,507	490,121	13.7	13.6
Reception and institutions	120,073	241,963	278,321	15.0	15.0
Parole, community correctional ctrs.	18,500	29,206	26,428	9.6	- 9.5

SOURCES: CDC data are from the Governor's budget for later years. Local corrections data are from the State Controller's Office, *Annual Report of Financial Transactions Concerning Cities and Counties in California* [25, 26].

^aTotal for CDC includes administration and special items not shown in the detail, and is net of reimbursements.

Personnel changes at the local level are difficult to track because sheriffs' agencies do not report their counts of personnel assigned to corrections activities separately from other personnel. At the state level, the number of Department of Corrections personnel, which had been increasing slowly (less than 2 percent per year) in the five years before passage of Proposition 13, remained constant in 1979, except for the number of parole personnel, which declined 11 percent.

9.3. IMPACTS ON LOCAL CORRECTIONS DURING THE FIRST YEAR

The visible impacts on county facilities in the first year after passage of Proposition 13 appeared to be minimal. "All in all there appears to be little change in the operations of most county jails" [76, p. 74]. One explanation given was that the service mandates on corrections agencies, which limit their discretion in the provision of services,

protected them from immediate budget and program cuts. Our interview confirmed this idea. For example a strike of lettuce growers, supported by the United Farm Workers Union, occurred in Kings County in the spring of 1979. The strike was lengthy and violent. The Sheriff's Department needed to bring all available resources to bear on the problem. (This was only the second such strike in the county's history.) But in marshalling sworn officers, the Sheriff, who performs the dual function of law enforcement and maintenance of the jail facilities (corrections), did not use any jail personnel to staff the strike line or as standby. Instead, only the field patrol officers were placed on 24-hour call, working either in the field on the strike line or as standby. The explanation given for not using sworn officers in the custody division was that state regulations require a minimum level of guard manning in the jails, and the county currently maintained only the minimum.

Some detention camps in Los Angeles County were closed, but officials admitted they were not really cost-effective. In Alameda County the social and educational service program for inmates was practically eliminated, but here, too, officials admitted the program was not working well and needed to be redesigned. In a few instances, city jails (used for temporary detention of arrestees) were closed, or arrestees were transported to county jails faster than in the past, adding slightly to the detention population of the county jails.

The major complaint expressed by local officials in all the study areas, however, was that although the jails were not cut in any substantial way, Proposition 13 hurt by making it more difficult to get additional funds to accomplish needed reforms and capital improvements.

The one area of corrections in which noticeable cuts were made in the first year was the medical care of prisoners. Budgets for medical care were down even though the total of other costs increased. County officials expect fiscal containment to bring continued cuts in the criminal justice medical budget, despite the realization that such cuts result in higher long-term costs to corrections and to society. As the director of the Alameda County Criminal Justice Medical Program explained, there is a much higher incidence among the jail population than among the population at large of tuberculosis, hepatitis, ulcers, and other diseases caused by poor nutrition, drug abuse, and stress.

Medical care and the diet provided in the jail have at least brought these conditions under control, thus improving the individual's quality of life upon release from jail. Budgetary cuts will affect the screening as well as treatment processes. Since many of the diseases are communicable, the inmate population cannot help but suffer as more prisoners are infected.

9.4. PRESSURES FOR HIGHER FUTURE COSTS

9.4.1. Inmate Populations

Corrections agencies have no control over the size of the population they must serve. The number of persons whom they hold in custody before adjudication or sentencing is determined entirely by policies of the prosecutors, courts, and probation officers and by the delays experienced between arraignment and final disposition. Some defendants are released on bail or on their own recognizance, but corrections agencies have no role in determining who they are. Similarly, when a person is sentenced to jail or prison for a specified term, the corrections agencies cannot refuse to receive him or release him early on their own volition. The actions of parole boards can influence the size of prison populations, but only when the sentence allows leeway for discretion.

Beginning in 1972, responses of California prosecutors and courts to public support for tougher "law and order" brought about a gradual increase in the number of convicted persons sentenced to jail or prison. California Bureau of Criminal Statistics data show that the percentage of superior court convictions sentenced to straight probation (no incarceration) dropped from about 35 percent in 1972 to 15 percent in 1978 [44, p. 22]. However, a simultaneous increase in the numbers of inmates released from incarceration tended to keep the total number of persons in custody approximately constant or slightly decreasing. From 1974 to 1977, the total number of adults in custody in state and local correctional institutions decreased 7.6 percent [17, p. 51].

Then, several actions by the state legislatures in the years just before the passage of Proposition 13 inhibited the kind of adjustments that keep jail and prison populations from rising. Moreover, these same legislative actions solidified and enhanced the trend toward increasing

numbers of commitments. The most important action was the enactment of a determinate sentencing law, effective July 1977, which required courts to establish in advance the length of most convicted felons' sentence to be served in prison. This law reduced the capability of parole authorities to act as a "relief valve" when prison populations rose [44]. The long-term implications of this effect were initially masked by a second change, only temporary in nature, which applied the new law's sentence lengths retroactively to inmates who had already served long terms. The result was an unusually large number of prisoners paroled in 1978 and 1979.²

Other state legislation before passage of Proposition 13 mandated prison terms for certain offenses, required some juvenile offenders to be processed as adults, and revised a subvention program that reimburses counties whose prison commitment rates are kept below a specified level.³ (The subvention program is intended to encourage local incarceration or other treatment of less serious offenders. Each county has an annual limit on the number of persons it can send to state correctional institutions. However, felons convicted of certain serious crimes are "nonchargeable" against the county's limit.)

The net result of these legislative changes was a reversal of previous trends in incarcerated populations. The number of adult felons in state institutions increased from 22,000 at the end of 1977 to 25,500 at the end of 1979 (up 7.4 percent per year), and populations in city and county jails and camps remained approximately constant over the two-year period [17, p. 51]. This pattern does not appear to reflect any direct effect of the passage of Proposition 13. If any part of the increase in state populations had been stimulated by efforts of county officials to decrease local corrections costs after Proposition 13, the figures would have shown a decrease in local corrections populations (especially sentenced populations). However, no such decrease occurred.

Similarly, the patterns for incarcerated juveniles showed a

² The release of these prisoners to parole did not increase the parole population because a large number of parolees were also released, as mentioned in Sec. 9.2.

³ The County Justice System Subvention Program (AB 90 and AB 2091) became law in July 1978, replacing the probation subsidy program enacted in 1966.

continuation of trends that began well before the passage of Proposition 13. The number of juveniles in California Youth Authority facilities continued to increase by about 5 percent per year, as was the case before 1978, and the juvenile population in county detention facilities⁴ increased 4.4 percent between 1978 and 1979 [17, p. 139]. Statistics compiled by the Prevention and Community Corrections Branch of the California Youth Authority showed that the number of beds in counties' juvenile halls increased very slightly (4857 to 4882) between October 1978 and September 1979, and the number of beds in juvenile homes, ranches, and camps increased 6.7 percent (from 3073 to 3279).

Despite the insignificant changes in corrections populations immediately after the passage of Proposition 13, projections indicate that substantial increases can be anticipated in the period 1980 to 1985 (see [71], for example). The impact of legislation mandating stiffer penalties will not be offset by any large numbers of releases in these years. Because construction or acquisition of new facilities entails long lead times, corrections officials requested, and the governor submitted in his FY 1979 budget, \$100 million to initiate prison construction. The legislature, however, approved only relatively small amounts for planning studies, site acquisition, and architectural designs of prisons. In the short run, the public's demand for lower taxes, as expressed through passage of Proposition 13, appeared to weigh more heavily on the legislators' minds than the need to keep corrections facilities in line with their own "anticrime" legislation.

9.4.2. Mandated Activities and Conditions

Correctional agencies are the subject of numerous mandates imposed by state law, federal law, and court decisions. In April 1980, the American Civil Liberties Union Foundation reported that 31 states were involved in litigation dealing with overcrowding and conditions of confinement [21, pp. 5-6]. Nineteen states' correctional agencies were operating under court orders specifying conditions as stringent as closure of certain state prisons. Nearly all states were undertaking major adjustments to comply with a condition of aid under the Juvenile Justice Act that juvenile inmates must be separated from adult inmates.

⁴ These facilities are operated by probation departments. See Chapter 10.

Many of these mandates, especially the ones arising out of lawsuits, are unfunded or severely underfunded, presenting correctional officials with a quandary as to how to comply with them. As in the rest of the country, imposition of new requirements for physical conditions in correctional facilities, particularly county jails, has recently been a major concern of corrections administrators in California.

In the lawsuit *Rutherford v. Pitchess*,⁵ for example, the Los Angeles County Sheriff's Department was sued to correct inadequacies in the central jail, the major correctional facility for adult males in the county. The court ordered the Sheriff's Department to increase the number of personnel available for providing recreational facilities, increase the frequency of clothing exchanges, modify existing custody facilities, and provide inmates in outside cells with a way to "see the sun" during the day. The mandated changes are estimated to have cost approximately \$2.7 million to \$3 million in FY 1979 and will entail continuing costs of the same magnitude every year.⁶ In another example, a federal court decision in April 1979 directed Los Angeles County to improve toilet and shower accommodations for inmates in the Central Juvenile Hall. The county said the cost of compliance would exceed \$100 million.

Mandates of this type are enforced by fairly frequent inspections carried out by state officials. Noncompliance can result in imposition of further sanctions, as the state Department of Finance noted: "Counties have little latitude in adjusting spending for corrections, since there are both state standards and a number of court decisions which effectively establish minimum standards for individuals in custody [76, p. 74].

Health care facilities have been the subject of additional lawsuits attacking two Los Angeles County jails: the Central Jail and the Sybil Brand Institute for Women [54]. Such suits can force counties to upgrade their facilities or transfer certain functions to health agencies. Although state regulations concerning health care for inmates

⁵ 57 F. Supp. 104 (1977).

⁶ Response by Los Angeles County Sheriff to Los Angeles Grand Jury survey on the effects of Proposition 13, November 1978.

are quite loose, the requirement for quality care is implicit in a sequence of federal court decisions. The courts, in forcing improvements to be made in physical facilities, have relied on the eighth and fourteenth amendments to the U.S. Constitution, which prevent cruel and unusual punishment and guarantee equal protection.

Controversy has arisen repeatedly over the source of funding for mandated health care. Before the passage of Proposition 13, either cities or counties would bear the cost according to which had custody when the inmate needed medical care. However, Proposition 13 encouraged the local officials we interviewed to pay close attention to laws concerning payment of medical expenses. State statute⁷ provides that the cost of medical care to local prisoners is a county responsibility. In 1968 this statute was interpreted to mean that counties must bear the cost of medical care provided to any arrested person charged with violating a state or county ordinance.⁸

After this decision, several cities, at least in Alameda County, continued to pay for the medical care provided to persons in their custody. After Proposition 13, however, cities increasingly have been billing the county for this service. Our interviewees anticipated that eventually all cities will charge the county for all medical expenses of inmates in their custody.

A concerted but so far unsuccessful effort has been made to have Medical coverage extended to county prisoners. The legislature twice approved such bills only to have the governor veto them.

Some mandates are more expensive for local governments to carry out than appears to be the case without thinking through the implementation process. For example, a state statute effective January 1979 required counties to give inmates credit for work time while they served their sentences in county jails. As a result, the custody staff of the Sheriff's Department in Alameda County spent 24 hours of overtime to review the records of inmates to tally each inmate's accumulated work time.

⁷ California Government Code, Section 29602.

⁸ *Washington Township Hospital v. County of Alameda*, 263 Cal. 2d 272 (1968).

9.4.3. Prisoner Rights

Prisoners, supported by organized special interest groups, are seeking expansion of their legal rights. Demands for greater prisoner rights are often the sources of eventual court decisions requiring upgrading of correctional facilities. For example, the undersheriff in Alameda County foresees new types of prisoner care and treatment required in the future. He mentioned such possibilities as conjugal visits and declarations of the legal rights of married inmates. A lawsuit was recently initiated in Alameda County to permit female prisoners to hold their infants during visits. Such decisions, if successful, require costly changes in existing facilities.

In Los Angeles, Sheriff's Department officials lamented the hidden but significant costs of a court decision regarding a prisoner's right to privacy. The court held in that case that:

1. It is not permissible that an inmate be in a situation during the day where:
 - a. she might risk being completely or partly viewed in the nude by a male guard in the course of his duties.
 - b. she might be observed while using the toilet.
2. It is not permissible that she be observed during the night, rising from sleep to use the toilet or be observed during sleep in whatever may be her disarray of bed clothes or her possible preference of no garments at all.
3. It is not permissible that her head be directly observed while she is taking a shower by a male guard.
4. It is not permissible that a male guard in a prison hospital be permitted, even under normal circumstances, to view an inmate completely or partially unclothed.

The court concluded that it is a denial of the right of privacy to have male guards assigned to cell block patrol during the night and for the first morning count. In the court's opinion, to enable a man to guard a female prisoner, at such times as listed above, "is in itself a diminution of dignity and too high a price to pay for the quality of job opportunity achieved at its expense."⁹

⁹ *Fords v. Ward*, U.S. District Court for Southern New York, 1978.

Although the case involved male guards and female inmates, the decision has been interpreted, at least in Los Angeles, to apply equally to female guards and male inmates [80]. One immediate consequence of this ruling is that custody officials are spending extra time and care in job assignments of inmates and guards.

9.5. EMERGING PATTERNS

Two conflicting major thrusts of public opinion are placing corrections agencies in a bind. On the one hand, the voters want lower taxes and less expenditures by government. On the other hand, they want to "do something" about crime, which presses legislators to increase sentence lengths, to provide mandatory incarceration for increasingly wide classes of crimes, and to restrict the discretion of parole authorities. All these legislative changes lead to increased inmate populations. The central problem to be confronted by corrections agencies is how to cope with larger inmate populations when the sizes of their facilities are not permitted to increase commensurately.

The do-nothing approach leads inevitably to overcrowding in prisons and jails, with attendant disciplinary problems and violence. The federal courts can then be expected to intervene and bring about a solution that is likely to be less satisfactory to all concerned than if purposive planning had taken place to solve the problem.

An alternative approach is to reclassify the security status of many inmates so that they can permissibly be incarcerated in less secure facilities, and then to acquire or construct less expensive facilities for housing the bulk of inmates. In California, both of these activities are in progress, but even relatively nonsecure facilities cannot be prepared for inmates without substantial lead time. No instant solutions to overcrowding are available.

With severe restrictions on paring institutional expenses, corrections agencies under fiscal pressure can be expected to reduce their expenditures on parole functions. von Hirsch and Hanrahan have argued that reduced parole supervision is appropriate on ethical grounds. They recommend that:

(1) instead of a discretionary release decision made on the basis of rehabilitative or incapacitative considerations, there should be explicit standards governing duration of confinement, and those standards should be based primarily on a "just deserts" rationale; (2) instead of deferring the release decision until well into the offender's term, the decision fixing the release date should be made early--at or shortly after sentencing; (3) instead of permitting parole revocation for releasees suspected of new criminal activity, they should be prosecuted as any other suspect; and (4) instead of routinely imposing supervision on ex-prisoners, supervision should be eliminated entirely, or if retained, should be reduced substantially in scope, sanctions for noncompliance should be decreased, and the process should be carefully examined for effectiveness and cost [82].

The overall cost implications of eliminating or sharply reducing the parole supervision function are not easily discerned. Under California's indeterminate sentence law, which prevailed before 1977, as many as 25 percent of all prison inmates were serving terms for parole revocation. The legal procedures required to return a parole violator to prison are substantially less complex and expensive than a full criminal prosecution. By saving expenditures on parole officers, it is possible that higher costs are incurred for prosecution, defense, and courts.

10. PROBATION

10.1. BACKGROUND

Probation is the most frequently used disposition of offenders appearing before the courts of this country. Probation departments in California provide a diversity of services for their local communities, the courts, and probationers. They conduct all presentence investigations for both juveniles and adults; they supervise juvenile and adult probationers; they run or contract for residential and nonresidential community treatment programs; they operate detention facilities and correctional institutions, known as "camps" or "ranches" for juvenile offenders; and they carry out a range of crime prevention programs. Over 200,000 sentenced adults and committed juveniles are under their supervision in California--more than the total for all other correctional agencies combined.

California is one of 12 states in the country with locally operated probation systems. Each of California's 58 counties operates a probation department. (Santa Clara and San Francisco Counties have separate adult and juvenile departments; the remaining 56 counties operate single departments that serve both juvenile and adult offenders.) Since probation has been viewed as a county function, most of its funding has traditionally come from local sources--primarily the property tax. Before the passage of Proposition 13, less than 15 percent of its funding came from state and federal subventions and grants.

Consequently, probation was as vulnerable to cutbacks after Proposition 13 as other local government services that were highly dependent on property taxes. But, unlike local services, such as police, fire, and sanitation, probation lacks a strong supporting constituency. As Loren Beckley, chief probation officer of San Mateo County, put it, "We are nearly 100 percent property tax financed. And we do not have the political constituency that law enforcement or firefighters have" [5, p. 48]. A study by the California Probation, Parole and Correctional Association (CPPCA) concluded, "Lacking a

constituency, probation is vulnerable to budget cuts by decisionmakers who detect little resistance to diminished use of probation" [61, p. 3].

Another source of probation's vulnerability in times of pressures on local government budgets is that most of its activities are not mandated. "A review of the responsibilities and activities of probation departments reveals few legal mandates; probably because probation historically developed as a volunteer, alternative program in support of the courts, it is almost by definition an 'extra'" [61, p. 3]. As we found in other types of agencies, nonmandated programs were the first to be cut in response to the fiscal constraints imposed by Proposition 13. Some of probation's functions (such as presentence investigations and supervision of probationers) are generally viewed as mandated by state statutes and codes. But service levels and specific activities are left unspecified, so that even among the various probation departments there is considerable disagreement over what activities are mandated [78].

"The law says we have to supervise probationers, but it doesn't say to what extent we have to do so," says Lawrence Smith, chief probation officer of Riverside County. "That's the catch. Our probation officers could have caseloads of 1,000 or 20" [5, p. 48].

Probation also has to contend with the current public skepticism toward programs designed to rehabilitate offenders. The probation officer's job has two aspects:

- Provision of supervision and control to reduce the likelihood of criminal acts while the offender is serving his sentence in a community (the "surveillance" function).
- Provision of assistance and services to the probationer to encourage noncriminal behavior (the "rehabilitation" function).

A relatively large proportion of probation's expenditures is devoted to rehabilitation. But the public's general view is that rehabilitation does not work, and they increasingly feel that the purpose of the corrections system is to punish offenders and not rehabilitate them.

Other reasons often cited for probation's vulnerability were (a) an unclear mission, (b) overstated, unspecified, and unmeasurable objectives, (c) undemonstrated expertise and inadequate standards and training, (d) lack of strategic planning and effective management techniques, and (e) absence of public awareness [61, p. 5].

10.2. IMPACTS ON BUDGETS, PERSONNEL, AND SERVICES

The combination of all the items cited above resulted in greater budget reductions for probation departments than for any other element of the criminal justice system. For example, while the budget of Los Angeles County increased by 8.4 percent in FY 1979, budgets of criminal justice system agencies declined by 3.2 percent, and the Probation Department's budget declined by 6.8 percent. According to a survey conducted by California's Office of Criminal Justice Planning, results from 38 probation departments showed that budgeted personnel expenditures in FY 1979 were 1.8 percent below those for FY 1978, and budgeted operating expenditures were down by 13.4 percent [37, p. 10]. Statewide, total probation expenditures were down 3.3 percent in the year following the passage of Proposition 13 compared to an average annual increase of 11.6 percent in the five years preceding its passage (Table 4.5). Probation agencies also reported a decrease in the total number of personnel of 4.7 percent compared to an average annual increase of 2.1 percent in the five years preceding Proposition 13's passage (Table 4.8). The budget reductions in our study counties ranged from 9.9 percent (San Joaquin) to 19.1 percent (Kings).

Probation departments were saved from having to make even more severe budget cuts by the delivery of the first round of state block grants from the County Justice Subvention Program, which became law in July 1978.¹ Over \$35 million of the \$55 million distributed to counties under the program in FY 1979 went to probation departments. (Over \$11 million of the \$35 million went to Los Angeles County's Probation Department.)

¹ This program was authorized by AB 90 and AB 2091, which were signed by the governor in July 1978. The provisions of these bills are contained in Article 7 of Division 2.5 of Chapter 1 of the Welfare and Institutions Code.

Budget cuts were implemented in different ways in different counties, and varied in severity. Among the hardest hit of the large counties surveyed by the CPPCA were Alameda, San Mateo, and San Bernardino Counties. The probation departments in these three counties absorbed budget decreases of \$5.4 million (over one-third of the total for the 37 counties in the study), and reductions of 203 personnel positions (over one-third of the total). The cuts in manpower were generally accomplished without layoffs, through attrition and hiring freezes. However, the redistribution of remaining manpower sometimes required the demotion of personnel. In Sacramento County, for example, 20 positions were eliminated with no layoffs, but 14 staff members were demoted from deputy probation officers to probation assistants, and 14 probation assistants were reduced to part-time status [77, p. 56].

Budget reductions had a wide range of impacts on probation departments, including the elimination of programs, program reductions, workload increases, the elimination of research and training functions, and changes in their relationships with the private sector.

10.2.1. Program Reductions and Eliminations

In contrast to other criminal justice agencies, where program reductions dominated the responses to required cutbacks, many probation services and programs were eliminated. Those services and programs that were eliminated tended to be unmandated, such as delinquency prevention, crisis resolution, specialized supervision and therapy, and diversion. However, these are also the services and programs that inject the greatest sense of personal caring and humanitarianism into the criminal justice system.

Probation departments have begged and borrowed to put programs in place that might make a difference in the lives of the juveniles and adults before the bench and in the quality of life in the community. Notwithstanding the professional and personal investment, however, nonmandated programs are first to be earmarked for the chopping block in times of fiscal restraint. [61]

The Los Angeles County Probation Department closed seven community day-care centers, which had been set up as alternatives to juvenile detention centers and camps. Also shut down were joint Probation Department/Board of Education high school programs for juveniles and young adults [34, p. 15], a 40-bed family treatment program for juveniles who were unable to get along with their families [5, p. 48], and three of the department's four prison work detention camps [77, p. 41].

The hard-hit Alameda County Probation Department, which had its budget reduced by over \$2.6 million in FY 1979, eliminated one diagnostic unit, which had been manned by 38 employees, severely reduced its pretrial services [77, p. 41], and closed the Las Vistas Youth Camp, a coeducational juvenile facility [5, p. 48]. Major reductions in program services within juvenile halls were made in both Los Angeles and Alameda Counties.

Similar actions were taken in other counties. The San Diego County Probation Department closed two of its seven youth service bureaus, thus lessening its ability to provide services to major areas of the community. The San Mateo County Probation Department phased out all juvenile probation group homes, transferring the children to (in most cases) less appropriate institutions or foster homes, and closed two adult residential institutions (Ellsworth House and Mustard Seed House) [77, p. 41]. According to Loren Beckley, San Mateo's chief probation officer, "Ellsworth House and Mustard Seed House were exemplary programs. But being good did not save them" [5, p. 48].

10.2.2. Workloads

Although supervision of probationers is one of the basic functions of probation and is mandated by state law, the law does not in most cases specify the limit to caseload size. With reduced staffs and with the number of clients the same or increased, a common response of probation departments throughout the state was to allow supervision caseloads to rise and to increase the span of control for supervisory probation officers. The increase of caseload size in San Joaquin County was not unusual. There, juvenile supervision caseloads doubled to 160

cases per deputy probation officer, and adult supervision caseloads increased from 138 to 160 per deputy probation officer. In San Mateo County, adult probation caseloads were increased to 120 from 90, and juvenile caseloads to 60 from 45 [5, p. 48]. San Diego County broadened its span of control for supervisory probation officers from 7 to 9, while San Bernardino increased its span of control from 6.5 to 8 [77, p. 60].

The effect of these increased workloads was to reduce the effort that probation officers were able to devote to the "rehabilitative function." With a large number of cases to handle, the probation officer can at most carry out only the surveillance function for each probationer. This shift is reflected in the courts' reducing their expectations about what can be expected from probation. Increasingly, the courts expect less in the way of rehabilitation and treatment, and more of simple monitoring of compliance with conditions of probation. The courts' approval of the policy is not simply tacit. When the Alameda County Administrator called on all county departments to make 21.5 percent reductions in their 1979 fiscal year budgets from the prior year's budget, the chief probation officer asked the judges of the county to determine service priorities. Among the decisions made, supervision caseloads were allowed to rise.

Increased workloads reduce the frequency with which probation officers can meet with their clients and the amount of time they can spend with them at each meeting. This may lead to a deterioration of probation's effectiveness. For example, because of increased caseloads, some investigating juvenile probation officers could not find sufficient time to visit the juvenile's home and school before preparing a report to the court. The deputy probation officers felt such visits could be beneficial to the parents and teacher in later dealings with the child, as well as providing the court with valuable information that could not be obtained through a phone conversation.

The breaking point on caseload size is hard to determine. It depends in part on what the courts, the community, and the probation officers find acceptable. But there are other constraints. The requirements of SB 42 for the information to be included in a felony presentence investigation report make it unfeasible to have

investigation caseloads much above thirteen, we were told. In adult supervision, when caseloads reach the 150 to 200 range, required drug testing goes down, as does collection of restitution. Increasing sensitivity to possible liability suits will also affect the maximum caseload size, as the probation department becomes more concerned with delivering the actual degree of supervision promised to the court.²

10.2.3. Research, Training, and Staff Functions

Although it is generally acknowledged that research and training are critical if the quality of probation services is to be maintained with fewer resources, these activities were among the first to be sacrificed after the passage of Proposition 13. In addition, many staff functions, such as community relations and internal personnel services, were curtailed. These are clearly short-term solutions to the long-term problems posed by fewer resources. They serve to minimize the visible manifestations of budget reductions, but are likely to cost more in the long run.

The California Probation, Parole and Correctional Association has noted that, as a result of the passage of Proposition 13, the prospect of obtaining local funds for training probation staff is bleak, and a regression to negligible staff training is possible [28, p. 76]. They also note that "the fact that a coordinated research and technology transfer system does not exist contributes heavily to the basic problems of probation and corrections today" [28, p. 77]. They therefore recommend state-level solutions for both problems: (1) a state-level commission to coordinate and provide training for professional personnel of county probation organizations; and (2) a state-level commission that will conduct research, gather information, and provide for technology transfer and technical assistance to county probation departments [28, pp. 77-78].

Some streamlining of operations did take place within probation

² This is especially important in light of a case originating in Alameda County. The California Supreme Court ruled that the parents of a deceased victim had the right to sue the County of Alameda for negligence, since their child's murder was committed by a juvenile released from the custody of the Alameda County Probation Department, but who was still on probation. The outcome of the suit could have far-reaching implications for all probation departments in California.

departments as a result of Proposition 13. Most of these economies were obtained through consolidation or shortening of forms, and the simplification of clerical procedures. In one department, for example, probation officers make their entries directly onto chronological logs in case files rather than dictating them to be typed by clerical staff. In another county, Proposition 13 provided the impetus to bring about a long-desired change in the presentence investigation report. For more than a year before the passage of Proposition 13, probation administration and municipal court judges in the county had agreed in principle to adopt a shortened form of the presentence investigation report, which would dispense with much of the psychosocial profile of the defendant. Probation officers resisted the proposed change, until the cutbacks required by Proposition 13 overcame their resistance.

10.2.4. Relationship with Private Sector

In the years preceding the passage of Proposition 13, there was a move toward contracting with private, nonprofit, community-based organizations for probation services. The feeling was that it was more cost-effective to do so. Diversion, drug treatment, and counseling are among the most common services provided by these organizations. According to George Howard of the state's Office of Criminal Justice Planning, at least one-third of the federally funded programs for juveniles are operated by such groups. Now, Howard believes that "because of the lack of money, we may see a shift back to the public sector as probation departments try to keep positions for their staffs" [5, p. 51]. The argument is being made that probation departments can provide such services as cheaply as community programs, and that some of the programs, such as in-patient drug treatment, are no longer needed in the same volume as in earlier years.

The effect on the community-based organizations of the reductions they have experienced in their contracts with county probation departments is similar in many ways to the effect of budget reduction on governmental agencies: low morale and high attrition because of wage freezes, layoffs, and general uncertainty about the future. Since many of the professional staff of the community programs were already working at below market wages, often considerably below their counterparts on county payrolls, a wage freeze had a particularly severe impact on them.

Work schedules have been tightened as organizational "slack" has been reduced. This has created some hardship in agencies that provide crisis intervention and counseling. Their work can often be emotionally draining, and loose scheduling of appointments and assignments provided "breather space" for the staff, as well as flexibility in dealing with clients.

Services to individuals, and to the courts and probation departments that refer those individuals, have suffered. For example, one program that treats offenders with drug and alcohol problems who are referred by the court was unable to accept as many referrals as before Proposition 13 as a result of staff reductions. Those who were accepted after Proposition 13 had to conform to a more rigid schedule of counseling and treatment than was the case before budget reductions. Those offenders who were turned away, or turned back to the court, were often those with the most serious alcohol and drug problems, because they typically were least able to adhere to group counseling demands. The program could no longer provide the individualized treatment that they required. Also, prevention and outreach services were being reduced or eliminated entirely to sustain treatment and crisis intervention.

Local government funds had been viewed by many community-based organizations as being a more stable and reliable source of support than voluntary contributions from foundations and the United Way, which were seen as being less certain. Now that has changed. Program directors spend more time--some told us all of their time--developing new sources of support and asking existing sources to increase their contributions. Direct services to clients have suffered as a result of the shift in the directors' activity.

10.3. EMERGING PATTERNS

Probation in California is undergoing a searching reassessment of its mission, goals, and objectives, and a reordering of its priorities [61, 28]. Proposition 13 seems to have had the positive effect of acting as a catalyst in this process. Tom Mangrum, director of administrative services for the San Bernardino Probation Department,

thought that the budget squeeze was healthy. "I think we used Proposition 13 as a means of doing maybe what we should have done a long time ago" [5, p. 48].

Among the questions being asked are:

- What are the legitimate expectations of the probation system? What should it be trying to accomplish?
- How should probation be organized and administered to improve the system's effectiveness? What should the state's role be?
- How can probation develop stronger public support?

The balance between probation's two major functions, surveillance and rehabilitation, has always been delicate. Historically, probation departments have viewed rehabilitation as their primary "raison d'être" and their chief source of professional pride. An 1878 Boston statute providing for the appointment of the first paid probation officer in the United States specifies he would take on probation "those who may reasonably be expected to reform without punishment" [28, p. 6].

Although both functions are important, resource requirements per client served are considerably different. Surveillance requires relatively little time and effort on the part of the probation officer. Hence, a single officer can keep a relatively large number of probationers under surveillance. However, large amounts of resources are expended in the effort to rehabilitate a single offender. It is a function that requires individual attention and intensive personal supervision, which implies small caseloads.

In recent years there has been a growing skepticism about the ability of probation to rehabilitate offenders. Public and official opinion has been influenced by a growing body of literature that suggests that expensive efforts at rehabilitation are no more effective than inexpensive ones (see [46], for example).

Fiscal constraints seem to be forcing a change in probation's underlying objectives--away from rehabilitation and prevention and toward monitoring and surveillance. Kenneth Fare, acting head of the Los Angeles County Probation Department, reluctantly acknowledged that probation is likely to undergo major changes in the future, mostly because of anticipated budget cuts:

We are going to have to look at the role of probation and what the expectations of the community are, then we will have to adjust the resources we have to what is needed. . . . The expectation that probation will have the resources to change criminal behavior will be removed. [1]

Concentration of probation's limited resources on surveillance will not necessarily reduce the performance levels of the state's probation departments. One chief probation officer told us:

We have been fooling ourselves about our effectiveness in being able to treat and rehabilitate offenders. In fact, all that probation has been doing in the majority of cases is offering to the courts surveillance of probationers. Once it is accepted that this is what probation departments can do most effectively, then it will become clear that, up to a point, a larger caseload is not an impediment to effective supervision.

Another chief probation officer expressed similar sentiment. No one knows what leads to the success of a probationer, he said, but in the past probation departments have always been willing to claim credit for successes. Now, however, probation must face the reality of its limited abilities to affect probationers' behavior, and not promise more than can be delivered. But at the same time, he emphasized, self-motivation on the part of the probationer is very important. If a probationer wants help, he can still ask for and receive it from his probation officer. Furthermore, making sure that a probationer meets the requirements of his probation, even if those do not appear to be overly oriented toward "treatment" or "therapy," can be beneficial to the individual.

In assessing the sources of their current problems, probation departments have come to realize that they will continue to take a greater fiscal beating than other criminal justice agencies until the public better appreciates the role that they play. The CPPCA in their report entitled *The Future of Probation* stresses that effective probation departments

can exist only as a response to public need; as a part of the community they cannot exist indefinitely without community support. . . . Probation must tell its story, for the degree to which the public understands, accepts, and participates in correctional programs will determine to a large extent not only how soon, but how successfully, corrections can operate in the community. [28, p. 83.]

To meet this perceived need, the CPPCA urges the development of public education efforts by a proactive use of newspaper, radio, and television coverage [61, p. 4]. And San Bernardino County delinquency prevention officer William Lusk has said, "If there's one good thing about Proposition 13, it's that we've learned that we have to sound our own horn" [5, p. 51].

In one county, a public information committee was created by line staff in a juvenile supervision unit in response to frustrations staff felt in trying to provide effective supervision in the wake of increased caseloads. Its goal is "to develop political clout in the community" to restore some of the post-Proposition 13 reductions, and eventually to augment the probation department's budget. Under the auspices of the CPPCA, the public education campaign is attempting to enlist the active participation of probation officers in every county. Although it is a "grass roots" effort, those involved are seeking ways to apply sophisticated media strategies for getting their message across to the public.

There is some evidence that a policy of citizen and community group involvement might be successful. The Fresno County Probation Department has been committed to such a policy since 1973. As a result of these efforts, Fresno's Probation Department experienced reasonable growth before the passage of Proposition 13, and no cutbacks in the year following its passage. "During the past seven years, all major program increases or capital improvement projects have enjoyed significant community support" [61, p. 4].

A major remaining question mark involving the probation system is the extent of the state's future participation in funding and operating the system. Locally operated probation systems such as California's are the exception rather than the rule in the United States. Thirty-two

states have state-operated probation systems for adults. Juvenile probation is administered by courts in 32 states and by state agencies in 12 others. Although the CPPCA believes that a locally controlled probation system is most responsive to local needs, it has begun to realize the desirability and inevitability of the state's increasing involvement in the system.

In particular, the CPPCA has recommended that, although responsibility for the administration of probation should remain with the counties, a state-level corrections commission or board should be created to:

- set and enforce statewide standards for county probation;
- coordinate and provide training for professional personnel of county probation organizations;
- conduct research and gather information on probation operations and provide for technology transfer and technical assistance to county probation;
- administer financial subsidies for probation and other local criminal justice programs and services [28, p. 81].

They also suggested that, since probation departments were created by state law and serve state-created courts, it might be appropriate for them to be financed by some system of state-county cost-sharing. Recognizing that "probation is in need of a funding source more stable than the local property tax base," and admitting that "there are few alternatives to an increase in state financial support for probation services," the CPPCA recommended the following state subsidies of local probation programs and services [28, p. 71]:

- 90 percent of the cost of state-mandated services.
- 75 percent of the cost of authorized optional services.
- 50 percent of the cost of institutional programs operated by local departments.

In summary, it is clear that probation services have been significantly affected by the passage of Proposition 13. Their services, organization, operations, and funding are undergoing a thorough reevaluation and are likely to be revised in the post-Proposition 13 world. But as the CPPCA has concluded, "There may be as many positive benefits as negative impacts associated with reassessment, justification, accountability, and prioritization that come with declining revenues" [61, p. 5].

11. EMERGING TRENDS IN LOCAL GOVERNMENT AND THE CRIMINAL JUSTICE SYSTEM

In previous chapters we have presented a portrait of the changes that occurred in local criminal justice agencies during the first year after the passage of Proposition 13. Here we review the trends and patterns, pointing out a number of common themes, and contemplate the implications of our observations.

In analyzing and interpreting the information gathered during the course of our study, we concluded that few of the impacts, trends, and patterns we observed were particular to the criminal justice system. For this reason we describe the emerging responses to fiscal constraints in the general context of changes in local government, illustrating the trends with examples from our observations of the criminal justice system. Limitations of the study's scope and methods prevent us from asserting more than that the trends described in the sections that follow are worthy of more careful attention and research.

11.1. SHORT-TERM SOLUTIONS TO LONG-TERM PROBLEMS

A shock to the local government system such as that provided by Proposition 13 can turn out to be either a crisis to be weathered with politically expedient changes in organization, management, and delivery of services, or an opportunity to make innovative changes in the system that would have been more difficult to implement without the shock. In fact, many people who supported Proposition 13 felt that it would cut the fat and lead to more efficiency in government. This may yet be the long-term result, but in the short term we have seen a preponderance of the opposite effect: Innovation and efficiency in local government have been stymied.

The years before Proposition 13 witnessed no dearth of creative responses by local government to their problems. However, during that period continued growth of the overall budget enabled local government to be innovative while avoiding hard resource allocation decisions. All services and functions could get more resources, since budgets were

expanding. Some hoped that the realities of fiscal contraction--tightened budgets, public scrutiny, and increasing costs--might change the patterns that had prevailed during budget growth and force local governments to face the hard choices they had previously been able to ignore. This line of reasoning suggested that local officials might rethink their priorities, reexamine the way they allocate resources, and restructure their internal organizational and operational processes.

However, research such as that by Levine [43] and Berman and McLaughlin [4] suggests that political, organizational, and systemic obstacles are likely to prevent innovative management of contraction. An important conclusion of the research is that whether fiscal contraction leads to innovation and efficiency (and whether local government services deteriorate or not) depends primarily on the way in which government bureaucrats react to their changed reality.

Based on the first year's record in California, indications are that their responses are primarily being governed by Levine's "Tooth Fairy Syndrome":

In the initial stages of contractions few people are willing to believe that the talk of cuts is for real or that the cuts will be permanent. The initial prevailing attitude in the organization will usually be optimistic; i.e., that the decline is temporary and the cuts will be restored soon by someone--in some cases as remote as the tooth fairy. . . . The preferred tactical response for nearly everyone is to delay taking action while waiting for someone else to volunteer cuts or for a bailout from a third party. [43, p. 181.]

In California after Proposition 13, the state government played the role of tooth fairy in bailing out local government. Local government expenditures had to be reduced in real terms (i.e., adjusted for inflation), but not by very much. As a result, most local governments got through the first year by taking what seemed to be the politically expedient route, making cuts that were largely invisible to the public. These cuts generally provided short-term savings, but might lead to higher costs in the long run. They were generally the opposite of what would have been needed to promote innovation and efficiency in local government. We discuss a number of these responses below.

11.1.1. Equipment Purchases and Maintenance of Facilities

Deferring equipment purchases and maintaining facilities in good repair offer prime examples of short-term savings that are likely to increase long-term costs. Because the consequences of these actions are not immediately visible, they are tempting candidates for spending cutbacks.

Although expenditures budgeted for FY 1979 by California counties increased more than 12 percent over actual FY 1978 expenditures, budgets for property management (which include custodial services, maintenance, and remodeling of facilities) declined by 0.5 percent [2]. Los Angeles County, for example, planned to delay building maintenance and alterations and to cancel the scheduled replacement for all nonemergency county vehicles [64].

Cutbacks such as these may be possible for a year or two without causing much harm. But they quickly lead to the deterioration of buildings, roads, parks, etc. Replacement and repair of equipment that breaks down because it was not maintained will generally cost more than the maintenance would have cost. The long-term implications of this strategy are visible in some older U.S. cities, where the deterioration of their capital plant has been one significant factor in making them unappealing as either business locations or places to reside.

11.1.2. Planning, Research, and Innovation

Another "invisible" way in which local governments reacted to Proposition 13 was to reduce expenditures on planning and research activities, to postpone the development and implementation of management information systems, and generally to shun all innovative approaches to management that have high initial costs. As is the case with deferred equipment purchases and facility maintenance, this approach produces short-run savings but is more costly in the end. It is a reflection of what Levine terms "The Productivity Paradox":

When dealing with productivity, it takes money to save money. Productivity improvement requires up front costs incurred by training and equipment expenses. Under conditions of austerity, it is very difficult to find and justify funds to

invest in productivity improvement, especially if these funds can only be made available by laying off employees or failing to fill vacancies. [43, p. 181.]

For example, the Los Angeles City Attorney cut his staff in the planning and research division by more than 50 percent. He explained that it was a question of weighing alternative risks. The potential costs of reducing the planning function are great, but "in the scale of priorities it is more important to prosecute than to plan programs."

In some cases the hesitancy to implement new systems or procedures reflected reluctance to risk possible failure. However, the presiding judge of the Oakland Municipal Court predicted that even projects that would clearly result in long-term cost savings would not be adopted if there were substantial start-up costs.¹

In addition to cuts in planning and research functions, the budgets for data processing departments and management information systems were hard hit in FY 1979 or were earmarked for substantial cuts in FY 1980. The rate of attrition for data processing personnel was also higher than for most other types of personnel, since opportunities for them were plentiful in the private sector and became more attractive in the post-Proposition 13 world. These findings correspond to the scenario postulated by Levine:

First, the most capable analysts are lured away by better opportunities; then freezes cripple the agency's ability to hire replacements; and finally, the remaining staff is cut in order to avoid making cuts in personnel with direct service responsibility. [43, p. 180.]

An example of the type of problem encountered through loss of data processing personnel was given to us by the presiding judge of the Oakland Municipal Court. He reported that, due to the high attrition rate in Alameda County's data processing department, maintenance of the county's defendant record and court calendar system had suffered, and

¹ He had recently submitted a proposal for a computerized jury selection system. Although significant savings were demonstrated, he felt the Board of Supervisors would alter the existing "bad system" rather than spend more initially.

planned enhancements had been deferred. In addition, the system's unscheduled down time had increased, which was having a disruptive effect on the activities of the municipal courts.

In the short term, aside from some disruptions in operating systems, costs in planning, research, and information system functions are reduced with no reduction in direct services to the public. However, these reductions mean that the data needed for effective problem identification, planning, and management are not available; that new planning tools are not being developed or used; that talented personnel who could suggest long-term solutions are not being retained or kept knowledgeable; and that innovative responses to fiscal constraints are unlikely to be forthcoming.

These outcomes are likely even though local government officials have become aware that they need better planning and budgeting systems for dealing with the problems presented by fiscal contraction. For example, officials in the City of Los Angeles admitted that many of their workload and personnel problems in FY 1979 could have been avoided if they had better understood the process of attrition and its implications for budgeting and workload management.

Some changes in budgetary practices did take place in each of the counties studied. These changes, however, were crisis-oriented--temporizing measures to permit rational decisionmaking by budget officers in the face of uncertain FY 1979 and FY 1980 revenues, rather than a means of making permanent improvements in the budgeting process or the financing of local government. In Oakland, for example, the city manager for the first time ranked all programs so that he could present to the city council a set of priorities for choosing budget reductions.

In our interviews we specifically asked about innovations and procedures to increase efficiency but found very few. Those that we did find were generally minor and not directly related to Proposition 13, although its passage acted as a catalyst for the adoption and implementation of most of them. For example:

- The cities in Kings County, together with cities in a neighboring county, inaugurated a self-insurance program for general liability claims that should result in a significant reduction in insurance costs.
- In the Stockton Police Department, investigators began tape-recording their reports rather than writing them out.
- The Alameda County Probation Department adopted a shortened presentence investigation form.
- The Manteca Police Department eliminated some "unnecessary" internal reports and shortened several others.

We also looked for innovations in the institutional arrangement for delivering local government services. For example, a common belief is that the private sector can provide some services more efficiently than the public sector. It therefore seemed reasonable that Proposition 13 would lead to an increased reliance on contracts with private firms for provision of governmental services. We found that fiscal limitation did provide an impetus for at least experimenting with contracted services, but government officials have been very cautious about actually turning services over to the private sector. For example, in Los Angeles County the board of supervisors sponsored and the voters approved a charter amendment that permits certain types of contracts with private firms, but very few contracts have actually been awarded.

Contracts that survive the review process and are actually awarded tend to be unquestionably cost-effective. The following are typical examples of cost-cutting transfers to the private sector:

- The City of Cerritos dropped its contract with the County of Los Angeles for sewer maintenance and contracted with a private firm for the same services at a much lower price.
- Two private credit collection agencies are under contract to the Los Angeles County Department of Health Services to collect delinquent bills [7].
- Numerous contracts have been awarded for maintenance of landscapes, parks, and recreation areas.

However, many recommendations for contracts related to the criminal justice system were unsuccessful. For example, the Los Angeles County Contract Services Advisory Committee recommendation that the county contract with private firms instead of using sheriff's deputies and county employees to protect its facilities and buildings was not adopted. Functions included in criminal system budgets but peripheral to the system's operations may be more amenable to contracting. For example, in Los Angeles County a probation department proposal that a private food vendor take over food services at its juvenile hall was accepted.

Some instances of budget reduction appear to bring about nearly automatic increases in dependence on the private sector, but if they are not cost-effective they tend to be short-lived. For example, as workloads of the public defender increase, additional cases are assigned to private counsel for defense. If the fees offered to the private attorneys are lower than the cost of the public defender (as happened in Kings County), then the quality of indigent defense may be unacceptably low, leading to a need to reverse the situation. If the fees of private counsel are high, the reduced budget for the public defender's office does not actually save costs overall, a matter that is readily observed in the next budget cycle. After the passage of Proposition 13, Los Angeles County cut the number of budgeted positions in the public defender's office by 36. The next year's budget showed a restoration of 26 of these positions, accompanied by a statement that "the cost for these positions will be more than offset by . . . avoidance of the need for court appointment of private counsel at a high cost to the County."

Overall, our interviews seem to substantiate the fact that innovation and efficiency in local government have come upon hard times. This may be a temporary phenomenon that resulted from the uncertainty surrounding continuation of the state's bailout of local government. If so, stabilization of revenue sources--permitting projection of future revenue--could potentially reverse this situation. The political climate does not portend such stability in the near future, and

California governments may have set themselves on a path that will make future innovation more difficult.

11.2. INTERGOVERNMENTAL RELATIONS

One of the most visible and immediate consequences of the passage of Proposition 13 was a change in the relative importance of the various sources of funds available to local governments. The role played by property taxes--the primary local source--became less important; revenue from state government (and, to a lesser extent, the federal government) began to play a larger role. (For example, state and federal sources accounted for 51 percent of Alameda County's budgeted revenues in FY 1978 and 72 percent in FY 1979.) Local officials are worried about the threats to local autonomy and home rule posed by this trend.² Below we discuss general financial and operational relationships between the state and local governments, and between the federal government and local governments. The more specific issues of federal and state mandates is treated in Sec. 11.3.

Relationships among local governments, and among different agencies within them, have also been affected by Proposition 13. In many cases, interactions and cooperation have decreased. Debates and discussions about the consolidation of similar services being provided by different jurisdictions, and about the consolidation of agencies within a jurisdiction, have intensified. These relationships are treated later in this section.

11.2.1. Local-State Relations

Increasing State Influence. Although local government revenues showed very little change in the year after Proposition 13 was passed (up 1 percent for cities, down 6 percent for counties), the relative contributions of the various sources changed dramatically (see Sec. 3.2, especially Tables 3.1 and 3.2). Property taxes, which had constituted over 30 percent of the city and county revenues in FY 1978, contributed only 11 percent for cities and 17 percent for counties. The federal government's share remained almost the same, and the state share

² This trend began long before the passage of Proposition 13, but it has been accelerated and intensified by its passage.

increased by nearly half, from just over 19 percent to just under 28 percent.

Most of the local officials with whom we spoke believed that it would be very difficult for the state to resist greater involvement in local affairs following its increased role in financing local government. They held this opinion even though state interference in local programs during the first year following the passage of Proposition 13 was slight. All of the bailout funds were given to local governments in the form of "buyouts"³ and block grants. A provision in the bailout legislation that was most restrictive on local officials-- the elimination of cost-of-living raises for local government employees-- was declared unconstitutional by the Supreme Court.

The state increased its role in local criminal justice affairs only slightly. The major post-Proposition 13 state decisions that affected local criminal justice agencies were: (1) to give priority to funding public safety services; (2) not to "buy out" the courts; and (3) not to provide targeted funds for district attorneys, public defenders, or correctional programs. The requirement of the bailout legislation that public safety services be maintained at FY 1978 levels appears to have had little effect. The legislation provided no definition of "service level" and no enforcement mechanism, so we found reductions in both patrol and nonpatrol activities in police and sheriff departments.

The *possibility* of greater state control of agency operations in *future* years was of more concern to the people we interviewed than the degree of additional control that actually occurred in the first year following the passage of Proposition 13. The concern of those who feared greater state control in the future was based on what to them seemed two compelling arguments: First, they believed that it is unrealistic to expect the state--or any organization--to provide all or most of the funding for a particular purpose without exerting significant control over their expenditure. In short, experience shows that power follows money.

³ A state *buyout* of a service means that the state assumes the financial responsibility for the service while the local government maintains administrative and operational responsibility.

The second argument is that, even if the state sincerely tries to minimize interference in local program decisions, it cannot avoid dealing with the question of how to make an "equitable" allocation of state funds to local agencies throughout the state. The allocations it might decide upon would invariably affect program inputs, which would in turn determine the latter's capabilities and achievements. So far, the state has avoided equity considerations by returning money to each local government in direct proportion to its lost revenues. As a result, since local governments had been providing sharply different service levels before Proposition 13, the state is now subsidizing these different levels of service. In fact, there are those who claim that the legislature has "rewarded the profligate and penalized the penurious" [27, p. 36].

Carried to its logical conclusion, the push for equality would result in less variation of types and levels of services across jurisdictions. In the law enforcement and prosecutorial functions, for example, citizens of some counties might request a larger share of state funds to give them an equal degree of protection against criminal victimization. The argument by persons who foresee this result is that residents who previously received a level of service that matched their property tax rate (ranging from below 1 percent of market value to above 4 percent) are unlikely to accept a uniform tax rate unrelated to the level of service they receive.

In fact, some expect that the state's new relationship to local governments will lead to increased consideration of the equity issue that was raised with respect to school finance in the *Serrano v. Priest* court case;⁴ i.e., the inequity of spending differences between poor and wealthy jurisdictions. As Reischauer has said, "What Californians are beginning to call the 'Serranization' of education will occur in all services" [69, p. 19]. He points out that signs of Serranization appeared in the first year bailout legislation, which relieved counties of all financial responsibility for welfare payments (benefiting

⁴ *Serrano v. Priest* (5 Cal. 3d 584 (1971)) declared that the existing system for financing education in California was unfair to low wealth school districts, and ordered the implementation of a new system that would result in a more equal distribution of revenues per pupil.

counties with depressed inner cities and impoverished rural areas most) and took the spending rates of school districts into account in distributing funds for education (providing high-spending districts with 85 percent of their budgeted FY 1979 expenditures, and low-spending districts 91 percent of their planned outlays). He concludes, "Thus Proposition 13 will help equalize local spending as well as local tax rates and will provide a more equitable distribution of welfare and school services" [69, p. 20], and the California Department of Finance has observed, "Political bodies may be pressured to provide equal services or lower taxes for low service level areas" [75, p. 25].

In addition to increasing the possibility of direct state involvement in local government affairs, Proposition 13 has had an indirect "spillover" effect. Although it contained no provisions that would limit the state's revenues, its passage sent a clear message to the governor and the legislature that the public wanted to reduce the size and scope of government--state as well as local. As a result, cuts were made in the state's budget, which have already affected the relationships between state agencies and local criminal justice agencies.

Some activities that had been performed by the state were reduced or dropped. In some cases, the slack was picked up by local agencies, increasing their workload, and in some cases the activities were not replaced. For example, the CHP reduced its patrol of county roads and lesser-traveled state highways. One sheriff we spoke to believes the loss of the CHP units will be noticed not only in the lessened enforcement of traffic laws, but also in the reduced deterrence to other types of crimes because there are fewer "black-and-whites" on patrol.

Another impact of the state's retrenchment was that state agencies were not able to assist local government agencies as much as they had in the past. For example, one district attorney told us that because the state Attorney General was "strapped" for funds, he was less able to assist in investigating official corruption and organized crime at the local level. This district attorney said his office knew of a potentially "very large" case of fraud that it was unable to act on without assistance from the Attorney General's office.

Concerns of Local Officials. Local officials with whom we spoke almost all feared greater control of their operations by the state. Some believed it was possible to have increased state financial assistance for their agencies' functions without overbearing control, but they were in the minority. Pressure from local officials who feared increasing state control was a factor in the passage of long-term local government financing legislation (AB 8) in 1979 that had even fewer restrictions on local programs than did the first year "bailout."

Even those who benefited from the restrictions in the first year bailout were concerned about a possible reduction in local control. For example, police chiefs did not overwhelmingly endorse the provision of the bailout legislation calling for the preservation of public safety services at FY 1978 levels. Sentiment favoring home rule was at least as strong as the desire of the chiefs to protect their budgets. A chief of police whom we interviewed stated this most colorfully: It is part of his job, he said, to convince the city council of the need for a certain level of police services. But if the council believes it is in the best interest of the city to fund the city museum, for example, at the expense of the police, that is the way it should be, even if the people then "have to shoot their way in and out of the museum."

Another worry of the local officials with whom we spoke was that the state government would be unable to take into account the wide diversity of local needs and desires when it enacts legislation providing financial assistance to local governments. The bailout legislation itself illustrates this problem. It attempted to take local need into account by reducing the allocation to cities and counties whose reserves exceeded 5 percent of their total 1977-78 revenues. One city in our sample, which had a policy of setting aside revenues for capital outlay in its general fund reserve rather than in a separate capital fund, was seriously affected by the allocation formula. Other cities and counties may likewise have received less than their fair share of the state aid, because of local accounting anomalies.

Another example provided by the same legislation is that its allocation formula and its special provisions failed to account for differences in local growth rates. One police chief in a rapidly

growing city told us that if the provision of the law relating to maintenance of previous public safety service levels were the sole means used to determine the size of his budget, the needs of the city would not be met because the growing population required *more* police services than the previous year's budget provided.

District attorneys, who are elected officials, are concerned that increased state funding will make it harder for them to offer the voters policies for fighting crime that are tailored to the local conditions. In the past, candidates for the office would lay out their policies during the campaign--each one placing different emphases on the various types of crime. As a result, district attorneys throughout the state exhibit a wide variety of prosecutorial policies, reflecting the varying concerns of their constituencies. In addition, there are different crime rates and different mixes of crimes among counties. Would the state attempt to develop a payment formula that would take account of these differences? Would it attempt to standardize policies? Or would it base the amount of the buyout on the size of past budgets, thereby avoiding direct consideration of policies and caseloads?

Unintended consequences might result if the state were to directly fund one or more criminal justice functions that are now locally funded, according to Lowell Jensen, Alameda County District Attorney. He suggests, for example, that local legislative bodies may tend to view requests from agency heads for supplemental local funding as being for nonmandated functions, and hence totally discretionary. This could have the effect of interfering with district attorneys' responsibilities to initiate their own investigations of matters not brought to them by the police (particularly white-collar crime, official corruption, and consumer fraud).

Several persons we interviewed were concerned that, since the state government is unfamiliar with local criminal justice systems and there is no unified voice representing these systems, state financing and control decisions were likely to be made ad hoc, with no appreciation for their systemwide implications.

The FY 1979 state bailout provides an illustration of this problem. A survey by California's Department of Finance found that local government officials were concerned about the spillover effects of the maintenance-of-effort provision for fire and police services:

If the police activities had to be maintained, then so did those programs where workloads are determined in large part by the level of police activity . . . courts, public defender, district attorney, probation, and detention and corrections facilities. In the aggregate, such programs constitute a large portion of noncategorically restricted funds available to counties, and should county revenues fall, any prohibition on spending reductions will necessarily result in even larger reductions in other areas of county government supported by general fund dollars. [76, p. 66.]

Since the state will, with increased frequency, be making important decisions affecting local governments, local government officials will be paying more attention to state political affairs and there will be more interaction between state and local officials. For example, many of the local criminal justice officials we interviewed had spent considerable time in the state capitol before the adoption of the first year bailout legislation. Professional associations as well as local criminal justice officials offered testimony on the anticipated consequences of various forms of aid to local government. Most were arrayed on the same side of the issue--trying to get as much state money as possible in the form of block grants for local governments. This led one public defender, whose testimony before a state committee agreed with that of the district attorney of his county, to comment that the response by local officials to post-Proposition 13 legislative proposals led to the association of "strange bedfellows."

State Responses Desired by Local Officials. While opposing greater control over local decisionmaking, most officials with whom we spoke nevertheless acknowledged the need for additional "permanent" revenue to replace the loss of property tax revenue. An annual bailout was viewed as both unlikely and unacceptable, because of the great uncertainty imposed on local governments. Among those who expressed an opinion, most favored redistribution of the remaining property tax and changing the allocation of the state sales tax in such a way as to guarantee local governments a predictable source of revenue. (A long-term plan for local government financing along these lines was adopted by the state legislature in July 1979.)⁵

⁵ AB 8, Chapter 282. See [45, Chapter VII] for a description of the legislation.

Local government officials also hoped, but did not expect, that the state would in the future pay the full costs of new mandated programs, and would provide local agencies with the full amount of assistance that current law allows. On this latter point, two public defenders noted that a section of state law currently *allows* the state to reimburse counties up to 10 percent of the annual costs of providing defense of indigents, but actual payments have been much less. (The payment to Alameda County has never been more than 3 percent.) As part of his testimony before the joint committee of the legislature that drafted the bailout legislation in June 1978, one public defender recommended that the law be changed to *require* a 10 percent subvention.

There were two avenues for enlarging the state's involvement with the criminal justice system that drew some positive responses from local government officials: state buyout of the courts, and state takeover of the public defender's responsibilities. A buyout of the courts was recommended by the state's Commission on Government Reform. Its final report stated:

The commission recommends transfer to the state of full financial responsibility for the Superior, Municipal, and Justice courts, including judges, court administrators, court reporters, jury commissioners, court clerks, including clerks in the county clerk's office engaged in court work, and bailiffs, for the present retaining administration at the local level. [24, p. 44.]

As for public defender services, indigent defense lacks strong support at the local level. Unlike law enforcement, which has strong support at both the state and local level, political support for the continued provision of high-quality indigent defense is much stronger at the state level. This may partly reflect the fact that the values underlying high-quality indigent defense transcend local differences, whereas law enforcement agencies are organized to reflect the diversity in local values. It is understandable, therefore, that some public defenders with whom we spoke were not opposed to complete state takeover of their operations. One actually hoped for legislation that would authorize the state public defender's office to assume responsibility

for the defense of indigents at the trial stage, while continuing to maintain its current obligation to handle appeals. As evidence of the lack of local political support for his office, he pointed to the movement toward contracting with private attorneys to perform some of his duties. Another public defender with whom we spoke stated that a properly administered local branch of the state public defender could do as good a job as his own office was currently doing.

A number of "good government" groups have bemoaned the fact that the state did not seek comprehensive intergovernmental policy changes and structural reforms in response to the passage of Proposition 13. These groups argue that the state, like local governments, provided a short-term solution to the long-term problems of local governments in its bailout legislation. "Instead of seizing the opportunity to encourage restructuring and support the necessary planning and design work, the legislature merely provided enough replacement revenue to finance the current inefficient system" [65, p. 83].

11.2.2. Relationships Between Local Governments and the Federal Government

Before 1960 there was very little direct interaction between the federal government and local governments. The federal government dealt with local governments through state agencies, if at all. However, Lyndon Johnson's "Great Society" and Richard Nixon's "New Federalism" changed this pattern. By 1978, large amounts of federal money flowed directly to local governments. There were unrestricted general revenue-sharing grants; the Department of Housing and Urban Development (HUD) provided community development block grants; the Department of Health, Education, and Welfare (HEW)⁶ provided grants for the educationally disadvantaged; the Department of Labor (DOL) provided funds for employment and training under the Comprehensive Employment and Training Act (CETA) program; the Department of Justice (DOJ) dispensed some of its grants directly to local criminal justice agencies. As a result, the passage of Proposition 13, which would have had little or no impact on local-federal relations before 1960, seems likely to have important impacts in this new environment. In particular, it will affect the

⁶ Now the Department of Health and Human Services (HHS).

types of grants local governments seek, how they use them, and even the way cuts are made in local services.

Targeted Grants. Federal assistance can be provided in two ways: through general revenue sharing and through targeted grants (i.e., categorical and block grants). General revenue-sharing funds are distributed by formula with few or no limits on their use. The funds can be treated just like other general purpose revenues, such as those from property taxes and sales taxes. Targeted grants, however, must be used for more specific purposes, usually spelled out clearly.

In the criminal justice system, the most important targeted grants are those that had been distributed by the Law Enforcement Assistance Administration under the Omnibus Crime Control and Safe Streets Act of 1968.⁷ We found that, in the year after the passage of Proposition 13, local criminal justice agencies continued to apply for LEAA grants at the same rate as before. However, government officials felt that fewer programs would be continued after the LEAA funding ran out, and that some conditions of aid would be harder to comply with.

The executive director of one of the state's regional criminal justice planning boards said she was surprised that there was no decline in the number of applications in FY 1979 compared with the previous year. Two factors, she had thought, would affect the number of applications: (1) the inability of the planning board to commit funds for more than one year, because LEAA's authorization was due to expire in 1980, and (2) the planning board's intention to focus on maintaining existing programs of merit, rather than creating new programs. She believed that it usually was not cost-effective to fund a new program for only one year. At least three months is needed to get a program under way, and often another three months before it is operating smoothly. Nevertheless, "quite a number" of applications were received for new programs.

One deputy police chief, reflecting the general attitude of local government officials, said that his department would continue to "vigorously seek the federal buck." A chief probation officer, who believes that "most [innovative] things have been tried" and that LEAA should, instead, supply funds for regular operations, conceded that he

⁷ Congress eliminated LEAA in FY 1981.

would nevertheless continue to "sell [his] soul to the devil" to obtain federal funds. Part of the reason that some will continue to seek federal grant money is that grant programs represent hope of positive change, no matter how slim or how peculiarly focused the particular grant might be. More important, there are political pressures to seek federal grants, since they supply additional revenues to the city or county, even if only temporarily.

There was general agreement that fewer LEAA programs were likely to be continued when their funding ran out than had been continued in the past. This did not seem to bother local officials. They said it was standard practice before accepting a grant to make it clear, usually through a written clause in the contract, that the local government would not be under any obligation to continue the grant program after its expiration. We were told by several officials that only those parts of a program that met local needs were continued, and then only as local funds allowed.

Nearly without exception, the criminal justice officials we interviewed have had one or more projects in their agencies that were at least partially funded by LEAA. And also, almost without exception, these same officials expressed dislike for certain features of the grants. Most of their objections are well-known and long-standing, and have nothing to do with the passage of Proposition 13.⁸ However, the heightened concern of local officials with the "hard match" requirements of LEAA grants was a direct result of Proposition 13.⁹ They claimed that, because of hidden costs, the amount of local funds expended on a project always exceeded the share that was assumed when the grant request was being developed. Such costs (e.g., for administering the grant and reporting on its progress) had been more easily absorbed in pre-Proposition 13 days when there was more slack in the budgets of local agencies.

⁸ For example, many officials highlighted the gaps between the goals of federally funded grant programs and the needs of local governments. Some police officials in rural areas felt that LEAA programs tended to be much too oriented toward the needs of urban areas.

⁹ Their experience was with LEAA grant programs that required that 10 percent of the project costs be contributed by the grantee as a condition for receiving the grant. In 1977 the requirement was reduced to 3.75 percent.

General Revenue Sharing. The General Revenue Sharing Act of 1972 initiated a program of unrestricted federal transfer payments to local governments. The size of the payment that a city or county receives under the program is directly related to the revenues the jurisdiction raises in local taxes. Thus, Proposition 13 resulted in reduced revenue-sharing allocations to California localities. No reductions occurred until fiscal year 1981, however, since the data base used to determine the allocations lags by two years.

As fiscal limits on local governments restrict the contributions of locally generated revenues to the general fund, the federal revenue-sharing contribution assumes a greater importance. The impact that this has on local programs depends to a large extent on how revenue-sharing funds were being used before fiscal limitation.

Most local governments had already been directing the bulk of their revenue-sharing funds to property tax relief (i.e., the funds were added to the general fund to pay for operating expenses). A few, including Alameda County, had earmarked significant portions of their revenue-sharing grants for the support of new or expanded human service programs. As a result of Proposition 13, these jurisdictions have switched funds over to substitute for lost property taxes, producing a serious funding problem for the human service programs.

In FY 1978, Alameda County allocated \$7.3 million or 42 percent of its general revenue-sharing funds to human service programs. Most of this amount was spent on contracts with 115 community-based programs. Twenty-five percent of the amount spent on community programs went to those labeled "public safety." In FY 1979, the county cut its funding of human service programs by 16 percent across the board, and shifted the revenue to the general fund to substitute for lost property taxes.

The use of revenue-sharing funds to support community programs was initially lauded by community groups. Revenue sharing, they thought, represented a fairly stable and very visible source of funding, one which they could claim a portion of as being "theirs." Proposition 13 disrupted this situation by ending the policy of setting aside a large amount of revenue-sharing monies solely for such programs. Now, community programs in Alameda County and elsewhere must compete with all

claims on the jurisdictions' budgets rather than competing primarily among themselves.

CETA. A major federal targeted grant program that cut across practically all local government agencies was the Comprehensive Employment and Training Act program. Shortly after the passage of Proposition 13, the Congress enacted changes in the regulations governing CETA that compounded the difficulties local governments had to face in dealing with their reduced revenues.

The public service employment (PSE) portions of the CETA program had two primary goals:

1. To provide temporary jobs during a recession for otherwise unemployed workers.
2. To train the structurally unemployed or underemployed to make them more competitive in the marketplace.

Both goals implied short-term employment for relatively unskilled workers. However, the federal government had placed few restrictions on the use of PSE funds, which permitted local governments throughout the country to rely on CETA as a substantial and continuing supplement to local revenues. The goals of the program often had little bearing on local governments' use of the funds.

Federal regulations that took effect on October 1, 1979, were intended to strictly limit use of CETA funds to employment of the hard-core unemployed. Although this change hurt local governments throughout the country, its negative impact in California exacerbated the effects of Proposition 13. The new CETA earnings limit became \$10,000 per year; salaries generally could not be supplemented above this amount, and the average annual salary for all CETA employees could not exceed \$7800. Newly hired employees had to have been unemployed for at least 15 weeks, and the maximum duration of their CETA employment became 18 months. Under the old regulations there was no average salary limit nor maximum length of employment, and an employee's salary could exceed \$10,000 if the local government paid the excess. These regulations made it possible for some local agencies to employ professional employees for

indefinite periods at salaries in excess of \$20,000. Afterwards, those local agencies in California that in the past had relied too heavily on CETA funding had to make adjustments to the loss of that funding at the same time that local revenues also were greatly constrained.¹⁰

The impact on some public law offices, for example, was considerable. The Los Angeles City Attorney's office lost 53 of its 89 CETA positions as a result of the change in federal regulations. In the district attorney's office of another county, all but one of the attorneys hired in the three years before the passage of Proposition 13 had started as CETA employees. In the spring of 1979, 8 of the 24 attorneys in the office were still being paid partially through CETA funds. In that same county 12 of the 20 attorneys in the public defender's office were CETA employees before the new regulations went into effect. Both the district attorney and the public defender say they see now, in hindsight, that they placed too much reliance on CETA funding, and used the program for the employment of persons it was never intended for. Attorney positions must now be paid for wholly out of the general fund.

The new CETA regulations did not please local government officials. For example, the Los Angeles City Administrative Officer (CAO) recommended to the City Council in May 1979 that the city not accept the estimated FY 1980 allocation of \$90 million [58]. The CAO had two principal objections to the new CETA regulations. First, the regulations required that city CETA employees spend a considerable amount of time in formal training programs. This reduced the amount of time they could work, and also placed a burden on the city to provide the training. Second, he felt it would be difficult to recruit people within the salary guidelines, since few city jobs pay less than \$7800. As a result, Los Angeles and other jurisdictions significantly curtailed their participation in the CETA program. While they switched many ex-CETA employees to fully paid government positions (one of the goals of the CETA program) a large number were not retained.

¹⁰ Regulations taking effect on October 1, 1981, further limit CETA's PSE program.

11.2.3. Relationships Among Local Government Agencies

Consolidation. One of the many creative responses to fiscal limitation envisioned by some proponents of Proposition 13 was rethinking and revising the structure of local government and of the systems used to provide its services. Among the changes mentioned (all of which had been proposed and considered before the advent of fiscal limitations) was the consolidation of agencies and activities to reduce costs and promote efficiency. (By *consolidation* we mean redefinition of organizational, political, or geographical boundaries to combine two or more agencies.) The proposals included interjurisdictional consolidation of agencies (e.g., police departments), intrajurisdictional consolidation of agencies (e.g., police and fire departments), reorganization of a service provided jointly by the state and local governments (e.g., consolidation of municipal courts), and consolidation of duplicate activities (e.g., the bailiff and process-serving functions of the county sheriffs and marshals). The assumption underlying most such proposals is articulated in a recent report of the Los Angeles County Economy and Efficiency Commission:

The entire city-county system of services has excess capacity because of its interjurisdictional structure. This is true even when each of the individual jurisdictions is designed and operating at peak efficiency. It is a case where the aggregate efficiency of the system is much lower than the efficiency of any single part, because of the relationships among the various parts. [65, p. 17.]

Ironically, the mechanism that the state legislature chose to use in the bailout legislation to allocate funds among local governments made interjurisdictional consolidation (and even informal cooperation) harder after Proposition 13. By allocating funds to jurisdictions on the basis of past expenditure patterns, the bailout legislation effectively froze existing service delivery structures and patterns. Before the passage of Proposition 13, if one or more municipalities thought it would be more cost-effective to give up a certain activity (e.g., a crime lab or the training of police officers) and have the

county provide the service, the budgets of the municipalities would be decreased, the county budget increased, and property tax rates adjusted to reflect these shifts. In the post-Proposition 13 world, each municipality would have to contract with the county for the service, and the county would have to bill each one for the services rendered. Similar mechanisms for transferring payments would be required for several cities to jointly provide services. The fiscal containment experienced by most local governments was not severe enough to push them in this direction.

A number of arguments, most of them political, were advanced to justify not consolidating. With respect to law enforcement, consolidation was said to be either infeasible for political reasons or not beneficial because no savings would result (except in Los Angeles County, where several cities already contract with the sheriff for law enforcement services, but no cities were added after Proposition 13).

Intracity consolidation was considered by a number of cities. In most cases, the cities were investigating the possibility of creating a public safety department by combining their police and fire departments. The City of Sunnyvale, which has had a public safety department since 1950, received an increased number of inquiries about their department from other California cities after the passage of Proposition 13. The Piedmont City Council appointed a citizens' committee to study the issue of police-fire consolidation. The committee recommended against total consolidation. A major reason, according to the committee, was that the aptitude, duties, and training of firefighters and police officers are sufficiently unique that consolidation of these positions was neither feasible nor practical [67]. The committee did recommend, however, abolishing one executive position in the fire department (chief or assistant chief) on a one-year trial basis and using the savings to increase the salaries of the remaining police and fire department executives.

In nearby El Cerrito, the city council dropped the idea of combining the police and fire departments [15]. The mayor said there were two reasons for this: First, the city felt it could not afford to lose any of its management staff, which would likely occur if the department head positions were combined. Second, employee morale would

have been adversely affected, since the police officers did not want to be firefighters, nor the firefighters police officers.

One California city, Brisbane, did effect a consolidation of its police and fire departments as a result of Proposition 13. Although the firefighters' union is fighting the consolidation in court, the city manager reports that "the new system is working more effectively and at much lower cost than the former system did."¹¹

Proposition 13 gave support to the cause of some county supervisors and administrators who previously had favored the consolidation of municipal courts, but little progress has been made toward this end. In Alameda County, where court consolidation had been discussed off-and-on for the past several years, the county administrator proposed during the June 1978 budget hearings that the six municipal court districts in the county be combined into one district. Most judges strongly oppose consolidation, but the board of supervisors supports it. The board has yet to vote to implement consolidation. Similarly, in Los Angeles, where the issue of court consolidation has been a major source of tension between municipal court judges and the county board of supervisors for a number of years, Proposition 13 did little to change the situation. The judges tried to get the state legislature to assume the power of assigning municipal and justice court district boundaries, to prevent the board from consolidating judicial districts having only one or two judges. Although passed by the Senate Judiciary Committee, a bill to this effect died on the Senate floor.

Another proposal affecting the courts that is perennially rejected by the state legislature involves the consolidation of some of the functions of the county sheriff and marshal. In 15 counties, the sheriff provides bailiffs for the superior courts, the marshal for the municipal courts. Both the sheriff and marshal serve writs and processes issued by any court. According to the Los Angeles County Economy and Efficiency Commission, consolidation of these two activities in Los Angeles County would save an estimated \$5 million annually. Ten counties in California have already consolidated these activities, but the legislature has failed to pass legislation permitting 15 other counties to consolidate these two services [65, p. 78].

¹¹ News item in *Public Management*, February 1979, p. 19.

Cooperation. Most officials with whom we spoke reported few large changes in cooperation among local criminal justice agencies. No major institutional changes were reported and no new compacts or agreements were reached. To the contrary, agencies have become less cooperative, i.e., less generous in providing free services to other agencies.

Proposition 13 seems to have marked the end of an era of expanding free services provided by counties to cities. This is understandable in light of the fact that Proposition 13 and the bailout legislation made such cooperation hard to justify. As mentioned before, the bailout legislation effectively froze existing service delivery structures and patterns. Counties are no longer able to recoup their costs for taking over a service by raising property taxes.

We noted this development in all our study counties, but it was most clearly manifest in Alameda County. In the past, that county had generally assumed responsibility for a large number of law enforcement support services that presented opportunities for economies of scale if performed countywide (including crime laboratory work, pretrial detention, and certain telecommunication networks). We were told that in the future the county would not likely undertake new service responsibilities to the cities without reimbursement. Furthermore, reductions in the sheriff's FY 1979 budget lowered the quality of some services already being provided--for example, an increase in the turnaround time for work requests made of the sheriff's crime lab by the cities. The county also considered instituting charges for the support of some services it had been providing free. This brought an immediate storm of protest from the cities, who threatened to obtain the services elsewhere. The county's desire to maintain centralized services prevailed, and there was no further discussion of charging cities for services currently being provided.

The opposite problem arises when a county (or other jurisdiction) has overall legal responsibility for a service that it did not actually provide in the past. In that situation, the jurisdiction can be forced to expand the services it provides (if the lower-level unit of government drops the service) and may be unable to charge for the increased service. Suppose, for example, that a city agency stops

performing some kinds of activities that it used to perform. (We have called this "demand shedding.") If there is no legal requirement for the activity to be performed (e.g., investigating white-collar crime, or directing traffic at a busy intersection), then no county agency (or other government agency) is likely to assume responsibility for the activity. However, in some cases the dropped activity is legally required, and the burden of performing the service is then transferred to the responsible agency without a concomitant transfer of compensation.

For example, some cities in Los Angeles County are considering closing their jails to save money. (Montebello has already done so.) The sheriff is legally required to assure that arrestees not released by the court are detained, and so offenders from these cities must be housed in county facilities. The sheriff can only ask for reimbursement of costs from the city if the offender is charged with a violation of the municipal code. Similarly, should a city decide to eliminate its police department, the sheriff would be obliged to provide law enforcement services whether or not an arrangement for compensation had been made.

We also found that government agencies have reduced their participation in activities involving shared responsibilities. For example, when a career criminal program was being planned in one of our study counties, both the sheriff and the major city's police department agreed to assign one full-time officer each to assist the district attorney. Both departments now say they can no longer afford such assignments.

Many local government agencies seem to be revising downward their estimates of the service levels they can expect when dealing with other agencies. For example, judges in Alameda County appear to be more willing to accept budgetary limitations as an excuse for tardy submission of presentence reports on convicts by the probation department.

Where there has been rivalry and duplication of effort in the past, there is evidence that Proposition 13 has stimulated some interest in improving cooperation between city and county agencies. In one county, where there is an advanced crime laboratory in the sheriff's department

and another in the police department of the largest city, the police chief of that department would like to enter into an agreement with the sheriff that would divide responsibilities for the development of expertise in costly lab procedures.

Intercounty cooperation in the post-Proposition 13 world faces the same impediments as does intercity and city-county cooperation. Formal mechanisms for cost sharing have to be set up, but few (if any) have been so far. For example, in probation services and corrections, the two areas where the potential for intercounty cooperation would seem to be the highest, there have been few significant developments in our study counties.

We have some evidence that, where there are no impediments to consolidation and cooperation, such approaches could be expected to be increasingly attractive in the face of fiscal limitations. One approach to improving the economy and efficiency of the courts that falls somewhere between informal cooperation and formal consolidation--the San Diego Municipal Court Experiment--has been thriving in the post-Proposition 13 environment. It was begun in El Cajon with LEAA funding in September 1977 and has gradually been expanded to include other parts of San Diego County. Under the program, with the agreement of the parties in a case, municipal courts handle many matters that superior courts handle elsewhere, including civil suits involving damages up to \$30,000, and certain felony cases. As a result, workloads in the superior courts have been reduced, continuity is obtained for certain felony cases, and overall system costs have been reduced. Implementation of this program, which involves the municipal and superior courts, has not been impeded by the bailout legislation, since funds for both courts come from the county's budget.

Systemic Effects. The local government service delivery system and some of its subsystems, like the criminal justice system, are composed of groups of delicately balanced independent but interdependent agencies, with little centralized control or authority. A reduction in the budget of any one agency necessitates a rebalancing of the entire system, which often takes time. In the interim, there may be instances when behavior seems dysfunctional and operations irrational.

Our interviews turned up several cases in which programmatic changes by one criminal justice agency had an adverse impact on the programs of one or more other agencies. For example, soon after manpower reductions were made by Alameda County's public defender, the Oakland Municipal Court began to experience delays because defendants were appearing at arraignment who had yet to be interviewed by the public defender. Adjustments were quickly made in the public defender department to remedy this situation. Similarly, superior courts experienced some delays in processing cases because of the late filing of documents by county clerks. The clerks' delays resulted from staff reductions.

Changes in police patrol manpower affected the municipal court and the revenues of one community. There, as a result of reductions in police patrols, the number of traffic citations fell. This reduced the number of filings and resulted in less revenue "generated" by the court.

Nearly every criminal justice agency in Alameda County has been affected by layoffs and increased attrition in the county's data processing department. That department maintains the system that records local criminal histories and helps manage transactions between agencies and offenders. As a result of the manpower shortage, the frequency and duration of system downtimes have increased, and scheduled new developments have been postponed.

We came across several instances where a criminal justice agency was affected by reductions in a noncriminal justice agency. For example, one police department received a greater number of calls from playgrounds and recreation fields for assistance in settling disputes and handling complaints that were previously the responsibility of recreation department employees. The chief of police there urged the city council to restore some of the recreation supervisor positions that were cut.

11.3. FEDERAL AND STATE MANDATES

Until as recently as forty years ago, the local, state, and federal governments in the United States operated relatively independently in their respective spheres of influence. Since then, state governments, and subsequently the federal government, have played larger and increasingly important roles in local affairs.

As noted in Sec. 10.1, local budgets now include large amounts of federal and state money. For example, in FY 1979, 38 percent of Alameda County's revenue came from state subventions, and 34 percent from federal subventions. The growth in such intergovernmental revenue transfers, particularly from the federal government, has been rapid. The Advisory Commission on Intergovernmental Relations, for example, reports that direct federal aid to the City of Los Angeles constituted less than 1 percent of its general revenues in 1957, 16 percent in 1976, and an estimated 28 percent in 1978 [39].

In most cases the state and federal revenue comes with "strings" attached. These strings have many sizes, shapes, and forms. Common examples of constraints associated with state and federal grants include:

- Matching requirements, under which the local government must provide a specified percentage of the grant costs as a condition for receiving the assistance.
- Maintenance-of-effort provisions, which require that the grantee maintain a given level of spending for the program. Some programs include provisions that prevent grantees from using the funds to supplant local funds that would have been spent for the program in the absence of the state or federal funds.

In addition to attaching strings to grants, state and federal governments require local governments to perform many other activities that implement national or state policy objectives. Some of these include mandates to protect environmental quality, ensure prevailing wages for construction workers under contract, provide equal access to

services for the handicapped and disadvantaged, and provide legal defense services to the indigent.¹² Mandates pervade all functions and levels of government--from specifying the frequency with which dogs in cities must be counted, to setting minimum training standards for auxiliary police officers and earliest wake-up times for inmates in county jails.

The increase in the number of state and federal mandates on local government closely parallels the increase in state and federal funding of local governments. Lovell et al. [47] identified over 4000 federal and state mandates affecting local governments in five states in 1977 (not including court mandates), 67 percent of which were imposed after 1970. Most federal mandates are imposed as conditions of aid, whereas most state mandates are direct orders. In 1977, HUD alone was responsible for a substantial portion of all the federal mandates (over 35 percent), whereas HEW and the Environmental Protection Agency (EPA) accounted for an additional 32 percent between them.

There have been a number of recent studies dealing with the effect of state and federal mandates on local governments [22, 47, 59, 74]. Our discussion of the likely effects of mandates in a period of fiscal contraction draws heavily on the information in the excellent paper by Posner and Sorett of the U.S. General Accounting Office [59] and the study Lovell et al. performed for the National Science Foundation [47].

11.3.1. Cost

Mandates are often costly. If a local government were already performing a mandated activity, the imposition of the mandate would not increase the government's expenditures. However, a mandate is generally imposed because, without it, many local governments would most likely not perform the activity. Lovell et al. found that in well over 50 percent of the cases, local governments were either not carrying out or only partially carrying out certain specifically mandated activities before the mandate was imposed [47, p. 169].

¹² For a detailed description of the generally applicable national policy requirements for grant programs, see [12, Chap. VII].

Local governments are sometimes reimbursed for the cost of carrying out a mandated activity, but most are unfunded or significantly underfunded. Lovell et al. found that "over half of all mandate costs . . . are paid for by the local governments, overwhelmingly from the general fund" [47, p. 195]. So, mandates have contributed to the increasing cost of local government.

Each mandate placed on local government typically has a very small cost (with a few notable exceptions, such as certain provisions of the National Environmental Policy Act of 1969). However, the cumulative weight of hundreds of mandates can produce a significant financial burden. For example, the reporting requirements for most federal programs are not excessive, and yet the cumulative impact of all reporting requirements is very large. A study performed by the Academy for Contemporary Problems estimated the costs to state and local governments resulting from federal information requirements at \$5 billion per year, of which only a small part is paid for by the federal government [36].

Most federal mandates are imposed as conditions of aid. Although local governments are not directly required to comply with such mandates, the potential loss of federal assistance is usually enough to force compliance. A condition of aid for over 60 percent of federal assistance programs is that a share of the program's costs must be "matched" by the grantee. The required nonfederal match varies from 3.75 percent for LEAA programs to 50 percent for outdoor recreation.

A high matching requirement can cause problems for local governments experiencing fiscal problems. In some cases, the matching requirement will cause a jurisdiction to turn down a grant. As a result, those jurisdictions most in need of the program's benefits may not receive them. For example, the federal Maternal and Child Health Care program requires a 50 percent match. A study by the Comptroller General of the United States found that, in one midwestern state, 66 percent of the federal funds for the program were going to four counties with the least need, and only 10 percent were going to the 21 counties with the greatest program needs [63, p. 26].

In addition, if a jurisdiction is unable to match funds, it may lose federal funds it had previously been getting. This is what Mayor Koch of New York called "a cruel double penalty." As a result of its inability to meet matching requirements during its fiscal crisis, New York lost federal highway, outdoor recreation, and adult education grants.

If the jurisdiction decides to participate in the program, it must obtain the matching funds by increasing taxes or diverting resources away from nonfederally funded programs. In either case, funding the match of a federally funded project "implicitly involves foregoing the opportunity to commit the same amount of state or local dollars to a non-federally funded project that might be of higher priority" [63, p. 33]. The resulting distortion of priorities induced by federal and state mandates is discussed more fully in the following section.

A hidden cost to local government from federal programs is the expense of continuing them after federal sponsorship has terminated. This applies primarily to federal grants that are intended to stimulate the creation of new state and local government activities by providing "seed money" for a few years. If a federally funded program is successful, it creates a constituency that continues to demand the service, which a local government with fiscal problems cannot easily provide. As described by Posner and Sorett,

Federal grants that start new services create a clientele that continues to be dependent on the service regardless of the continued availability of federal funds. When federal funds do expire, local officials are faced with the dilemma of increasing the budget to accommodate the new service or alienating a public that has grown accustomed to the service. [59, p. 360.]

In some cases federal "seed money" is provided to initiate a new mode of operation that is projected to be more efficient and perhaps even less expensive than that in the past (for example, improved procedures for managing criminal investigations). Nonetheless, the final

result often costs more, even though perhaps it provides more or better services than in the past. So, upon termination of federal funding, the local government still faces the decisions of whether and how to continue the program.

Local government officials expressed considerable optimism about their ability to terminate programs once they are started. Our interviews indicated that Proposition 13 had not reduced local officials' propensity to seek federal grants, although they specifically intended not to continue many of them when the federal funding ran out. They may find it more difficult than they think to terminate such programs, since granting agencies and interest groups that stand to benefit could bring direct pressure to bear on local officials or could press for revised contractual or legislative language to forestall the terminations that the officials seek.

Within the criminal justice system, the corrections and public defender functions are the most heavily mandated, whereas the law enforcement function has the fewest mandates. Information from our interviews seems to indicate that the mandates in corrections are the most costly. Many such mandates result from court orders that are aimed at increasing the rights of inmates and improving their physical surroundings. For example, as mentioned in Chapter 9, a 1977 decision by a federal court judge required the Los Angeles Sheriff's Department to provide inmate recreation facilities, modify the existing custody facilities, and provide inmates in outside cells with a way to "see the sun" during the day.¹³ The county budgeted \$3 million for these mandates in FY 1979, and will have continuing costs every year. In another example, a federal court decision in April 1979 directed Los Angeles County to improve toilet and shower accommodations and medical care for inmates in the Central Juvenile Hall. The county, which appealed the decision, said its cost would exceed \$100 million.

There is no doubt that most of the mandates on local government have worthwhile objectives. However, they are generally formulated with little regard for the cost burden they impose, and with little or no effort made to see if their benefits are likely to outweigh those costs.

¹³ *Rutherford v. Pitchess*, 57 F. Supp. 104 (1977).

For example, a section of the Rehabilitation Act of 1973 providing for nonexclusion of qualified handicapped individuals in federally assisted programs was adopted by the Congress without hearings or debate. Only later, after implementing regulations had been issued, were the costs estimated: approximately \$2 billion a year to meet the HEW regulations and another \$2 billion to \$8 billion in capital investments to meet HEW and DOT regulations [14]. Said Representative Charles A. Vanik, the sponsor of this section of the Act, "We never had any concept that it would involve such tremendous costs" [14]. So the question of whether the benefits would or would not exceed the cost of this mandate had evidently not been considered in the legislative process.

The federal government and many state governments are beginning to recognize the cost burdens that their mandates impose on local governments. For example, in California, since 1972 the state government has been required to reimburse local agencies for the full cost of any new program or increased service level mandated by legislation or executive order, and for any revenue losses stemming from new property or sales and use tax exemptions.¹⁴ Every bill that contains a state-mandated program is analyzed by the Local Mandate Unit of the Department of Finance, which identifies the affected jurisdictions and the projected cost. Attaching an estimated cost, or "fiscal note," to legislation is one possibility being considered by the federal government. Legislation was introduced in Congress to adopt the fiscal note approach, but it did not pass.

11.3.2. Impacts on Priorities of Local Governments

Federal and state subventions and mandates have had a significant impact on the mix of services provided by local governments. Before 1960, local governments provided little more than basic services like police, fire, sanitation, education, parks, and roads. Since then, with the carrot of federal spending and the stick of mandates, they have begun to place much more emphasis on areas such as community development, social services, and health. This trend is defended by

¹⁴ The original legislation dealing with state mandates was included in SB 90 (Chapter 1406, 1972). Proposition 4, approved by the voters in November 1979, makes reimbursement to local governments for state-mandated costs a constitutional requirement.

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some as a legitimate expression of state and national priorities, and criticized by others as reducing the autonomy of local governments and compromising principles of local self-government.

Posner and Sorett [59] provide some examples to support the argument that federal mandates infringe on local autonomy and distort state and local priorities:

- The Energy Policy and Conservation Act of 1975 requires local implementation of energy conservation standards certified by HUD. "The codes must be statewide, uprooting long traditions of local control over building codes in many states."
- As a condition for receiving federal Juvenile Justice grants, LEAA requires states to develop programs to deinstitutionalize juvenile status offenders.¹⁵ In states where the local criminal justice officials and planners believe that deinstitutionalization is a controversial and unproven strategy, the federal government is, in effect, dictating an unwanted policy for the state.
- Local governments devote resources to areas that they claim have relatively low local priority, simply because the bulk of expenditures are covered by federal programs with low matching fund provisions. "Thus, while state and local governments may not feel that drug abuse prevention or air pollution control is of sufficient local priority to warrant a new commitment of 100 percent local funding, they would be hard-pressed not to participate when the federal government offers to pay 75 to 100 percent of the costs."

While it is true that local governments can refuse federal and state aid, and therefore avoid the mandates that come as conditions of aid, it is politically difficult to do so. Local officials repeatedly express the wish that national and state priorities more closely matched their local needs. Most can cite examples of severe mismatches between

¹⁵ A *juvenile status offense* is an act that is unlawful when done by a juvenile and not unlawful when done by an adult (e.g., running away from home).

state or federal priorities and particular local circumstances. As an example, Kings County set up a public transportation agency to provide bus service that the county supervisors felt was unnecessary. The alternative was to forfeit the \$750,000 per year that is available to the county from the state for transportation purposes. One county supervisor, who voted against setting up the agency, lamented: "It bothers me to have to build a bus service when the road in front of my house is ready to go to pot" [9].

Even when federal priorities originally match state and local priorities, they may fail to respond rapidly to changing local needs. For example, federal spending on highway research, planning, and construction is seen as mistargeted by local officials who face increasing costs for maintenance of existing highways, and a decreasing need for new highways.

In some cases, differences in opinions about the proper role of the federal government lead to perceived mismatches in priorities. An example is given by police officials who in our interviews argued for LEAA funding of police officers' compensation. The Oakland Police Chief told us that what his department needed more than anything was federal grants for "righteous, upfront, good old-fashioned police officers." But Congress consistently avoided authorizing LEAA to fund any programs with even the slightest taint of establishment of a federal police force.

In times of fiscal expansion, the pushes and shoves applied to local governments by federal and state mandates, which force local governments to undertake what to them seem to be low priority activities, can be accommodated with few complaints. When budgets expand, all agencies and client groups can get at least as much as they were getting before, and taxes can be raised to pay for the expansion of services. However, in times of fiscal limitation mandates play a perverse role that was clearly unintended when they were imposed.

Mandated activities, whether imposed by the courts, the legislature, or an executive agency, were intended to be carried out *in addition* to traditional local government services, not instead of them. It was assumed that programs with strong local constituencies, such as police patrol, fire protection, and refuse collection, would always be

able to secure sufficient funding. This is true during fiscal expansion, but not during fiscal contraction. We found that, when budget cuts are required, mandated programs and functions remain, and nonmandated programs and functions get cut.

For example, in Alameda County, after the passage of Proposition 13, all county services were categorized as:

1. Mandated.
2. Nonmandated, but revenues exceed costs (e.g., a bureau that collects bad debts).
3. Nonmandated but critical (life and limb or property would be jeopardized without the service).
4. Nonmandated, and either noncost-effective or noncritical.

Cuts were then made from the bottom up, so that services in category 4 were hit very hard. Similarly, the California Department of Finance found that after the passage of Proposition 13 "the maintenance of mandated programs--public assistance, health . . . , the courts and public safety . . . forced discretionary programs--libraries, parks and recreation, general administration--to absorb the sharpest reductions" [75, p. 15]. It should be noted that public assistance programs, which are heavily mandated and were in large part unaffected by Proposition 13, were at the top of the list of programs that voters said should be cut if cuts were needed to implement Proposition 13.¹⁶ A study of New York City's budgets between FY 1961 and FY 1976 revealed a marked shift away from basic services like police, fire, and sanitation toward social services and health--areas with heavy federal funding [33]. For example, welfare accounted for 12 percent of the city's expenditures in FY 1961 and 23 percent in FY 1976; police, fire, and sanitation accounted for 20 percent of the city's expenditures in FY 1961 and 12 percent in FY 1976. The study concludes that this shift is counterproductive to New York's long-term health, and resulted from a process whereby federal categorical grants distorted the city's normal budget allocation process. During the 1960s the city decided to invest

¹⁶ From a press release of an election day poll conducted by CBS news for its Los Angeles station and the *Los Angeles Times*.

new revenues among competing functions based in part on the federal dollar return. When a fiscal crisis hit the city, budget cuts were concentrated on services that were not eligible for federal funds.

According to Posner and Sorett, this process is likely to repeat itself in any city that is faced with fiscal limitations. "Because of match requirements, it makes eminently good financial sense for cities with fiscal problems to cut their budgets in areas with no federal funding in order to maximize local dollar savings while minimizing program impact and avoiding loss of external aid" [59, p. 355]. For example, a cut of \$1000 in a federal program with a 25 percent nonfederal match would save the city only \$250 of local revenues, whereas the same cut in a program funded entirely with local revenue would save the city \$1000.

One need not look only to health and welfare agencies to observe what happens when federal and state priorities dominate local priorities. District attorneys' offices reveal an interesting pattern. We found that they had fared the best of all criminal justice agencies in the fiscal year following the passage of Proposition 13. (For example, although the total budget for Alameda County's criminal justice system was cut by 6.5 percent from the previous year, the district attorney's budget increased by 8.5 percent.) However, most of the increases in the budgets of district attorneys did not go to expand their prosecutorial activities, but were allocated to their family support function. (For example, the budget for the Alameda County District Attorney's prosecutorial activities increased by 1 percent in FY 1979, whereas the budget for family support activities increased by 32 percent.) The family support function is mandated by the federal government, which pays 75 percent of the cost of administering the function, and provides incentive payments equal to 15 percent of the amount collected. In addition, the State of California matches the federal incentive payment. As a result, the family support function actually generates income for most California counties. Thus, it is not surprising that we found in our study sites that: (1) 30 to 50 percent of district attorneys' budgets was allocated to the family support function, and (2) this percentage has been steadily increasing over the last few years. (So, even with an overall increase of 8.5 percent in his budget, the Alameda County District Attorney was forced to cut back

on investigations and eliminate the prosecution of certain misdemeanors.)

A county's board of supervisors would probably not allocate 50 percent of the district attorney's budget to the family support function if they had their choice of what to do with the money. A survey of local government officials carried out by the Advisory Commission on Intergovernmental Relations (ACIR) found that 75 percent of officials would have made moderate or substantial changes in allocating federal funds if they were freed from categorical grant restrictions. The ACIR concludes that "clearly, as seen by the officials surveyed, federal grants tend to skew local decisionmaking" [38].

An important question is whether these views of local officials are also the views of a majority of their constituents. If so, the trends in program cuts that we have identified portend a coming imbalance between voters' wishes and the budget allocations of local government. Assuming that nonmandated activities continue to be reduced as a result of fiscal limitations, the mandated activities--including those that local officials feel are mistargeted--will be absorbing an increasing share of local government revenues. Voters who are opposed to these trends will find it difficult to hold local officials accountable, because these same officials claim they are powerless to resist the mandates. Increasingly, then, political actions on local policies will occur at state and federal levels, resulting in less local autonomy. William Oakland observed that, as a result of Proposition 13, "local control or 'home rule' may become a thing of the past in California" [53, p. 403].

When we began our project we thought that by observing which services experienced budget cuts and which did not we would see revealed the essential priorities of local government. Instead, we have seen revealed the essential priorities of the state and federal government. Harry L. Hufford, Chief Administrative Officer of Los Angeles County, in his Recommendations for the Proposed 1979-1980 Budget, wrote:

The Budget recommendations vividly demonstrate that Federal and State mandated programs continue to increase while locally financed programs are decreasing. Thus, the effects

of Proposition 13 are seen--increased reliance on State and Federal funds with a corresponding loss of home rule over budget priorities and level of service. [35, p. 2.]

11.4. EMERGING PATTERNS IN THE CRIMINAL JUSTICE SYSTEM

Fiscal limitation implies a decrease in real expenditures of the criminal justice system. Inevitably, this leads to a change in the nature of justice and a rethinking of what the system should do and should not do. Some trends that we have identified are described in this section.

11.4.1. Cost Considered in Court Decisions

In principle, justice should be dispensed without reference to the financial burdens placed on those who must achieve justice. Courts have rarely explicitly considered the costs imposed on the criminal justice system in their decisions or operations. However, in practice, judges are aware of the financial implications of their decisions and may take costs into account implicitly. Recently there have been indications of a growing willingness to consider costs explicitly. While still a minority position, the issue of cost has increasingly been raised and debated. For example, in a dissenting opinion in a California Supreme Court civil case to decide whether due process required the appointment of counsel to represent indigent defendants in paternity suits,¹⁷ one of the justices wrote:

While access to the courts is constitutionally protected, this access need not be guaranteed in the form of free counsel. . . . It is my view that the financial implications of such a decision may very well be tremendous and beyond our capacity to determine. If the civil litigant is now to be furnished free counsel, what of the expenses of extensive discovery, and can the cost of the retention of an expert witness be far behind? The majority is strangely silent on the critical question--who is going to pay for counsel?

¹⁷ *Salas v. Cortez*, 24 Cal. 3d 22 (1979).

The growing conflict between the demands of justice and the ability of governments to meet those demands has profound implications. It seems likely that the issue will eventually be forced: either some individuals' rights will be compromised in the interest of government solvency, or the government in question will actually be unable to comply with the court's order. Early cases of this type will no doubt be controversial and will lead to some rethinking of the values underlying our system of justice.

11.4.2. Revision of Functions

One way in which criminal justice agencies respond to lowered budgets is by shedding demand: They stop performing certain kinds of activities that they previously would have undertaken on their own initiative or at the request of a citizen or another criminal justice agency. Some of these changes are minor or even peripheral to the objectives of the criminal justice system. Others, however, constitute abandonment of an entire function customarily associated with the agency and reflect a contemplation of the agency's past successes and failures, and a rethinking of its goals and priorities. This section gives examples of major demand shedding in various parts of the criminal justice system.¹⁸

Prosecution. In the first year after the passage of Proposition 13, district attorneys reacted to fiscal limitation by being more selective in the cases they chose to prosecute. Even before Proposition 13, case screening by prosecutors in California tended to be much more stringent than in most jurisdictions elsewhere,¹⁹ yet the recent trend

¹⁸ Examples in which demands that are shed by one criminal justice agency must be picked up by another agency are discussed in Sec. 11.2.

¹⁹ A nationwide survey of police departments [31] showed that in 1973 less than 15 percent of departments experienced a felony rejection rate over 20 percent. During the same year, the typical California felony arrest had a 29 percent chance of not being prosecuted at all and only a 33 percent chance of being prosecuted as a felony. (The remaining 38 percent were prosecuted as misdemeanors.) [10]

has been toward even greater stringency. Less serious types of crimes are being prosecuted less frequently, and some are not being prosecuted at all. For example, for a period of time in 1979 the San Joaquin District Attorney was refusing some nonviolent misdemeanor cases brought in by the police, and the Alameda County District Attorney stopped prosecuting infractions in traffic cases. In addition, less time is being spent preparing each case, so the quality of prosecution is declining.

Some changes in case screening policies are publicly announced and understood. Other unannounced or invisible reductions in investigations and prosecutions are also taking place. For example, the Alameda County District Attorney told us that the reductions in staff that he had already experienced make it difficult for him to investigate matters such as official corruption and consumer fraud. In general, fiscal limitation is likely to reduce self-initiated efforts and focus the time of prosecutors on reacting to demands placed on them by other parts of the system. In so doing, some types of crimes inevitably become deemphasized even if no explicit decisions are made about them. For example, the recent growing concern with white collar crime is unlikely to be sustained in the face of fiscal limitation.

Law Enforcement. Police departments, similarly, are forced to concentrate resources on high priority crimes and reduce their efforts elsewhere. An official in a small rural city, for example, told us that although the police currently follow up on all calls, they would begin to ignore certain offenses--the "minor stuff." The police might not respond to take traffic accident reports or to investigate suspicious circumstances or burglaries. "In the future, the people will have to come into the station to report something like a stolen television." Detectives in the City of Los Angeles, where a long-standing tradition of investigating all reported felonies was surviving in the face of national trends toward case screening, were recently instructed to concentrate their resources on crimes that have a high probability of being solved, screening out those that are unlikely to be solved. The department publicly attributed this decision to budgetary pressures after Proposition 13.

While some observers may welcome the increased efficiency implied by these efforts to focus police resources where they will do the most good, others will discern a disturbing philosophical shift in the role of the police. Under fiscal pressure, basic service functions of the police are being sacrificed in favor of the crime control functions. Ironically, this trend runs counter to the thrust of much recent research on police effectiveness. In particular, the research casts doubt on the ability of the police to bring about any substantial reduction in crime rates, especially if trends in society and in the remainder of the criminal justice system push toward greater amounts of crime [30, 85].

One reason for the weak link between police resources and crime rates is that the police spend most of their time on functions unrelated to crime--order maintenance and provision of services to the public. Far from criticizing the police for allocating their time in this way, modern reform-minded researchers and practitioners have called for devoting more talent and attention to the service functions, so that they can be performed more effectively. They point out that the general climate of trust and cooperation between the police and the citizenry, which arises out of a multitude of minor interactions, has a greater ultimate influence on crime rates than how the police handle a particular crime [30].

Whether a police chief or sheriff agrees or disagrees with this view of the role of police in society, fiscal restrictions inexorably press toward sacrifice of the service functions. The link between such functions and police effectiveness is too subtle, too unproved, and--most important--too long-term to hold sway in the budgeting process. By contrast, cutbacks in crime-fighting functions can have immediate and easily understood consequences. Generally they are made only with great reluctance and concern by all the government officials who are involved.

Probation. In probation departments, demand shedding has been very different from that in police departments. Budgetary constraints have brought about a serious rethinking of the role of probation in the criminal justice system and a movement away from previously central crime prevention activities. The probation function has traditionally

been oriented toward rehabilitation of offenders. But the method used by probation officers pursuing this goal, namely, intensive personal supervision, is very expensive. Moreover, recent research generally suggests that expensive efforts at rehabilitation are not more effective than inexpensive ones. Kenneth Fare, Acting Head of the Los Angeles County Probation Department, speculated that probation will undergo major changes in the future, mostly because of anticipated budget cuts: "We are going to have to look at the role of probation and what the expectations of the community are, then we will have to adjust the resources we have to what is needed. . . . The expectation that probation will have the resources to change criminal behavior will be removed" [1].

In California, probation departments have carried out a wide range of activities, so a movement away from supervision implies a relative increase in emphasis on less well-known functions. Probation is likely to center its activities around investigations of offenders' backgrounds that are required by courts for sentencing purposes, and monitoring and surveillance of offenders in bail-release programs. Probation officers, relieved of case supervision work, may be able to do a better job at these functions than they are currently doing, and still reduce overall costs.

Courts and Corrections. Courts and corrections agencies have little discretion to control their workload by dropping or ignoring some of the demands placed on them. If the prosecutor chooses to prosecute a case, the courts are obliged to handle it in some way, whatever backlog or financial limitations may exist. Similarly, when a person is sentenced to jail or prison for a specified term, the corrections agencies cannot refuse to receive him or release him early on their own volition.

We did not find any major instances of demand shedding in these agencies after Proposition 13. In an effort to reduce backlogs of civil cases by eliminating the need for court trials in some of them, arbitration was made mandatory in California for certain civil cases involving \$15,000 or less in damages.

Corrections agencies have undertaken efforts to find alternatives to traditional secure facilities for housing persons in their custody. However, the movement toward such alternatives is propelled less by a desire to reduce expenditures than by a need to accommodate a rapid increase in the incarcerated population. Trends toward greater incarceration and longer sentences in California, which are quite independent of fiscal limitation, have been leading toward a serious problem of prison overcrowding. During 1978 the felon population in prison increased 12 percent. Even if adequate funding for new or expanded facilities were readily available, the time delays involved in selection of sites and construction of facilities would necessitate the same interim adjustments that are now under consideration.

11.4.3. Privatization

Privatization occurs when a governmental unit stops supplying a service, and private firms provide some kind of substitute for the previously public service. Such firms are compensated directly by the public. Thus, privatization differs from the process of contracting out public services to private firms (discussed in Sec. 11.2), since the contractual arrangement leaves the service under the control of a public agency.²⁰ An example of privatization in California after Proposition 13 involved summer schooling. Most school districts eliminated nearly all of their summer classes, and a variety of private sector organizations picked up the business: private schools, voluntary service groups, recreational facilities, summer camps, and travel organizations.

Generally, the criminal justice system offers few opportunities for the recipients of services to pay for the level of services they desire, because criminal offenders handled by the system are--to say the least--reluctant recipients of its services. However, there are some opportunities for privatization, and we found hints or indications that it may be occurring. Businesses that are not satisfied with their level of police protection can hire their own security guards or invest in security equipment. Neighborhood groups concerned with a reduction in police patrol activities can organize their own patrol teams or contract

²⁰ For more details and other examples, see [57].

with private security services. Residents can also purchase home security systems. The growth in sales of the private security industry indicates that these trends are occurring. However, the relationship between private investment and fiscal limitation in government is unclear. (The industry's growth began several years before Proposition 13 in California and has not shown any dramatic change since.)

11.4.4. Quality of Justice

The overall impact of fiscal containment has been capsulized by Pascal and Menchik as follows: "a leaner and smaller public sector may also turn out to be meaner and harsher" [56, p. 10]. The impressions that we gained from our interviews and analyses suggest that this is true for the criminal justice system in California. (However, our impressions are necessarily tentative, because we did not collect or analyze data about system performance.) In focusing its energies on serious crimes, the system appears to be losing some aspects of humaneness that it previously showed toward arrestees, defendants, convicts, complainants, victims of crimes, citizens needing various kinds of assistance or reassurance, and the system's own employees.

Earlier sections of this Report have pointed out examples of harsher treatment in all components of the criminal justice system. Consider what has happened to individuals convicted of crimes before Proposition 13. They have fewer opportunities for meaningful probation supervision or treatment in a community correctional facility, but many more of them are being sent to prison. The prison facilities themselves, experiencing overcrowding and its attendant problems of increased violence, are harsher forms of punishment than they previously were.

Consider people who are victims of crimes that the system considers minor, or who experience some form of unusual or suspicious behavior. They may find the situations traumatic, frightening, or extremely annoying, even while recognizing that they are not dealing with a serious crime. Since Proposition 13, they are less likely to be able to get the police to respond at all. If the police do respond, they are less likely to take anyone into custody. If someone is arrested, the district attorney is less likely to prosecute.

Employees of the system have had some of the more interesting and rewarding aspects of their jobs eliminated. They feel the public does not hold their occupation or performance in high regard. And the prospects for future enhancements in their salaries and benefits do not look nearly as favorable as they did a few years earlier.

Litigants in fairly routine civil cases may wait several years in some jurisdictions before they reach trial and adjudication. While they understand that the courts must concentrate attention first on serious criminal cases, their frustrations with an unresponsive system are real nonetheless.

These examples of movement toward a less humane and less responsive criminal justice system, and other examples that could be offered, may be viewed by some proponents of Proposition 13 as just what they wanted to happen when they voted for its passage. Other people may find them dismaying. With the passage of time, voters will be able to judge whether they value their tax savings more or less highly than any disbenefits they experience from changes in government services. This collective judgment will determine whether fiscal limitations on government become more stringent or are relaxed in the future.

Appendix A

MEMBERS OF THE ADVISORY PANEL¹

<i>Name</i>	<i>Title and/or Affiliation</i>
Duane Baker	Chief of Police, Glendale Police Department President, California Peace Officers Association
Loren Enoch	League of California Cities
Jerry J. Enomoto	Director, California Department of Corrections
Timothy Fitzharris	Executive Director, California Probation, Parole and Correctional Association
Ralph Gampell	Director, Administrative Office of the Courts, Judicial Council of California
Lloyd Gieg	Genesis House, Vallejo, California
Harry Low	Judge of the Superior Court, San Francisco, California President, California Judges Association
Robert J. Maloney	District Attorney, Glenn County, California
Nathan Manske	Deputy Director, California Office of Criminal Justice Planning
Phillip Pennypacker	Deputy Public Defender, Santa Clara County, California Executive Director, California Public Defenders Assoc.
Richard Thompson	Consultant, Judiciary Committee, California Senate

¹ Titles and affiliations are those in January 1979.

<i>Name</i>	<i>Title and/or Affiliation</i>
Pearl West	Director, California Youth Authority
Clifford Wisdom	Central California Criminal Justice Planning Board

Appendix B
PERSONS INTERVIEWED¹

<i>Name</i>	<i>Title and/or Affiliation</i>
D. J. Agnew	Administrative Services Officer, Office of the Alameda County Clerk
Courtland D. Arne	Presiding Judge, Oakland Municipal Court
Joseph H. Baker	District Attorney, San Joaquin County
Ken Bartell	Assistant Director of Personnel, Alameda County
Donald Becker	Chief of Police, San Leandro Police Department
James Bowersox	Assistant City Manager, Cerritos
Robert N. Chargin	Public Defender, San Joaquin County
Stanley R. Collis	Superior Court Administrator, Alameda County
Stephen Cooley	Deputy District Attorney, Office of the Los Angeles County District Attorney
James H. Craig	Head, Administrative Services Division, Los Angeles County Public Defender's Office
Rene Davidson	County Clerk, Alameda County
Artis Dawson	Executive Director, Alameda Regional Criminal Justice Planning Board

¹ Titles and affiliations are as of date of interview. All interviews were conducted between December 1978 and July 1979.

Ron Delacruz President, Alameda County Association of Adult,
Juvenile, and Institutional Probation Officers

Tom Dibble Director of Finance, Hanford

George Dickey Clerk-Administrator, Oakland Municipal Court

William Drennen City Manager/City Administrator, Lemoore

Tom Duncan Personnel Analyst, Alameda County

Peter Dunn Executive Assistant to the Los Angeles City
Attorney

George C. Eskin Chief Assistant City Attorney, Criminal Law Branch,
Office of the Los Angeles City Attorney

Gary Fernandez Special Representative, Operating Engineers Local
Union No. 3 (affiliated with Deputy Sheriff's
Association of Alameda County)

Suzanne E. Foucault Special Projects Director, League of California
Cities

Paul D. Green Assistant Chief Probation Officer, Alameda County
Probation Department

David Guthman Chief, Psychiatric Section, Office of the Los
Angeles County District Attorney, and President,
Mental Health Advocacy Services, Inc.

John A. Hammargren Captain, Los Angeles County Sheriff's Department
(Commander, Lakewood Station)

George T. Hart Chief of Police, Oakland Police Department

Frank W. Harty Sheriff-Coroner, San Joaquin County

Wes Harvey Assistant Chief of Police, Los Angeles Police
Department

Curtis L. Henderson Chief of Police, Hanford Police Department

Earl E. Herring Chief of Police, Piedmont Police Department

Mel Hing County Administrator, Alameda County

James C. Hooley Public Defender, Alameda County

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Sue U. Malone Executive Director, California Judges Association

Frank Maloney Catholic Charities, Alameda County

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Willie W. Weatherford Captain, Manteca Police Department

Robert L. Wright Senior Deputy County Administrator, San Joaquin County

Marcus Yates Chief of Police, Lodi Police Department

Colman Young Chief of Police, Hawthorne Police Department

Steven Zehner Director, County Supervisors Association of California

Frank Zolin Executive Officer, Los Angeles Superior Court

ARTICLE XIII A OF THE CALIFORNIA CONSTITUTION

(The text of Proposition 13, approved June 6, 1978, was amended on November 7, 1978. Deletions are shown in brackets; additions are shown in italics.)

§1. Ad valorem tax on real property; maximum amount

Section 1. (a) The maximum amount of any ad valorem tax on real property shall not exceed one percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on any indebtedness approved by the voters prior to the time this section becomes effective.

§2. Full cash value; full cash value base

Sec. 2. (a) The full cash value means the county assessor's valuation of real property as shown on the 1975-76 tax bill under "full cash value" or, thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. All real property not already assessed up to the 1975-76 [tax levels] *full cash value* may be reassessed to reflect that valuation. *For purposes of this section, the term "newly constructed" shall not include real property which is reconstructed after a disaster, as declared by the Governor, where the fair market value of such real property, as reconstructed, is comparable to its fair market value prior to the disaster.*

(b) The [fair market] *full cash value* base may reflect from year to year the inflationary rate not to exceed 2 percent for any given year or reduction as shown in the consumer price index or comparable data for the area under taxing jurisdiction, *or may be reduced to reflect substantial damage, destruction or other factors causing a decline in value.*

§3. Changes in state taxes; enactments to increase revenues; imposition.

Sec. 3. From and after the effective date of this article, any changes in State taxes enacted for the purpose of increasing revenues collected pursuant thereto whether by increased rates or changes in methods of computation must be imposed by an Act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property may be imposed.

§4. Special taxes; imposition

Sec. 4. Cities, counties and special districts, by a two-thirds vote of the qualified electors of such district, may impose special taxes on such district, except ad valorem taxes on real property or a transaction tax or sales tax on the sale of real property within such City, County or special district.

§5. Effective date of article

Sec. 5. This article shall take effect for the tax year beginning on July 1 following the passage of this Amendment, except Section 3 which shall become effective upon the passage of this article.

§6. Severability

Sec. 6. If any section, part, clause, or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected but will remain in full force and effect.

Appendix D

SELECTED STATISTICS FOR STUDY SITES

Table D.1

SELECTED STATISTICS FOR FOUR STUDY COUNTIES

Statistic	Alameda	Kings	Los Angeles	San Joaquin
Percentage population in incorporated territory, 1973	88.3	42.3	85.3	61.7
Percentage agricultural workers (covered by unemployment insurance)	1.0	36.4	0.5	20.7
1973 median income (joint returns), \$	14,736	10,711	13,730	12,736
Percentage of state total families on Aid to Families with Dependent Children, June 1974	5.6	0.4	41.1	1.9
Percentage of state total farmland, 1969	0.8	2.0	1.6	2.4
Percentage of state total acreage, 1969	0.5	0.9	2.6	0.9
Crime rate (crimes per 100,000 population in area served by sheriff), 1978	4900	4100	7100	5800

SOURCES: Statistics are calculated from data contained in: *California Statistical Abstract* [11], and *Crime in the United States, 1978* [20].

POPULATION, CRIMINAL JUSTICE, AND REVENUE STATISTICS
FOR CITIES IN STUDY COUNTIES

City ^a	Class of Govt. ^b	Estimated Population (1977)	Change in Population 1970-1977	Crime Index (1976 total)	Crime Rate (Crimes per 1000 population)	Criminal Justice Expense Budget as Percent of Total	Criminal Justice Expend. per Capita (\$)	Percent of Revenue from Property Tax	City Property Tax Rate 1977-78 (per \$100 valuation)
Los Angeles County									
Alhambra	C	62,125	0.0	3,899	62.76	14.1	44.93	13.4	1.59
Arcadia	C	46,850	9.3	2,772	59.17	30.4	50.44	19.8	0.83
Artesia	G	15,200	3.0	850	55.92	18.7	20.62	18.0	1.04
Avalon	G	1,530	0.7	--	--	15.6	107.75	27.0	2.19
Azusa	G	25,898	2.7	2,109	81.43	20.8	41.28	19.4	1.45
Baldwin Park	G	47,285	0.0	3,099	65.54	29.9	37.37	21.2	2.21
Bell	G	21,836	0.0	1,089	49.87	27.1	46.49	10.3	0.90
Bellflower	G	52,334	1.7	3,293	62.92	34.2	27.31	--	0.00
Bell Gardens	G	29,308	0.0	1,769	60.36	41.1	46.60	28.6	1.97
Beverly Hills	G	33,416	0.0	2,343	70.12	23.6	121.76	31.5	1.48
Bradbury	G	850	-22.6	--	--	23.1	36.54	50.6	1.64
Burbank	C	88,871	0.0	4,067	45.76	24.0	71.69	19.4	1.55
Carson	G	81,274	12.3	5,064	62.31	24.0	44.71	22.5	1.04
*Cerritos	C	46,900	195.8	2,793	59.55	14.3	25.91	13.1	0.79
Claremont	G	26,099	11.2	1,488	57.01	19.2	31.35	31.5	2.72
Commerce	G	10,635	0.9	1,708	160.60	16.5	144.14	--	0.00
*Compton	C	78,661	0.1	10,527	133.82	23.4	49.33	20.3	2.00
Covina	G	32,834	8.1	1,841	56.07	22.3	42.04	23.0	1.58
Cudahy	G	16,998	0.0	740	43.53	41.0	28.02	13.9	1.04
Culver City	C	39,200	13.5	3,859	98.44	23.2	73.12	16.2	1.23
Downey	C	88,573	0.1	4,724	53.33	26.9	55.21	11.3	1.11
Duarte	G	15,100	0.8	859	56.89	22.8	22.09	9.6	1.07
El Monte	G	70,012	0.3	5,176	73.93	27.4	39.82	18.4	1.58
El Segundo	G	15,750	0.8	1,057	67.11	26.6	129.48	12.2	0.15
Gardena	G	45,800	11.7	3,169	69.19	25.2	63.25	14.0	1.26
Glendale	C	133,003	0.2	--	--	16.1	36.78	14.3	1.20
Glendora	G	33,260	6.1	1,837	55.23	24.3	37.44	23.2	1.38
Hawaiian Gardens	G	9,875	12.1	--	--	23.1	129.51	14.6	1.59
*Hawthorne	G	56,000	5.1	3,250	58.04	22.6	191.80	2.9	0.85
Hermosa Beach	G	19,050	9.4	756	39.69	28.4	48.45	35.0	2.08
Hidden Hills	G	1,560	2.0	--	--	13.4	23.87	56.3	1.69
Huntington Park	G	37,851	12.2	3,204	84.65	26.6	39.79	18.5	1.81
Industry	G	720	0.8	--	--	11.9	847.12	14.3	1.00
Inglewood	C	90,030	0.1	9,417	104.60	25.3	100.68	12.7	1.82
Irwindale	G	784	0.0	--	--	31.3	450.63	17.0	1.00
La Canada-Flintridge	G	40,482	--	--	--	23.7	64.64	--	1.04
Lakewood	G	83,900	1.1	3,556	42.38	18.8	24.19	26.0	1.26
La Mirada	G	41,230	33.8	1,701	41.26	19.6	20.72	22.1	1.04
La Puente	G	31,450	1.2	2,231	70.94	19.0	20.34	12.1	1.04
La Verne	G	18,139	39.9	807	44.49	20.1	32.16	21.7	2.65
Lawndale	G	24,825	0.0	1,475	59.42	27.5	29.24	16.1	1.04
Lomita	G	19,784	0.0	952	48.12	30.0	26.39	19.7	1.04
Long Beach	C	361,696	0.9	26,448	73.12	23.9	75.61	23.1	2.17
*Los Angeles	C	2,838,400	0.9	220,689	77.75	24.4	75.94	26.4	2.88
Lynwood	G	43,354	0.0	4,310	99.41	27.7	35.45	21.0	1.36
Manhattan Beach	G	35,352	0.0	1,601	45.29	22.0	40.15	29.8	1.50
Maywood	G	16,996	0.0	1,010	59.43	40.9	34.54	13.3	1.13
Monrovia	G	30,562	1.8	2,371	77.58	21.4	37.90	21.1	2.18
Montebello	G	47,750	11.5	3,225	67.54	25.4	52.34	23.8	1.81
Monterey Park	G	51,626	5.0	2,064	40.00	27.6	36.94	33.2	1.95
Norwalk	G	90,161	-1.8	5,270	58.45	24.2	23.25	15.0	1.04
Palmdale	G	10,700	25.7	908	84.86	31.7	43.21	15.8	--
Palos Verdes Estates	G	14,650	7.4	482	32.90	24.8	41.33	40.2	1.00
Paramount	G	34,734	0.0	2,510	72.26	22.3	35.02	17.7	1.04
Pasadena	C	113,815	0.4	11,315	99.42	20.7	69.31	18.0	2.11
Pico Rivera	G	54,170	0.0	2,468	45.56	23.7	28.19	16.8	1.04
Pomona	C	87,384	0.0	8,912	101.98	20.1	46.48	19.9	2.67
Rancho Palos Verdes	C	59,925	--	948	15.82	20.2	12.15	42.7	0.94
Redondo Beach	C	64,400	14.8	4,355	67.62	21.1	48.40	22.3	1.47
Rolling Hills	G	2,050	0.0	--	--	13.8	38.78	52.2	1.04
Rolling Hills Estates	G	7,550	12.1	--	--	13.0	26.00	23.4	0.79
Rosemead	G	40,975	0.0	--	--	25.4	25.52	17.5	1.04
San Dimas	G	17,950	14.4	944	52.59	11.9	20.70	26.6	1.94
San Fernando	G	16,571	0.0	1,615	97.45	20.4	52.67	13.7	1.90
San Gabriel	G	29,705	1.8	1,372	46.19	27.6	37.37	22.9	1.42
San Marino	G	14,177	0.0	507	35.76	25.7	47.83	60.2	2.21
Santa Fe Springs	G	16,000	8.5	1,743	108.93	15.4	68.82	9.1	0.49
Santa Monica	C	93,000	5.3	8,290	89.14	22.6	53.61	14.8	1.05
Sierra Madre	G	12,200	0.5	261	21.39	25.6	30.20	38.4	2.33
Signal Hill	G	5,625	0.8	--	--	24.2	116.52	15.1	0.85
South El Monte	G	17,342	29.0	1,271	73.29	24.7	35.94	14.7	1.04
South Gate	G	56,909	0.0	3,735	65.63	30.3	54.44	14.3	1.28
South Pasadena	G	23,450	2.0	1,292	55.09	24.1	35.29	33.8	2.53
Temple City	C	31,010	4.5	814	26.25	29.2	19.09	--	--
Torrance	C	138,500	2.9	6,885	49.71	27.8	65.71	18.5	1.00
Vernon	G	261	0.0	--	--	--	(c)	13.1	0.60
Walnut	G	9,875	64.8	--	--	18.6	24.77	17.4	1.49
West Covina	G	74,400	9.4	4,452	59.84	25.7	40.16	20.3	1.68
Whittier	C	73,400	0.7	3,952	53.84	26.7	37.83	14.0	0.74

Table D.2 (continued)

City ^a	Class of Govt. ^b	Estimated Population (1977)	Change in Population 1970-1977	Crime Index (1976 total)	Crime Rate (Crimes per 1000 population)	Criminal Justice Expense Budget as Percent of Total	Criminal Justice Expend. per Capita (\$)	Percent of Revenue from Property Tax	City Property Tax Rate 1977-78 (per \$100 valuation)
Alameda County									
Alameda	C	74,500	5.0	4,247	57.01	18.7	32.50	35.5	2.45
Albany	C	15,561	6.0	793	50.96	25.1	49.49	28.6	1.77
Berkeley	C	114,091	-2.2	12,362	10.84	13.0	45.68	29.1	3.37
Emeryville	G	4,110	53.3	--	--	27.0	191.83	28.6	1.45
*Fremont	G	121,400	20.4	8,378	69.01	21.9	30.77	26.2	1.26
Hayward	C	96,905	4.1	8,374	86.41	24.2	52.27	22.2	1.36
Livermore	G	48,950	29.8	2,508	51.24	25.3	31.32	22.7	1.42
Newark	G	30,150	11.0	1,946	64.54	25.8	39.88	29.6	1.59
*Oakland	C	362,100	0.1	41,215	113.82	16.6	59.74	23.1	2.66
*Piedmont	C	10,917	0.0	553	50.65	21.0	45.55	63.6	2.62
Pleasanton	G	33,650	83.6	1,235	36.70	27.2	35.36	40.8	1.76
*San Leandro	C	70,303	2.3	4,431	63.02	18.7	39.70	16.5	0.59
Union City	G	32,850	123.1	1,699	51.72	20.6	35.96	31.5	1.60
Kings County									
*Corcoran	G	5,775	10.0	--	--	21.5	50.65	12.3	2.15
*Hanford	G	18,300	20.0	1,648	90.05	21.9	37.88	15.0	1.81
*Lemoore	G	7,800	84.9	--	--	18.0	25.41	17.0	1.99
San Joaquin County									
Escalon	G	2,660	12.4	--	--	37.2	45.79	16.4	1.82
*Lodi	G	32,250	12.4	2,700	83.72	16.2	33.24	16.4	1.68
*Manteca	G	18,400	32.9	1,246	67.72	19.3	31.77	15.9	1.86
Ripon	G	3,000	12.0	--	--	29.0	44.93	20.5	1.06
*Stockton	C	122,000	13.3	12,487	102.35	19.4	67.59	12.3	1.97
Tracy	G	16,100	9.3	1,552	96.40	12.5	24.81	22.6	2.07

SOURCES: *Financial Transactions Concerning Cities of California* [25], 1977 (cited below as FTCC); and *Crime in the United States, 1976* [19] (cited below as UCR).

Class of Government from FTCC, Table 1A. Estimated Population, June 30, 1977, from FTCC, Table 1B. Federal Census Population (1970), for calculation of percent change, as listed in FTCC, Table 1B. Crime Index from UCR, Table 6. Criminal Justice Expense Budget from FTCC, Table 5, calculated by summing "Expenses" entries for "City Attorney" and "Police Protection" (not shown, but presented as percent of total expense budget). Revenue Provided by Property Tax from FTCC, Table 4, calculated by summing "Taxes--Property: Current year--Secured" and "Taxes--Property: Prior years" (not shown, but presented as percent of total revenue). Property Tax Rate from FTCC, Table 19A.

^a Asterisks indicate cities selected for study.

^b C is Chartered; G is General Law.

^c \$59,993.93.

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