

### 3. Enforcement Policy Goals.

Staff: Richard Miadich, FPPC Chair. Over the last several years, the Political Reform Act has been amended in ways that increase the complexity of its requirements for committees and candidates. This has contributed to an increase in the amount of time it takes to investigate and prosecute violations of the Act. To improve the timely resolution of enforcement matters, policy guidelines are being proposed for consideration and adoption by the Commission.

#### Enforcement Policy Goals

1. **FPPC Enf Staff Member** says:

November 8, 2022 at 9:51 am

Our current system puts an immense amount of pressure on staff to complete tasks assigned. As other commenters have stated, we are understaffed, our case loads are unrealistic, and complaints vary anywhere from incorrect advertisement font size to full financial review/audit of committee records, sometimes for years worth of activity. Staff deals with voluminous records regularly that often comes to us in an unorganized and nonsensical manner which requires weeks, if not months, of accounting to untangle. I think policy changes are necessary, but not imposing stricter standards or timelines on Enforcement. California is the third largest state in the country and the FPPC has a skeleton crew to manage all state and local complaints/investigations. It is disheartening to give everything you have to your job and be told that you are still not doing enough. I am afraid that the passionate and talented people I work with will leave the agency if the wrong approach is taken.

0. **FPPC Enf Staff Member** says:

November 8, 2022 at 9:43 am

Completing cases in a timely manner is important, but this proposed guide does not take into consideration factors staff faces on a daily basis. Enforcing this policy would require an increase of staff to give anything close to desired results. For perspective, the Sacramento County Public Defender's Office and DA Office averages 20-30 investigators and that doesn't include attorney or intake staff. Sacramento County ranks #8 in population, around 1.5 million, while LA County ranks #1 at 9 million. For the entire state, 58 counties and 482 municipalities that we overview, there's 10 investigators, 10 attorneys, and 6 intake staff to sort through thousands of cases a year. Often the difficulty of the case isn't revealed until documents are obtained, and new staff is faced with a sharp learning curve because of it. The PRA becoming more complex means our cases have become more complex and cannot be completed with the guidelines on this proposed agenda at our current staff numbers.

-1. **N/A** says:

November 8, 2022 at 9:34 am

As a member of the enforcement team for over four years, I can attest to the hard work this division puts in at all levels to ensure we are enforcing the Act to its fullest degree. However, this process takes time, and from an investigation standpoint, it is not a cookie-cutter, one-fits-all process to which an arbitrary timeline can be broadly applied. I am not in favor of compromising our investigations to fit within any timeline beyond that of the applicable Statute of Limitations. This is not how we should aim to resolve cases, and I believe it does the public a disservice in the end. To truly improve the timeline to resolve cases, we must address the case load currently held by our investigators and attorneys. This is the root whatever timeliness concerns the Commission may have, and I believe any kind of arbitrary deadline beyond that of the applicable statute date is only going to hurt the public interest.

-2. **FPPC ENF Staff Member** says:

November 8, 2022 at 9:23 am

To improve the timely resolution of enforcement matters, more staff needs to be hired. Attorneys and Investigators are drowning in cases. Each person's caseload is out of control. Other state agencies have no less than 25 investigators working cases, we have 10 investigators. Our caseloads range from 52 – 90 cases per person. Those numbers are not conducive in getting enforcement matters resolved timely. Our caseloads keep on growing due to AdWatch, and pre-election cases. In addition, you can't simply look at a case to determine its complexity until you are in a full investigation. A case deemed "easy" that is given to newer staff to complete, can turn messy in a blink of an eye. Bottom line, if new staff is not hired, the quality of our investigations will be diminished by trying to meet a restrictive timeline.

-3. **FPPC ENF Staff Member** says:

November 8, 2022 at 8:34 am

This new proposed ENF Policy Goals does not appear to take into account the existing backlog of cases, or priority matters such as AdWatch, and pre-election cases. I would hate to see the quality of an investigation, and subsequent prosecution of a case, compromised by trying to meet a specific deadline. The hard truth is that there are just too many cases and too few staff members. Instead of trying to impart timelines, perhaps we should look at the staffing levels and how additional intake staff, investigators and attorneys could have a huge impact on the time it takes for a case to move from intake to prosecution and/or closure. It feels that this incessant tweaking and making adjustments to ENF protocols is suggestive of poor performance by the Enforcement Division and leads to poor morale. There appears to be so little focus on all the good that the ENF staff has done over the years and the impact our hard work has had in fostering the public's trust in our political system.