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California State Senate

SENATOR
PATRICIA C. BATES
SENATE REPUBLICAN LEADER
THIRTY-SIXTH SENATE DISTRICT



COMMITTEES
APPROPRIATIONS
VICE CHAIR
JOINT RULES COMMITTEE
JOINT LEGISLATIVE BUDGET
COMMITTEE
JOINT LEGISLATIVE COMMITTEE
ON EMERGENCY MANAGEMENT

April 3, 2018

The Honorable Toni G. Atkins,
President pro Tempore
California State Senate
Room 205, State Capitol
Sacramento, CA 95819

Dear Senator Atkins,

As you are aware, California is home to a unique law enforcement program called the Armed Prohibited Persons System (APPS) which allows the state to cross-reference information from multiple state databases to identify individuals who purchased firearms legally but were later prohibited from owning them due to criminal activity or mental illness. Since the APPS database came online in 2006, it has been a key tool for identifying and disarming thousands of potentially dangerous individuals who are legally prohibited from possessing firearms.

Republicans in both houses have supported efforts to expand and foster this program subsequent to its introduction and passage by then Senate Republican Leader Jim Brulte. In 2013, when Department of Justice (DOJ) staff identified a growing backlog of some 20,000 APPS subjects, Senate Republicans worked jointly with our Democrat colleagues to pass a bipartisan bill (SB 140, Chapter 2, Statutes of 2013) that provided a \$24 million augmentation to DOJ's budget to eliminate the backlog and required annual reports on the progress made (or lack thereof).

Last month, Attorney General Xavier Becerra released the fourth report required by SB 140 outlining his efforts to eliminate the backlog in the APPS. While we had hoped that this program would be a priority for the newly-appointed Attorney General, the report indicates that is not the case. In fact, the data points to a regression in enforcement by the department under his leadership. Not only did DOJ fail to significantly reduce the backlog but it actually has slowed its progress. During A.G. Becerra's first year DOJ reduced the backlog by only a dismal 408 cases. This is the lowest total reduction since we provided additional funding for this purpose in 2013. As a point of comparison, the previous attorney general, despite failing to live up to her commitment to completely eliminate the backlog, did at least manage to reduce it by roughly 7,000 cases in the two prior years.

By the end of the current fiscal year, DOJ will have spent \$62.5 million on APPS enforcement since SB 140 (\$33 million more than if no additional funding had been provided). Yet, as of the March 1, 2018 SB 140 report, there are still 10,226 known prohibited persons potentially in possession of a firearm. This represents only a 50 percent overall reduction in the backlog despite testimony by DOJ in 2013 that this could be resolved “in theory” within a one-year timeframe. Further, DOJ does not even have an estimate of when it will be able to clear these remaining cases or reduce them to a manageable level. This is unacceptable and brings into question the capacity of DOJ to resolve the backlog regardless of any amount of additional resources provided.

With the spate of recent high profile shootings and the failures by other states to identify the perpetrators prior to commission of their crimes, it is critical that we ensure California is doing everything possible with our already existing systems to disarm known prohibited persons that are mentally ill or have violent criminal records. Senate Republicans have previously requested on multiple occasions that the Senate Rules Committee approve a joint oversight hearing to review the APPS program and the reports released by DOJ outlining its lack of significant progress. Unfortunately, those requests were not granted, and the only oversight provided to this critical program was a short review during a previously scheduled Senate Budget Subcommittee hearing.

In light of DOJ’s repeated failures in this area, Senate Republicans are again asking that the Legislature provide adequate oversight of this program, given 1) potential consequences of leaving firearms in the hands of people that should not have them, and 2) the failure of DOJ to fulfill its statutory obligations and meet its commitments to the Legislature with respect to the APPS program. It is incumbent upon us to protect the safety of the public while at the same time making prudent use of monies entrusted to us by the public.


We are again requesting that the Senate Rules Committee approve a joint oversight hearing by the Senate Public Safety Committee and Senate Budget Subcommittee #5 to review (1) the APPS program, (2) the recent report released by the DOJ outlining its failure to eliminate the APPS backlog, and (3) what appears to be mismanagement of this program. This oversight hearing should investigate, at a minimum:

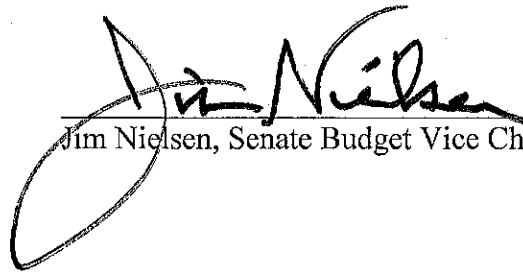
- The reason for the precipitous reduction in resolving the backlog during the current Attorney General’s tenure;
- The inability of DOJ to hire and retain personnel allocated to the program;
- Any steps DOJ has taken to increase local law enforcement involvement to offset the department’s inability to resolve cases;
- The number of cases that represent a “normal” annual caseload (i.e., the number of cases that reflects a level at which the new entries into APPS each year can be resolved during that timeframe and do not become backlog);

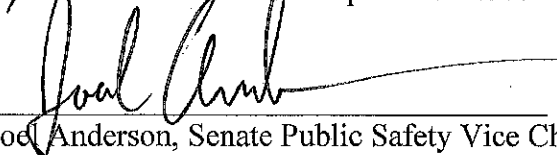
- A clear timeframe for completely eliminating the existing backlog along with notification of any additional resources that are necessary to do so; and
- A transparent accounting of how the funding given DOJ for APPS enforcement over the past five years was expended.

Thank you for your consideration of this request. We look forward to working collaboratively with you to ensure that criminals and the mentally ill do not illegally possess firearms and to hold our state agencies accountable for running effective and efficient programs.

Sincerely,



Patricia C. Bates, Senate Republican Leader

Jim Nielsen, Senate Budget Vice Chair

Joel Anderson, Senate Public Safety Vice Chair

cc: Senator Holly Mitchell, Chair, Senate Budget & Fiscal Review Committee
Senator Nancy Skinner, Chair, Senate Public Safety Committee