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California State Senate



**SENATOR
JIM NIELSEN**

FOURTH SENATE DISTRICT

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BUDGET & FISCAL REVIEW
VICE CHAIR
HEALTH
VETERANS AFFAIRS
CHAIR

February 8, 2016

The Honorable Kevin de León
Senate President pro Tempore
California State Senate
State Capitol, Room 205
Sacramento, CA 95814

Dear pro Tem de León,

In March of 2015, Attorney General Kamala Harris released the first report detailing her efforts to eliminate the backlog of cases in the Armed Prohibited Persons System (APPS). Despite the APPS backlog being “a priority for Attorney General Kamala Harris,” the report revealed a complete failure by Attorney General Harris and her staff to address the backlog and meet the commitments they made to the Legislature.

Among its most troubling findings, the report noted that by December 31, 2014, the department had reduced the backlog of prohibited persons with firearms by only 3,770 (a mere 17 percent) – despite having spent roughly 40 percent of the \$24 million in special funds allocated by the Legislature for this purpose – and had hired only a fraction of the agents necessary to complete the job.

Given the critical public safety implications of this issue, Senate Republicans requested that the Senate Rules Committee approve a joint oversight hearing to review the APPS program and the report released by Ms. Harris outlining her department’s lack of progress.

Unfortunately, that request was not granted and the only oversight provided to this critical issue was a short review during a previously scheduled Senate Budget Subcommittee hearing covering not only the department’s entire budget, but a number of issues from several other departments’ budgets as well. While it provided an incomplete picture of the mismanagement of the program, even that minimal amount of review identified new details of a concerning nature, including the misuse of special funds for unrelated purposes. As a result, the Budget Committee adopted supplemental reporting language directing the Attorney General to provide additional details regarding the APPS program.

Last week, the California Attorney General submitted the requested progress report regarding the Armed Prohibited Persons System (APPS).

The report revealed that the department failed to eliminate the backlog (leaving 12,691 prohibited persons potentially in possession of firearms in our communities, or roughly 60 percent of the backlog intact).

What's more troubling is the Attorney General has no timeframe to reduce this backlog.

Having failed the public by every measure, Attorney General Harris is now requesting that the Legislature make permanent funding available for the exact same purpose.

The Legislature must provide adequate oversight of this program, given 1) the 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. Therefore, we again request that the Senate Rules Committee approve a joint oversight hearing by the Senate Public Safety Committee and Senate Budget Subcommittee #5 to review the APPS program, the recent report released by the Attorney General outlining its failure to eliminate the APPS backlog, and what appears to be mismanagement of this program. This oversight hearing should investigate:

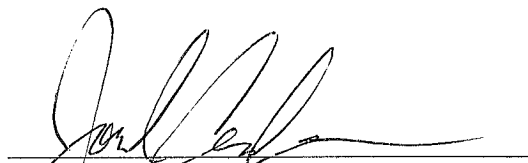
- How the Attorney General spent over 60% of the allocated special funds while clearing only 40% of the backlog.
- Why DOJ Bureau Chief Stephen Lindley testified in committee on behalf of the Attorney General just last year that the Department's inability to retain staff was a significant barrier to eliminating the backlog, when the most recent report indicates an average 95% retention rate for agents during the same three-year period.
- The pervasiveness of numerical discrepancies in the most recent report.
- Whether the Attorney General has a plan to actually eliminate the APPS backlog, and if so, the timeline for completion.

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,



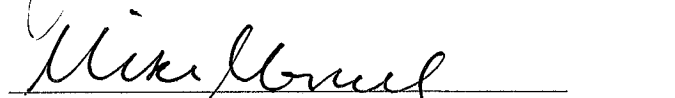
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Joel Anderson, Vice Chair Public Safety



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