

# **SB 140 Supplemental Report of the 2015-16 Budget Package**

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## **Armed Prohibited Persons System**

January 1, 2016

Pursuant to Penal Code section 30015, the Department of Justice shall address the backlog in the Armed and Prohibited Persons System and the illegal possession of firearms by those prohibited persons. This is the calendar year 2015 Armed and Prohibited Persons Systems report due to the Joint Legislative Budget Committee by January 10, 2016.

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## EXECUTIVE SUMMARY

This report summarizes the accomplishments of the California Department of Justice, Bureau of Firearms (Department) during the reporting period of July 1, 2012, to December 31, 2015.

The Armed Prohibited Persons System (APPS) program was conceptualized by the Legislature in 1999 as a result of the proliferation of gun violence across the state and the nation. The focus of APPS is to disarm convicted criminals, mentally ill persons, and other dangerous individuals. The APPS database went into effect in December of 2006 and cross-references firearms owners across the state against criminal history records, mental health records, and restraining orders to identify individuals who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon. This is a proactive initiative designed to prevent crime and reduce violence, including incidents of domestic violence.

The State of California is the first and only state in the nation to establish an automated system for tracking firearm owners who might fall into a prohibited status. To accomplish APPS' mission of removing firearms from individuals who may pose a threat to themselves and our communities, Attorney General Kamala D. Harris sought the funding to initiate the first enforcement program to remove the firearms from prohibited individuals listed on APPS.

Until recently, the APPS database was based exclusively on handgun transaction records despite the fact approximately half of all California firearm sales involve long-guns. Effective January 1, 2014, a new California law mandated the Department collect and retain firearm transaction information for all types of guns, including long-guns. This potentially increases the number of people who may fall into the APPS database. In fact, in 2015, 16.05 percent more people were deemed prohibited from the prior year. Further, we anticipate the database will increase 3,000 per year when the new Gun Violence Restraining Order (Assembly Bill 1014) law goes into effect on January 1, 2016.

In 2013, Senate Bill 140 (SB 140, Leno) passed the Senate overwhelmingly, and appropriated \$24,000,000 over three years to the Department from the Dealer's Record of Sales fund to reduce the volume of pending APPS background investigations. Due to Attorney General Harris and the Legislators' support, California Department of Justice agents have doubled the average number of guns seized per year, removed 20,573 people listed in APPS, and reduced the listed prohibited individuals to 12,691. This is a historic low if you consider that on July 1, 2013, there were 20,721 active subjects in the APPS database, and since that date an additional 20,351 people became prohibited. These results highlight the program's effectiveness and steadfast dedication of DOJ's enforcement program.

SB 140 requires the Department to submit an annual report to the Joint Legislative Budget Committee for the prior calendar year by March 1. The Legislative Analyst's Office requested an update to the Joint Legislative Budget Committee by January 10, 2016, as part of the Supplemental Report of the 2015-2016 Budget Package (Supplemental Report), Item 0820-001-0460. Both reports prescribe the same update on the Department's progress on addressing the backlog in the APPS program. The Supplemental Report, however, requests additional information dating back to Fiscal Year (FY) 2012-2013. The following pages provide the statistical data requested by both SB 140 and the Supplemental Report; data exclusive to the Supplemental Report will be noted "SR" preceding the response, and for consistency all information will be reported in the FY format.

## DEGREE TO WHICH THE APPS DATABASE HAS BEEN REDUCED OR ELIMINATED

At the inception of SB 140 (July 1, 2013), there were 20,721 subjects in the APPS database. Between that date and December 31, 2015, 20,351 additional subjects were added to the database and 7,808 people naturally fell out of the database (due to death or expired prohibition). As a result, the Department has diligently worked to address a combined 33,264 prohibited subjects in the APPS database.

In the past 2-1/2 years, APPS enforcement program has resulted in the removal of 20,573 people from the database. The Department's work has effectively reduced the long-standing list to a historic low of 12,691 subjects. Additionally, for the first time in APPS' history, the Department is successfully reducing the database and the ever-growing entry of thousands of new subjects that are deemed prohibited from owning a firearm.

Without SB 140 funding, APPS enforcement would not have been as momentous and the number of people in the APPS database would be significantly higher. The following graph shows the decrease to the APPS database since the inception of SB 140 and highlights how many people would be in the database without any enforcement action by the Department.

## Degree APPS Database Was Reduced



The case management system utilized prior to July 1, 2013, was not designed to maintain or extract the requested data. The above figures represent the end of fiscal year numbers. \*This data represents the first six months of FY 15-16.

## NUMBER OF AGENTS HIRED FOR THE ENFORCEMENT OF APPS

The Department worked diligently to fill positions authorized by SB 140, and re-hired many agents who were laid-off during fiscal year 2011-2012 budget cuts to the Department. However, vacancies still exist due to factors outside its control, such as Bargaining Unit contracts, retirements and Department separations. The Department has taken proactive measures to address these issues. For instance, we worked with the labor union to extend to 24 months the minimum amount of time an agent must stay in one position before they can transfer to a new assignment.

Listed below are the number of agent positions, hires and separations for each fiscal year.

At the start of Fiscal Year 2012-2013 there were 46 agent positions, 44 of which were filled. During the course of this fiscal year: four agents were hired; one agent retired, seven agents transferred to another bureau within the Department; one agent promoted internally to a management position; grant funding (Firearms Trafficking Task Force) expired for four agent positions. At the end of this timeframe, there were 42 agent positions, 39 of which were filled.

SB 140 funding became effective at the start of Fiscal Year 2013-2014. This funding accounted for an additional 36 agent positions for a total of 78 positions, 39 of which were filled. During this timeframe: 31 agents were hired; 12 agents transferred to another bureau within the Department; and three agents retired. At the end of the fiscal year, there were 78 agent positions, 55 of which were filled.

At the start of Fiscal Year 2014-2015 there were 78 agent positions, 55 which were filled. During this timeframe: 28 agents were hired; 19 agents transferred to another bureau within the Department; three agents retired; two agents returned to their prior employer; and two agents promoted. Three agent positions were obtained from elsewhere in the Division of Law Enforcement due to the pending loss of eight positions the following fiscal year. At the end of the fiscal year, there were 81 agent positions, 57 of which were filled.

At the beginning of Fiscal Year 2015-2016, eight limited term agent positions expired so there were 73 agent positions, 57 of which were filled. Through December 31, 2015, four agents were hired; one agent transferred to another bureau within the Department for a promotion; one agent retired; three agents returned to their prior employer; two agents separated from state service; and an additional two agent positions were obtained from elsewhere in the Division of Law Enforcement. On December 31, 2015, there were a total of 75 agent positions, 54 of which were filled.

## YEARLY REDUCTIONS OF PEOPLE CLEARED FROM APPS

The creation of the Department's first robust APPS enforcement program has allowed for a historic reduction in subjects in the APPS database. At the inception of SB 140 (July 1, 2013), there were 20,721 subjects in the APPS database. Between that date and December 31, 2015, 20,351 additional subjects were deemed prohibited. During this same timeframe, 7,808 subjects naturally fell out of the database due to death or expired prohibition. Without any enforcement action, the number of APPS subjects would have been 33,264. Due to the Department's investigative and enforcement efforts, there are currently 12,691 individuals in the APPS database; **20,573 people were cleared from APPS.**

The bureau's case management system utilized prior to July 1, 2013, was not designed to maintain or extract the data requested per the SB 140 Supplemental Report. For statistical data prior to July 1, 2013, the bureau can report the total number of APPS subjects in the database at the beginning and end of the fiscal year. In the beginning of Fiscal Year 2012-13, there were a total of 19,621 people in APPS. At the end of that fiscal year, there were 20,176 people in the APPS database.

At the beginning of Fiscal Year 2013-14, there were a total of 20,721 people in APPS. In that fiscal year, a total of 7,903 people were added to the APPS database and 1,476 people naturally fell out of the system due to death or expired prohibition. At the end of that fiscal year, there were 19,610 people in the APPS database. Without the Department's enforcement efforts, the number of people in active APPS database would have been 27,148.

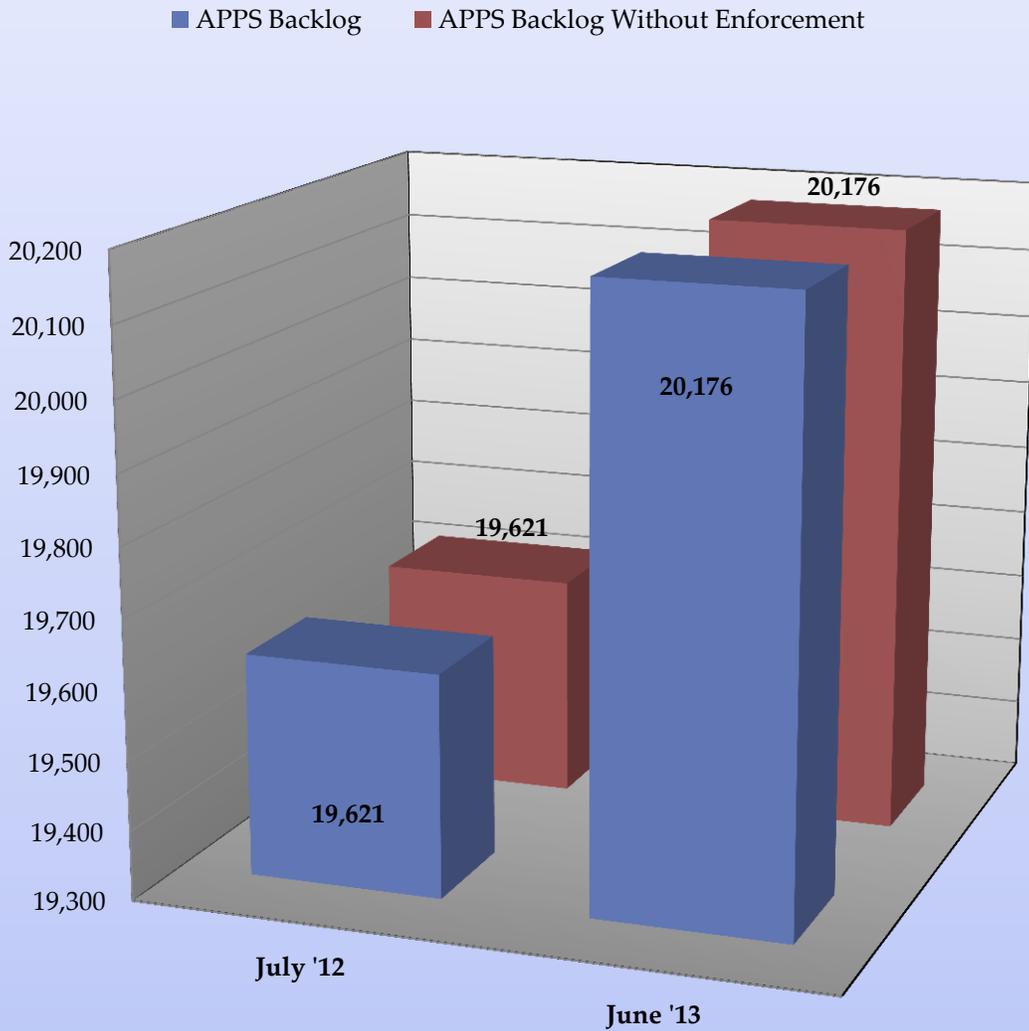
At the beginning of Fiscal Year 2014-15, there were a total of 19,593 people in APPS. In that fiscal year, a total of 7,725 people were added to the APPS database and 3,572 people naturally fell out of the system due to death or expired prohibition. At the end of that fiscal year, there were 15,683 people in the APPS database. Without the Department's enforcement efforts, the number of people in active APPS database would have been 31,301.

At the beginning of Fiscal Year 2015-16, there were a total of 15,662 people in APPS. By December 31, 2015, a total of 4,723 people were added to the APPS database and 2,760 people naturally fell out of the system due to death or expired prohibition. At the end of this fiscal year, there were 12,691 people in the APPS database. Without the Department's enforcement efforts, the number of people in active APPS database would have been 33,264. Thus, since the inception of SB 140, there was an overall reduction of 20,573 subjects from the APPS database; a total of 61.85 percent.

In all reporting periods other law enforcement agencies, directly or indirectly, affected the APPS numbers (see chart on page 30 for a list of agencies). Of these, the Los Angeles Police

had the greatest impact as they have a Gun Detail that works closely with us on APPS investigations. It must be noted, however, the Department's enforcement and investigative efforts had the greatest impact on clearing people from the APPS database. The following graphs highlight the number of people cleared from APPS for each reporting period.

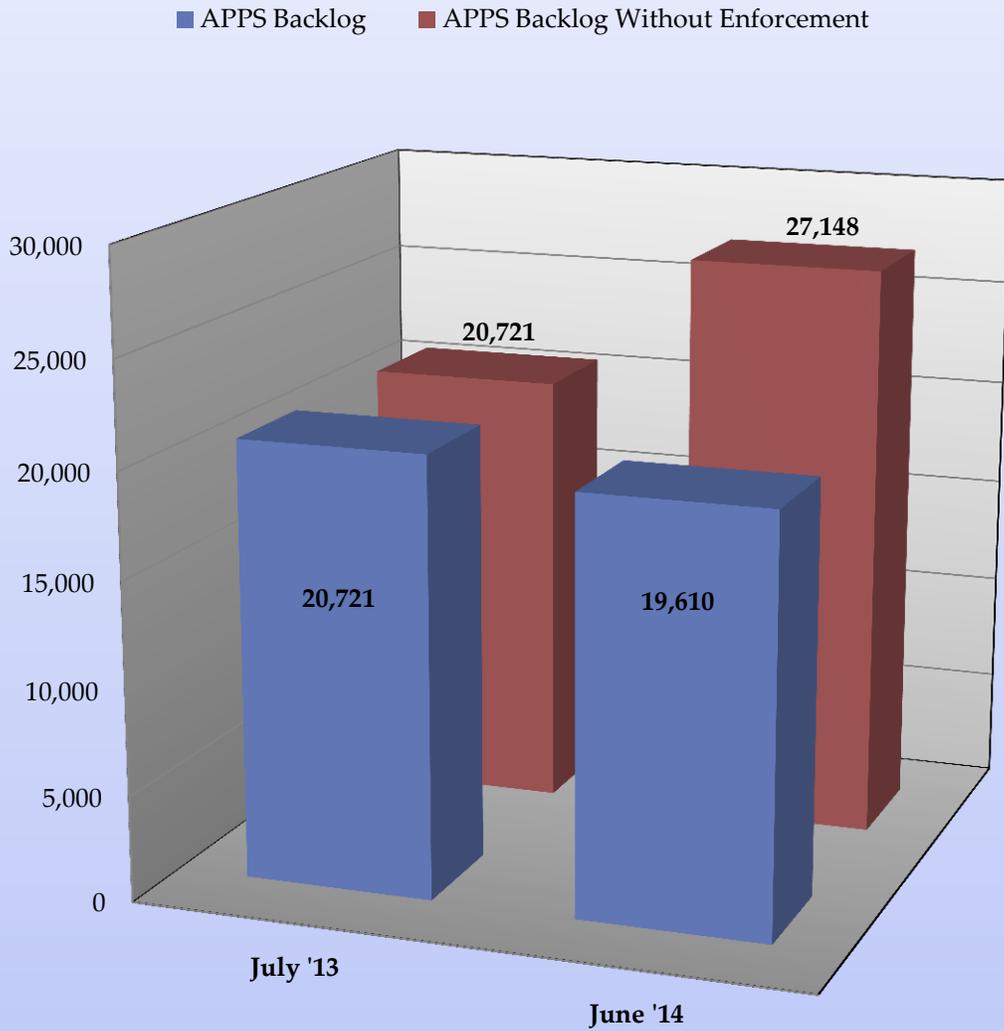
## FY 12-13 Number of People Cleared From APPS



**The APPS database grew by 1,095 people.**

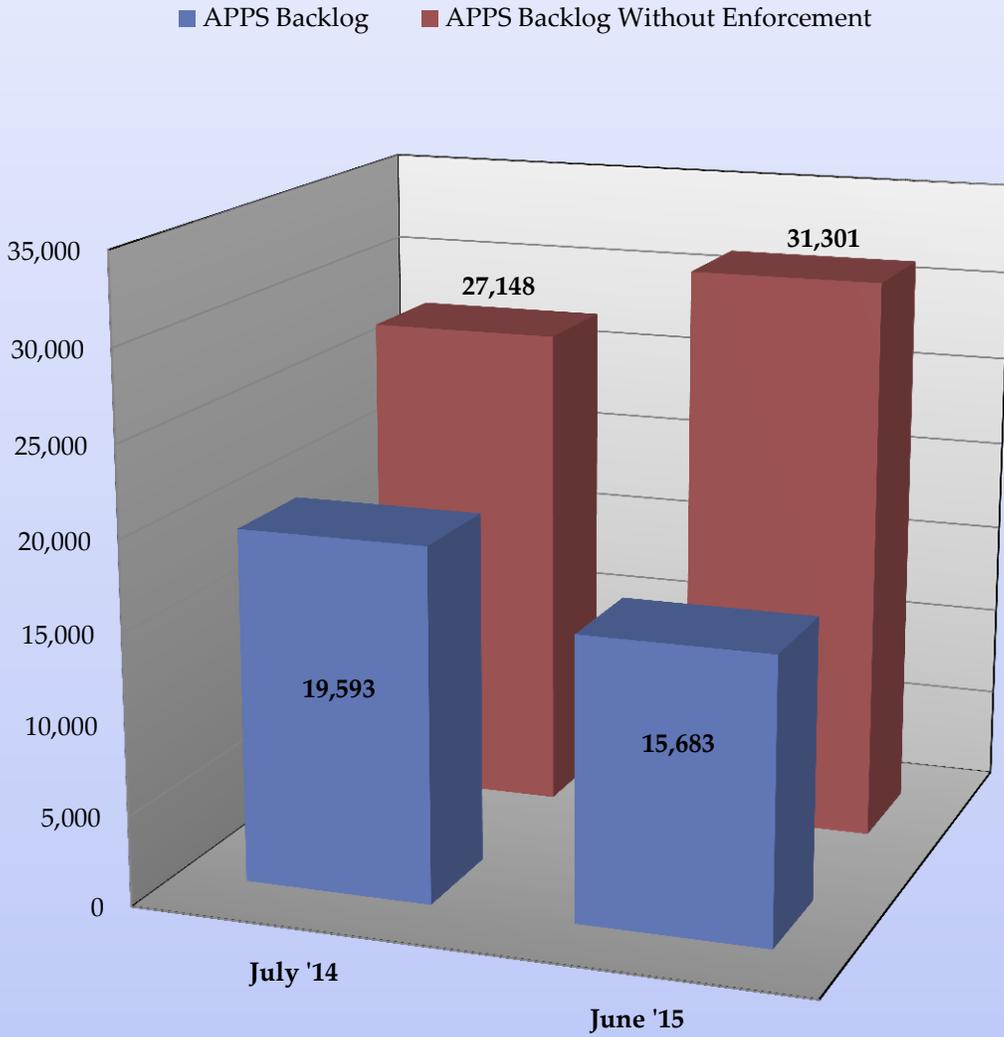
SB 140 came into effect on July 1, 2013. The above data is prior to the relevant reporting period.

## FY 13-14 Number of People Cleared From APPS



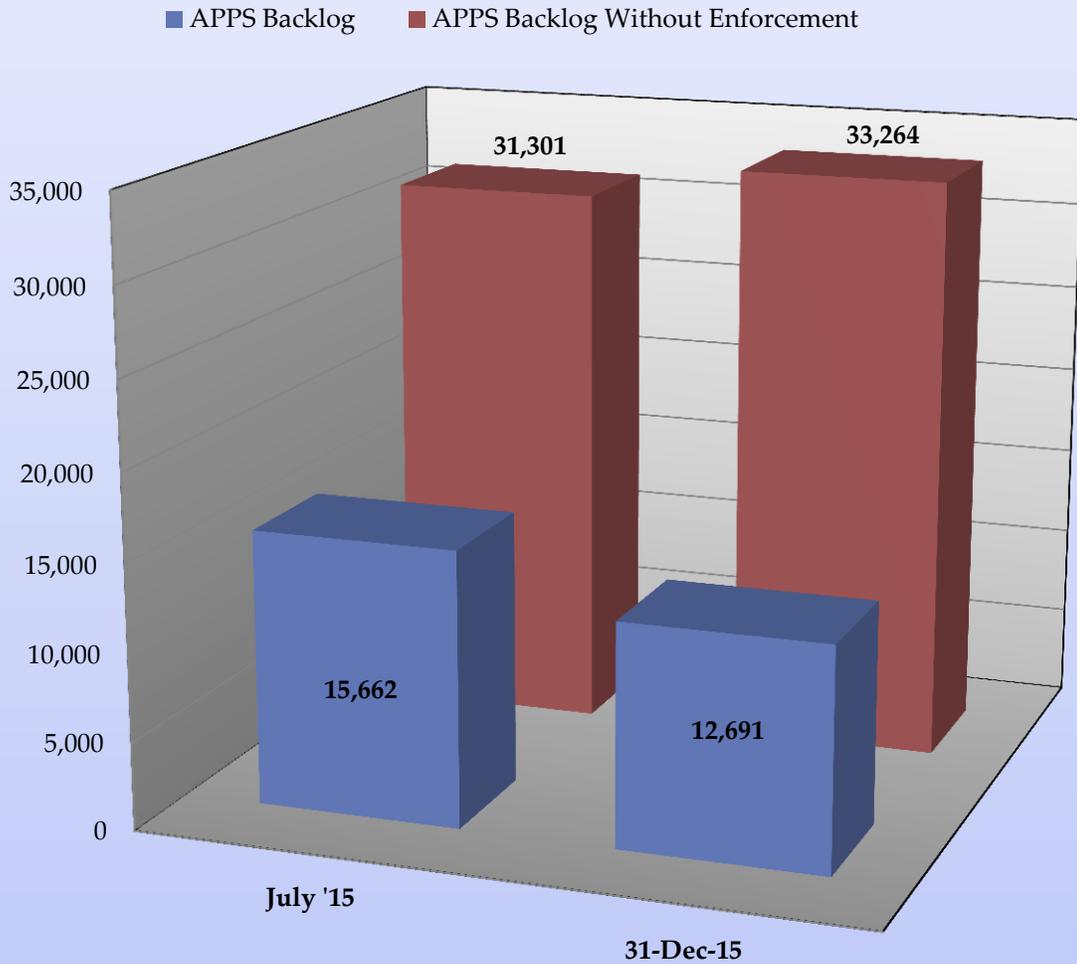
**7,903: number of people added to APPS**  
**1,476: number of people who fell out naturally**  
**1,111: number of people cleared from APPS**

## FY 14-15 Number of People Cleared From APPS



7,725: number of people added to APPS  
3,572: number of people who fell out naturally  
3,910: number of people cleared from APPS

## FY 15-16\* Number of People Cleared From APPS



4,723: number of people added to APPS  
2,760: number of people who fell out naturally  
2,971: number of people cleared from APPS

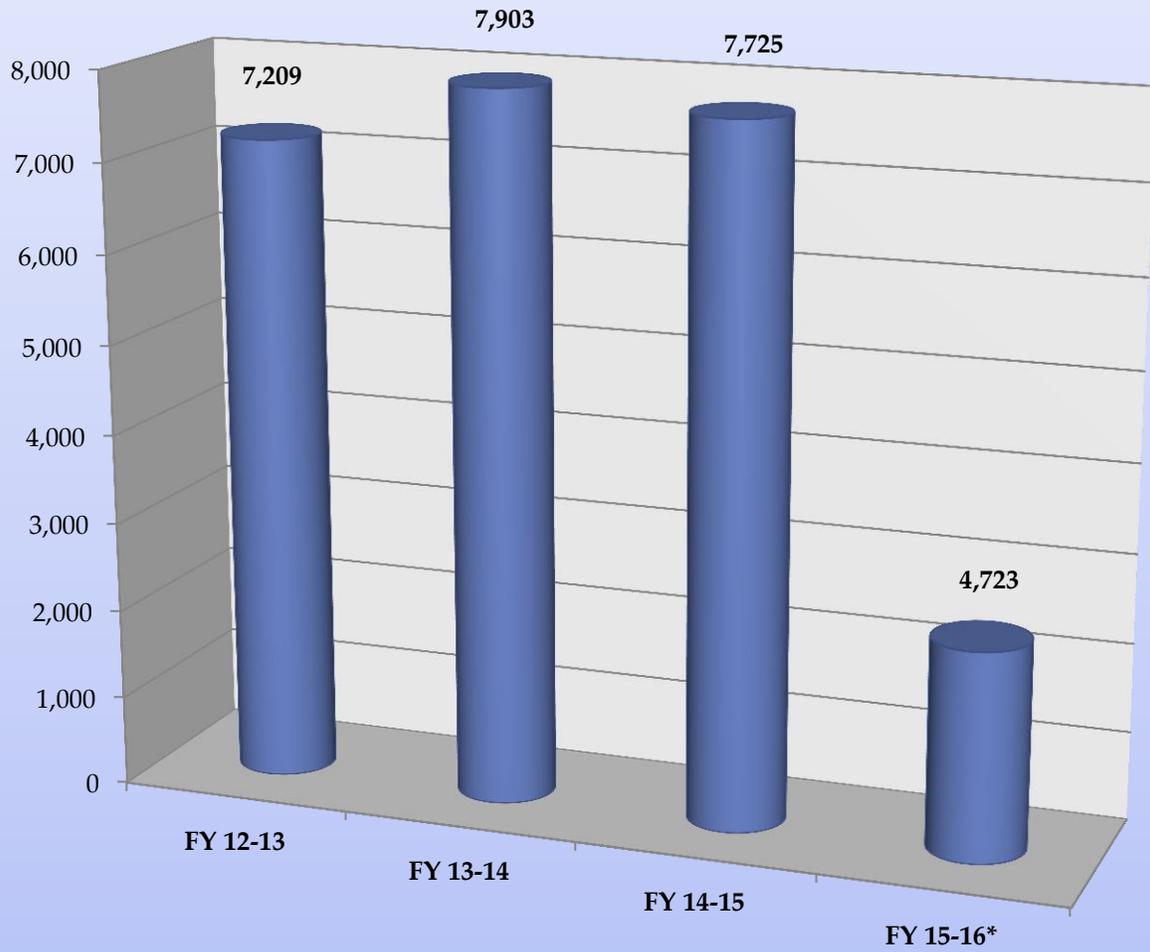
\*This data represents the first six months of FY 15-16.

## NUMBER OF PEOPLE ADDED TO APPS

As stated in the Executive Summary, until recently, the APPS database was based exclusively on handgun transaction records despite the fact approximately half of all California firearm sales involve long-guns. Effective January 1, 2014, a new California law mandated the Department collect and retain firearm transaction information for all types of guns, including long-guns. This potentially increases the number of people who may fall into the APPS database. In fact, in 2015, 16.05 percent more people were deemed prohibited from the prior year. Further, we anticipate the database will increase 3,000 per year when the new Gun Violence Restraining Order (Assembly Bill 1014) law goes into effect on January 1, 2016.

The following graph highlights the continual increase to the APPS database during all reporting periods.

## Number of People Added to APPS



\*This data represents the first six months of FY 15-16.

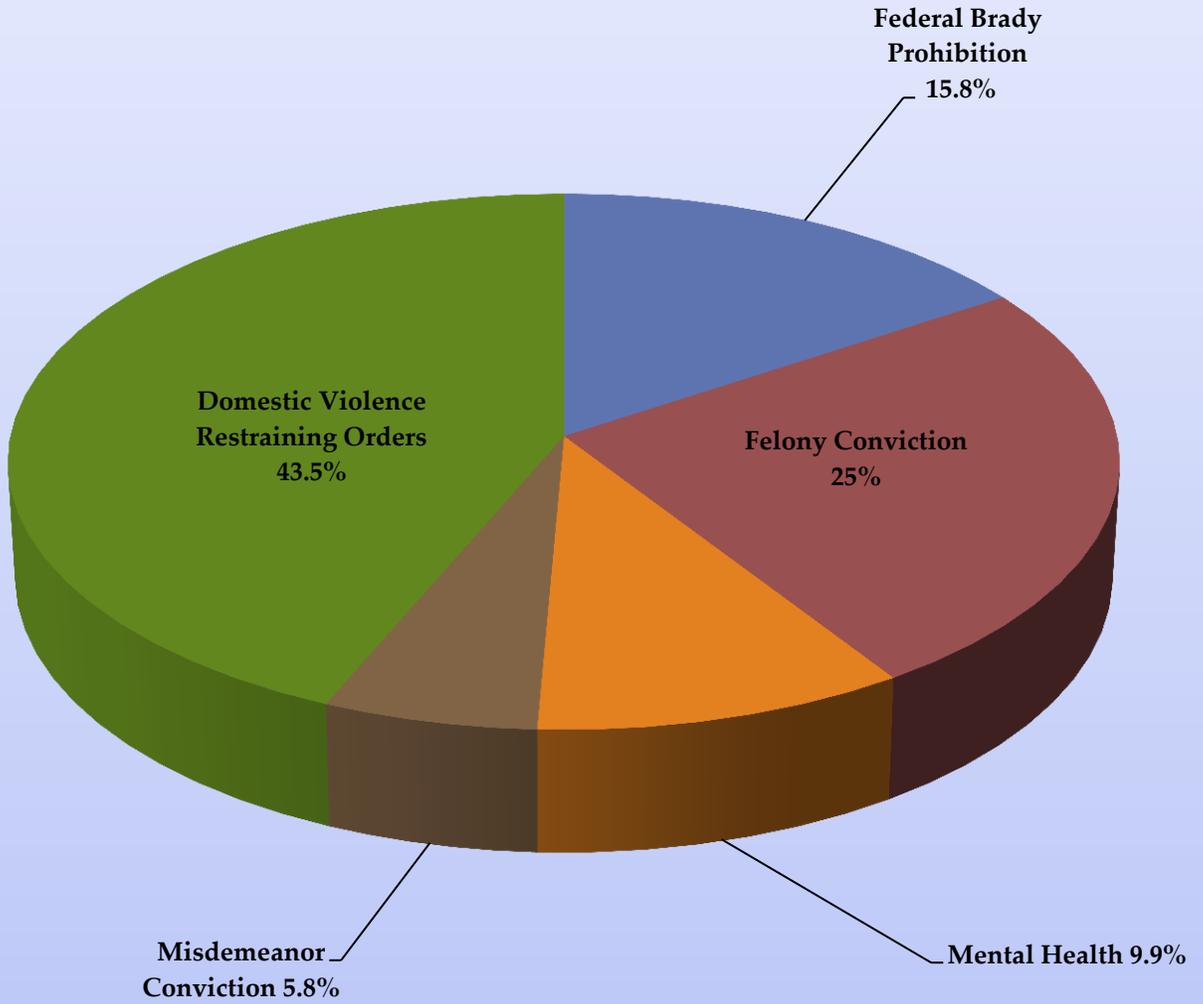
## NUMBER OF PEOPLE IN THE APPS BEFORE AND AFTER THE RELEVANT REPORTING PERIOD, INCLUDING A BREAKDOWN OF WHY EACH PERSON IN THE APPS IS PROHIBITED FROM POSSESSING A FIREARM

The APPS database cross-references firearms owners across the state against criminal history records, mental health records, and restraining orders to identify individuals who have been, or will become prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon. Historically, the percentages of categorical information updating the APPS database were as follows: 32 percent due to changes in criminal history; 30 percent due to mental health prohibitions; 20 percent due to domestic violence and other restraining orders, and 18 percent due to arrest warrants. However, the reasons people are prohibited change regularly due to societal and behavioral changes.

Many APPS subjects have multiple reasons for prohibition, such as a felon with a domestic violence restraining order or who is a fugitive from justice. This fact, coupled with the fact that APPS is fluid (people are entering and exiting the database on a regular basis) makes it impossible to accurately breakdown why each person in APPS is prohibited from possessing a firearm. We can report, however, the categorical percentages for each fiscal year.

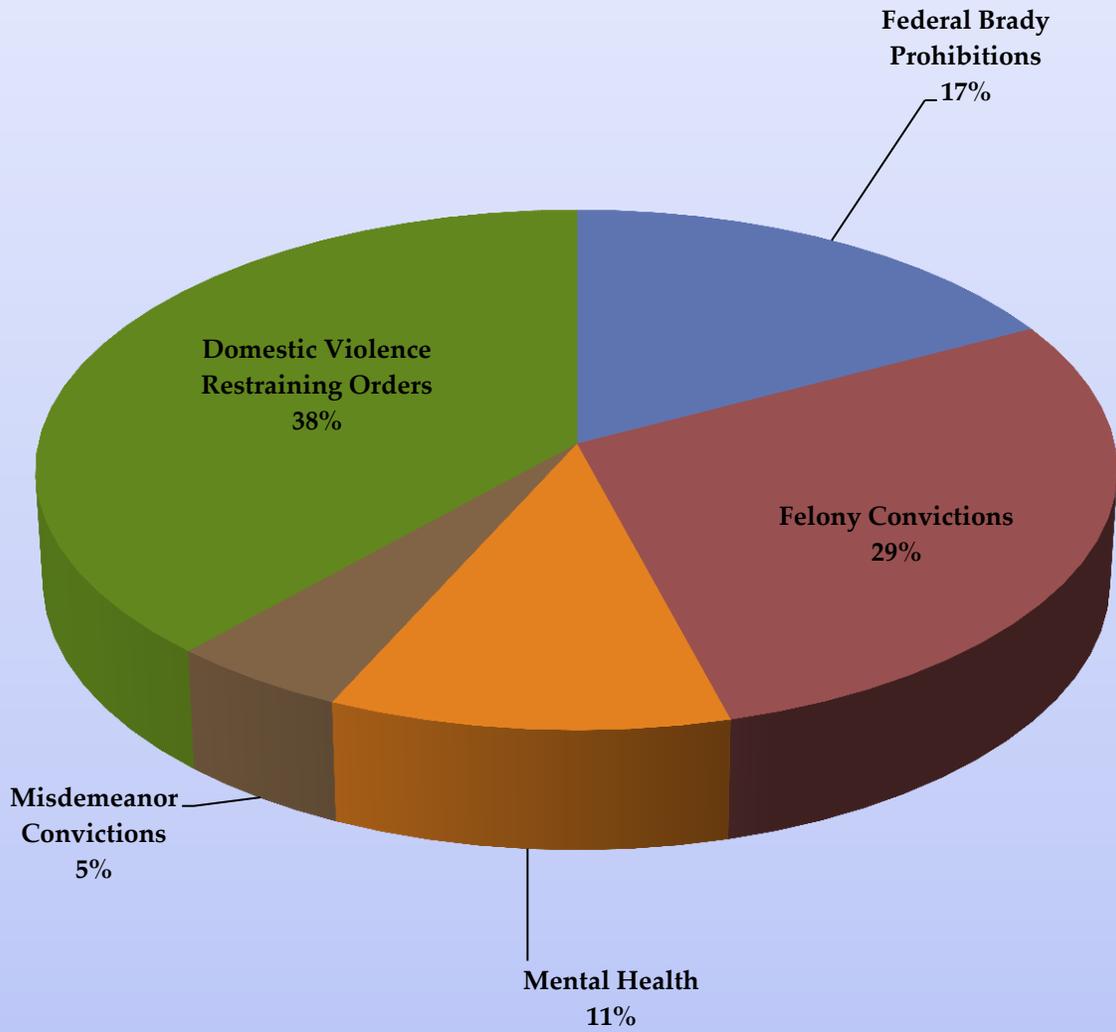
The following graphs provide the prohibiting categorical percentages for each fiscal year and the number of people in APPS before and after the relevant reporting period. It is important to note, the number of people in the APPS database would have been substantially higher if the Department had taken no enforcement action. Through investigative and enforcement actions, the Department was able to reduce the overall number of active APPS subjects by over 61.85 percent.

## FY 12-13 Prohibiting Reasons



<u>Number of People in APPS</u>	
07/01/12	19,621
06/30/13	20,176

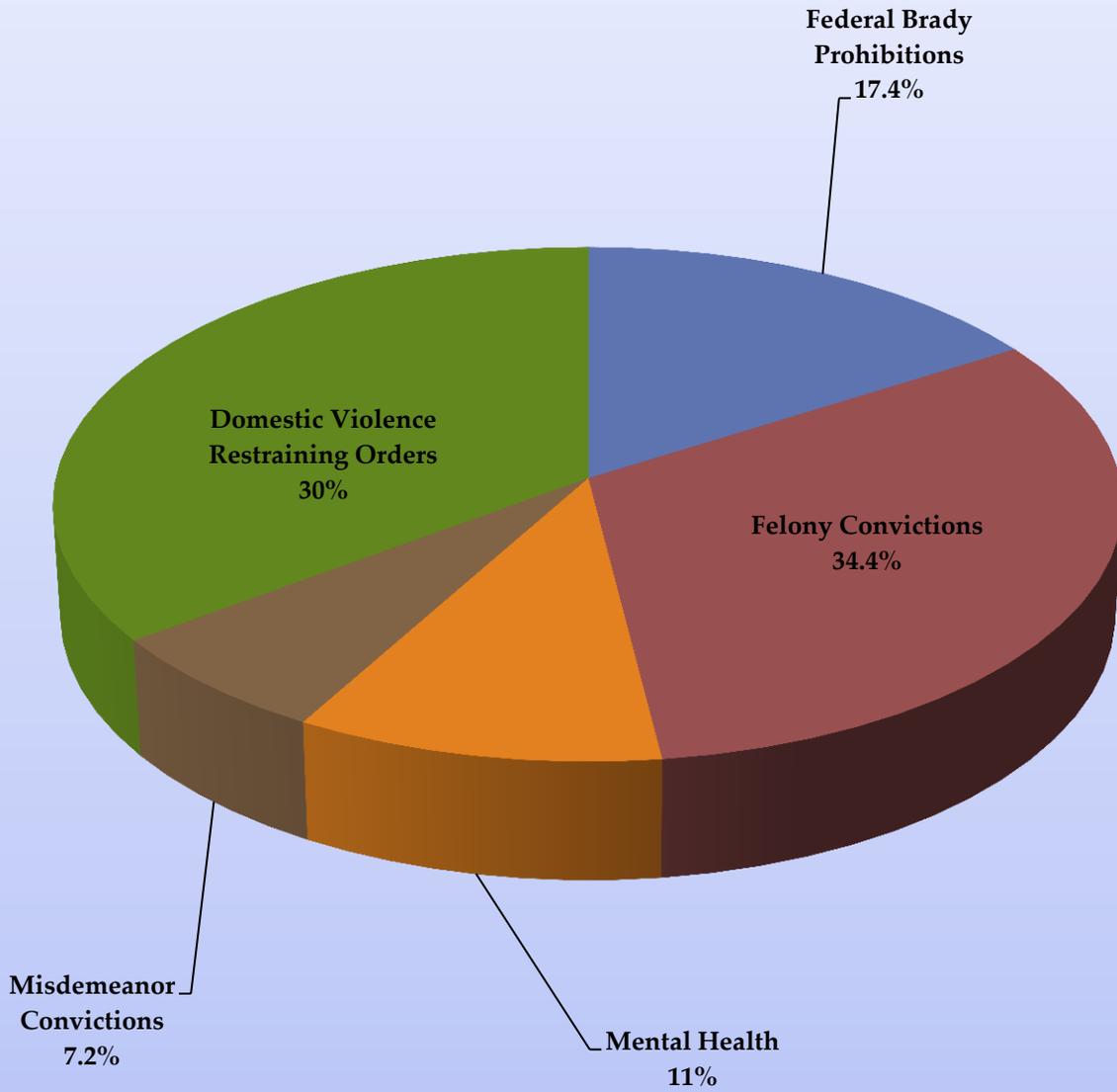
## FY 13-14 Prohibiting Reasons



### Number of People in APPS

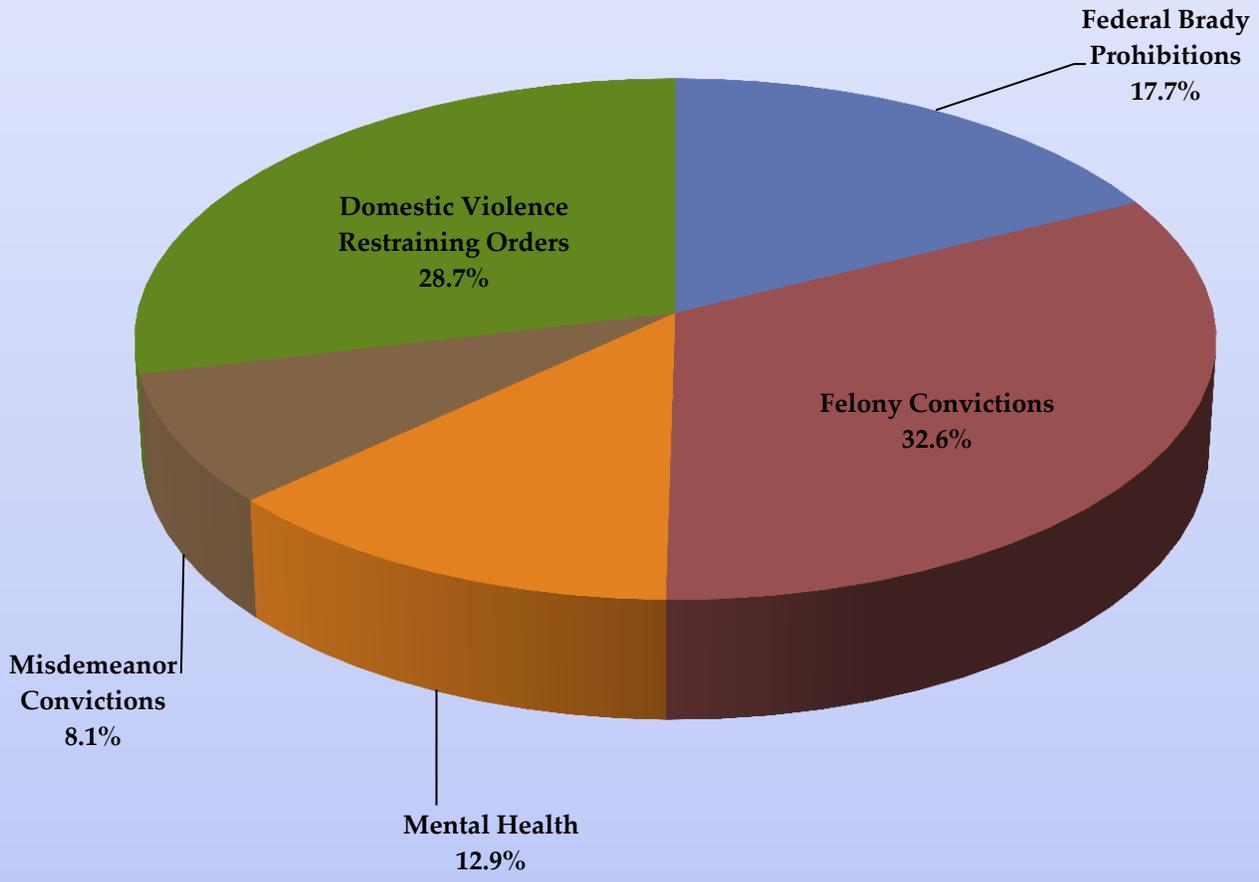
07/01/13	20,721
06/30/14	19,610

### FY 14-15 Prohibiting Reasons



<u>Number of People in APPS</u>	
07/01/14	19,593
06/30/15	15,683

### FY 15-16\* Prohibiting Reasons



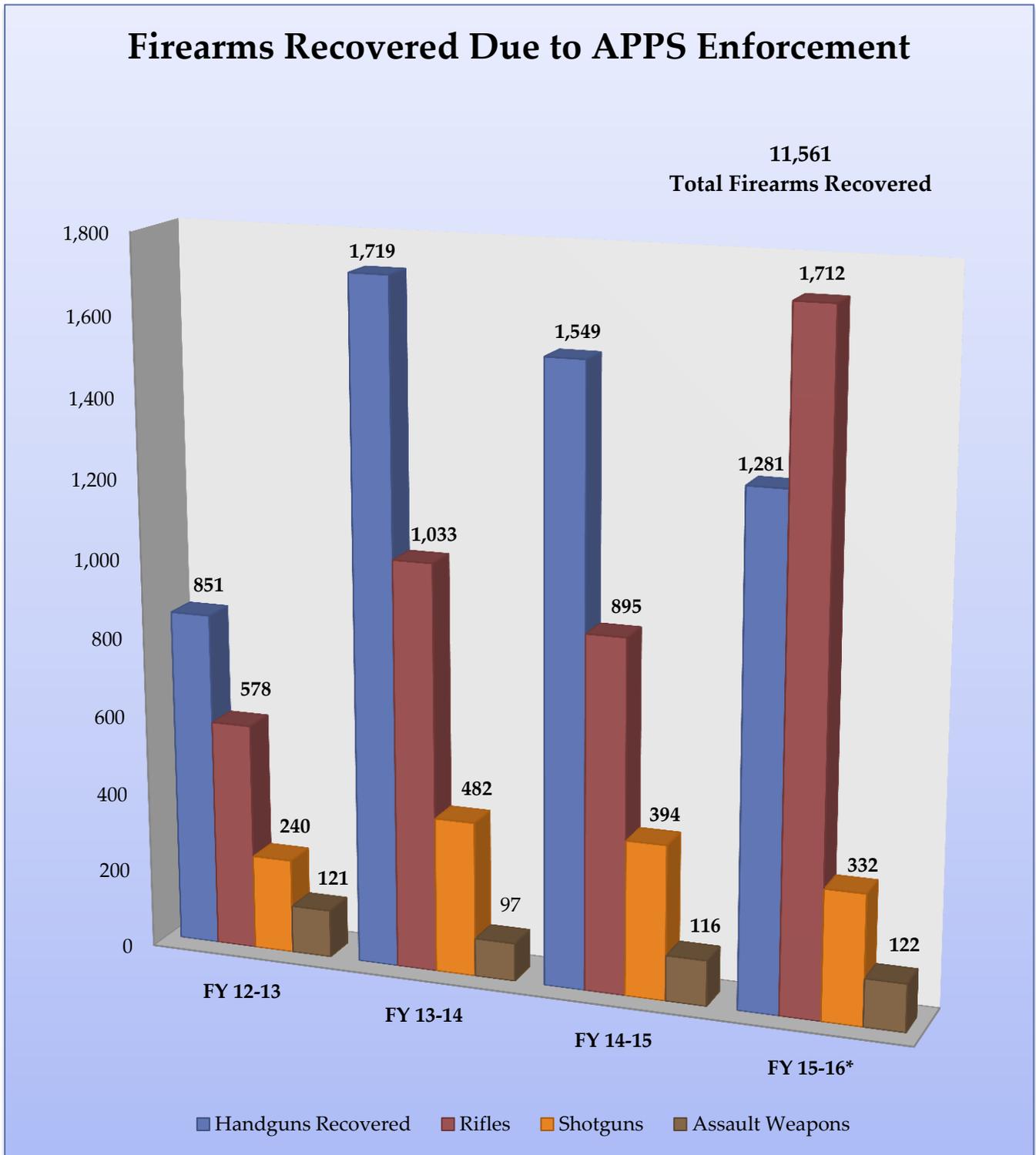
<u>Number of People in APPS</u>	
07/01/15	15,662
12/31/15	12,691

\*This data represents the first six months of FY 15-16.

# NUMBER OF FIREARMS RECOVERED DUE TO APPS ENFORCEMENT



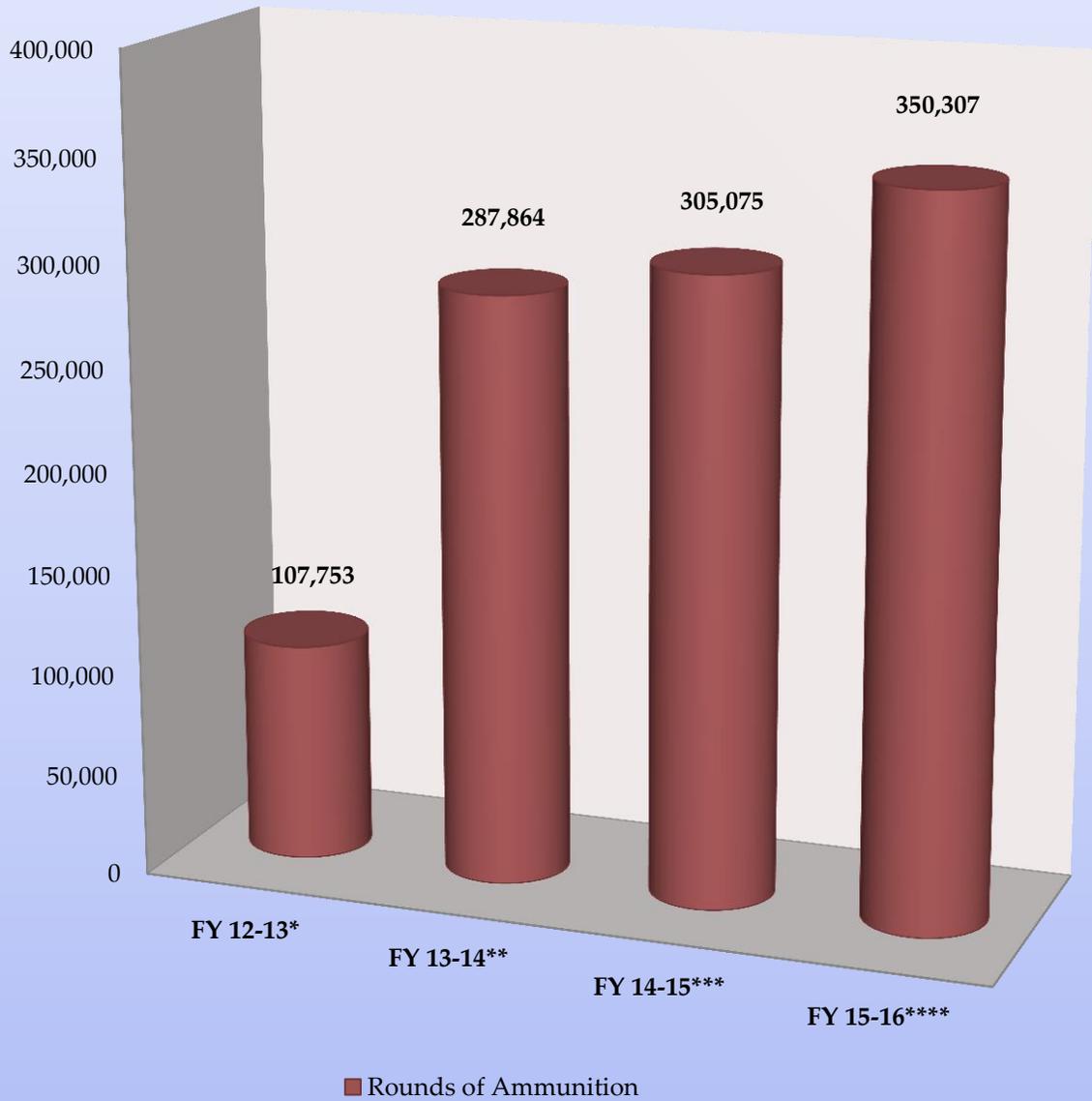
The following graphs provide the number of firearms seized due to APPS enforcement for each reporting period, the types of firearms seized, and other relevant seized contraband.



The high seizure number for rifles in 15/16 is due to a search warrant at a gun dealer/manufacturer.

\*This data represents the first six months of FY 15-16.

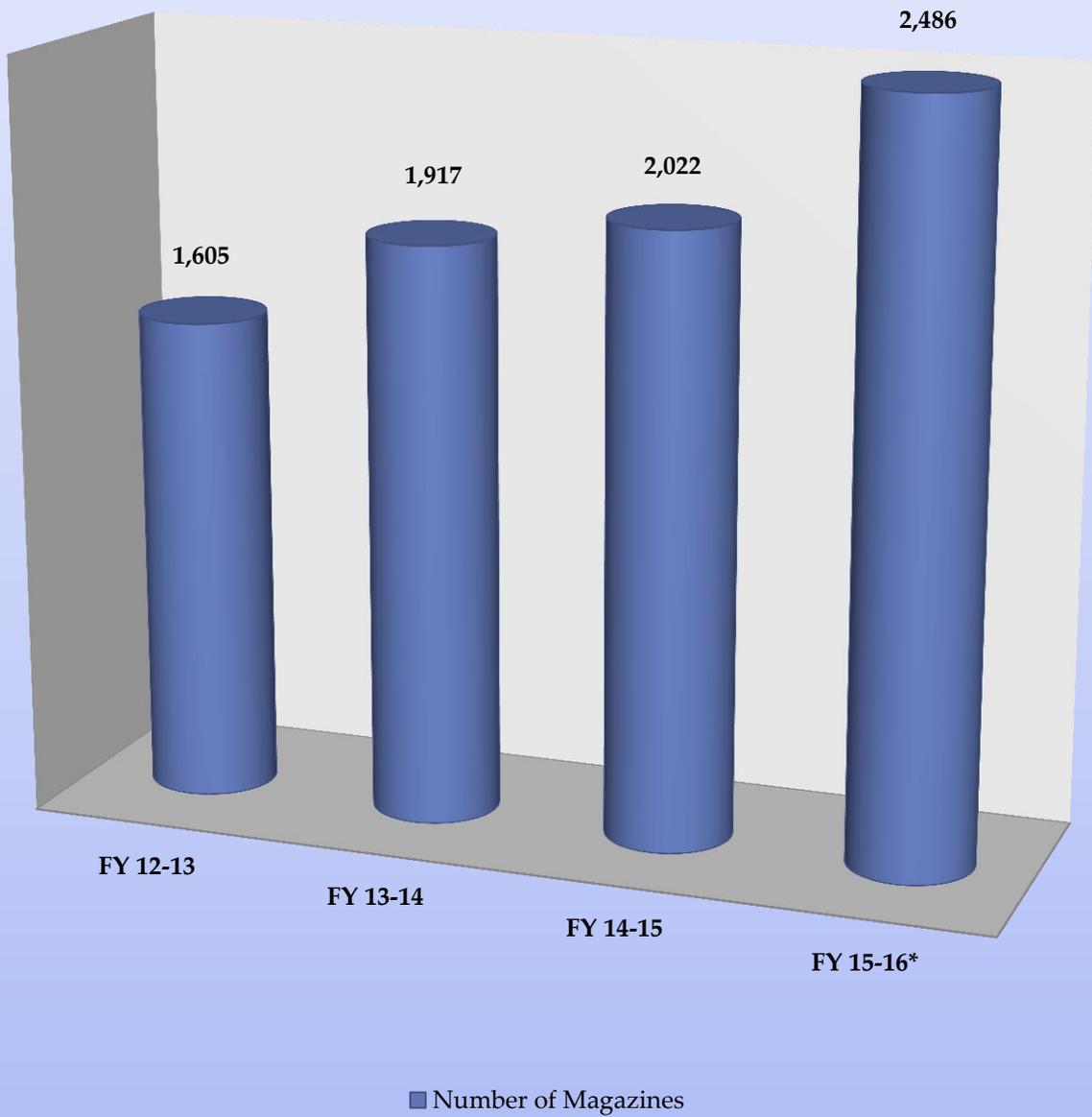
## Ammunition Seized Due to APPS Enforcement



\*This includes 50 Tracer rounds. \*\*This includes 230 Tracer rounds and 500 Armor Piercing rounds. \*\*\*This includes 5 Tracer rounds and 20 Armor Piercing rounds.

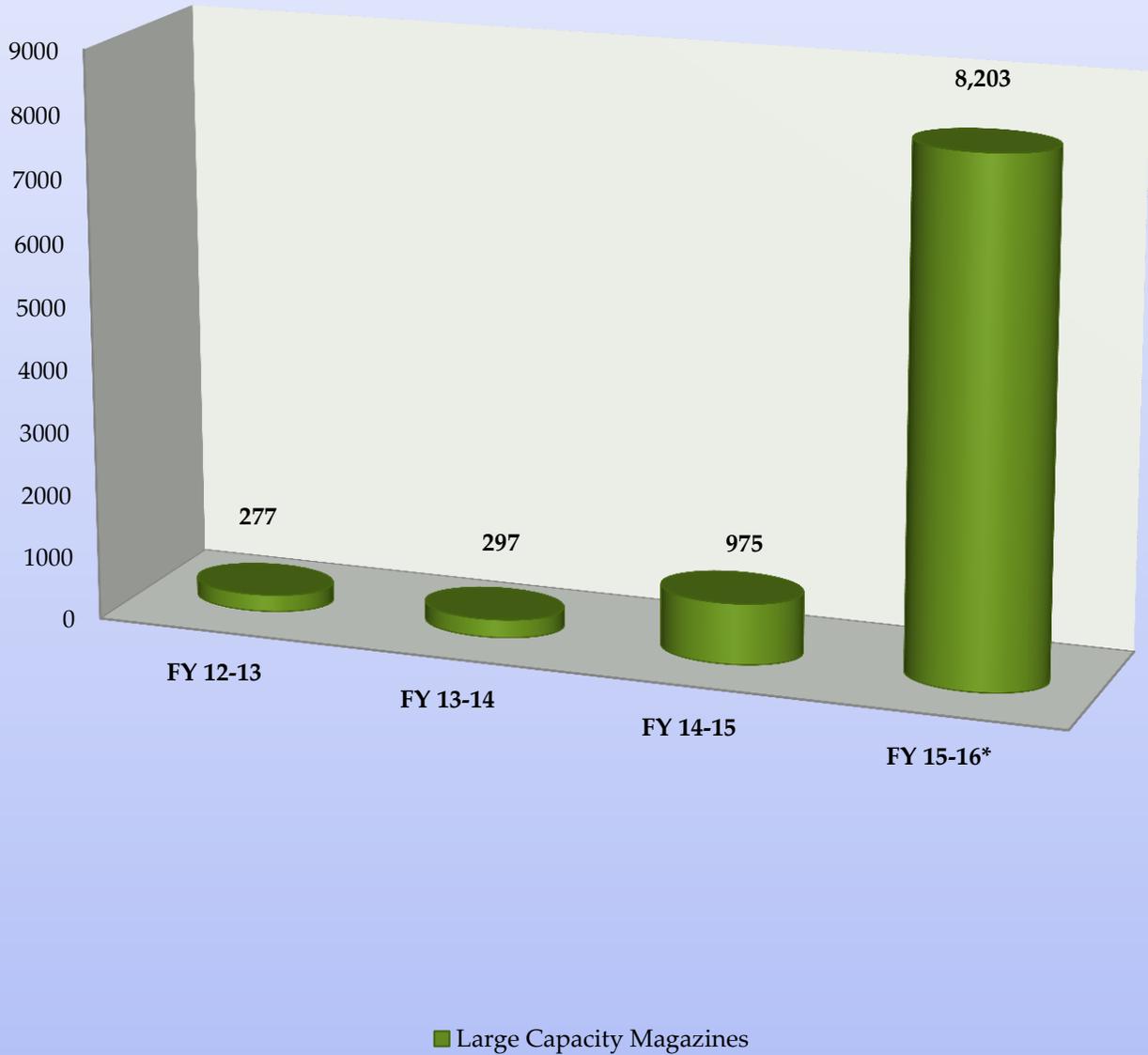
\*\*\*\*This data represents the first six months of FY 15-16.

## Magazines Seized Due to APPS Enforcement



\*This data represents the first six months of FY 15-16.

## Large Capacity Magazines Seized Due to APPS Enforcement



\*This high seizure number is due to a search warrant at a gun dealer/manufacturer. This data represents the first six months of FY 15-16.

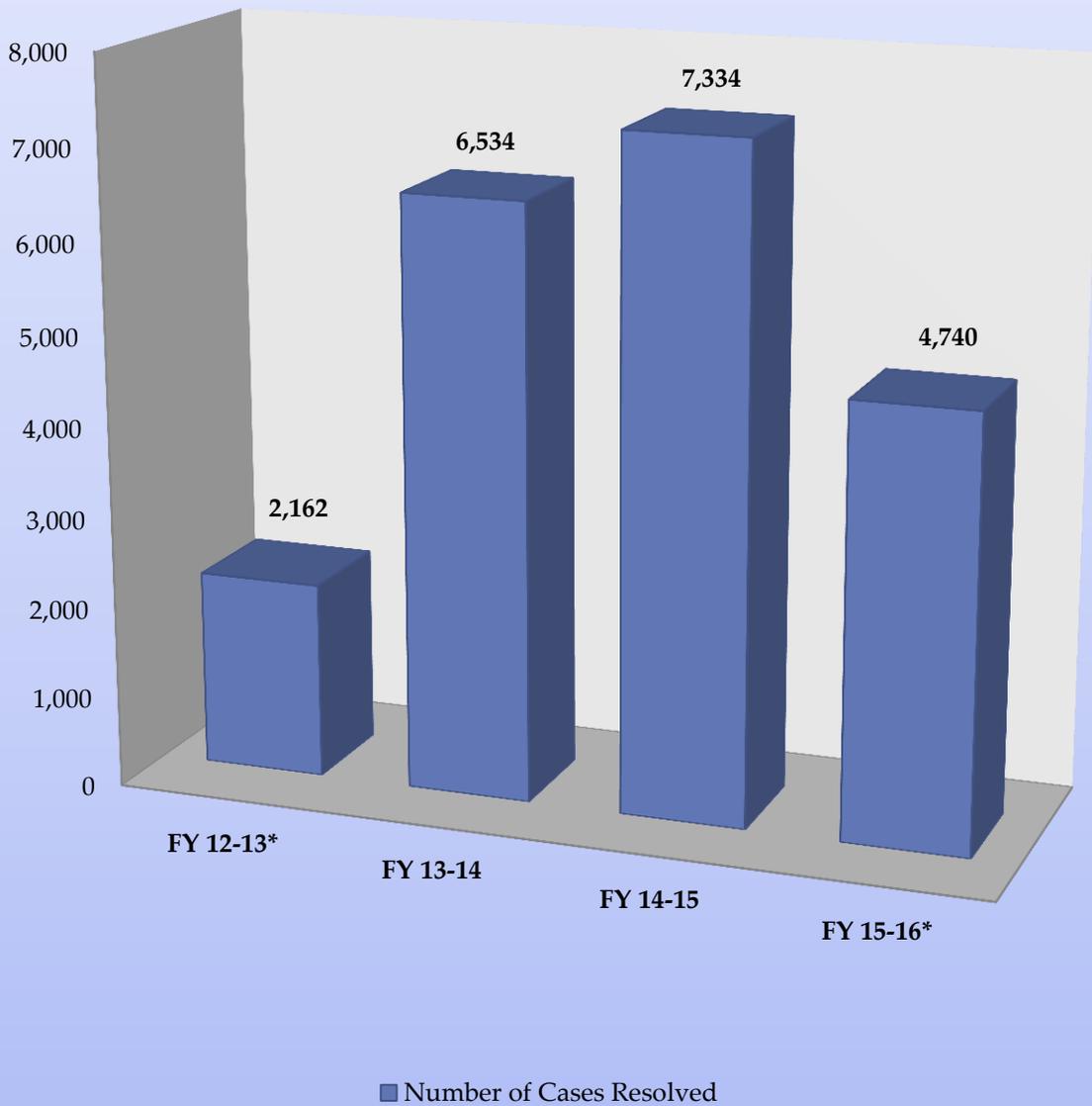
## NUMBER OF CONTACTS MADE DURING THE APPS ENFORCEMENT EFFORTS

Enforcement staff continuously research and develop viable APPS investigations to garner the highest number of positive results. On average, it takes three separate contacts to resolve one APPS case mainly due to the following reasons: (1) the APPS subject is not home at the time of the initial contact; (2) the APPS subject moved and failed to update their address with the Department of Motor Vehicles; or (3) the APPS subject claims they gave their gun to another person outside of the legal gun transfer process therefore agents have to track down the gun and/or information provided. Some cases require a higher number of contacts to verify information provided.

The numbers on the following chart do not reflect the actual times agents attempted to locate an APPS subject, they only highlight the number of resolved cases. The bureau's case management system does not capture the number of attempted contacts for each case.

A case is considered resolved (closed) when the APPS gun(s) is seized, the APPS subject is arrested, and/or all investigative leads have been exhausted.

## Number of Cases Resolved In All Reporting Periods



\*This data represents the first six months of FY 15-16.

## INFORMATION REGARDING TASK FORCES OR COLLABORATION WITH LOCAL LAW ENFORCEMENT ON CONDUCTING APPS INVESTIGATIONS

The Department takes pride in its collaborative efforts with its law enforcement partners. In the relevant reporting periods, the following law enforcement agencies were helpful in reducing the number of pending APPS investigations:

Alameda Sheriff's Department	Redwood City Police Department
Anaheim Police Department	Ridgecrest Police Department
Brea Police Department	Riverside Sheriff's Department
California Highway Patrol	Rohnert Park Police Department
Campbell Police Department	Sacramento Sheriff's Department
Concord Police Department	Salinas Police Department
Contra Costa Probation Department	San Benito Sheriff's Department
Contra Costa Sheriff's Department	San Bernardino Sheriff's Department
Daly City Police Department	San Bernardino Police Department
Elk Grove Police Department	San Bruno Police Department
Fairfield Police Department	San Diego Police Department
Foster City Police Department	San Diego Sheriff's Department
Fresno Sheriff's Department	San Francisco Police Department
Fresno Police Department	San Joaquin Sheriff's Department
Gardena Police Department	San Jose Police Department
Hanford Police Department	San Mateo Sheriff's Department
Hayward Police Department	San Mateo Police Department
Los Angeles Police Department	Sacramento Sheriff's Department
Marin District Attorney's Office	Santa Ana Police Department
Marin Probation Department	Santa Clara Probation Department
Monterey Sheriff's Department	Santa Clara Sheriff's Department

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Monterey Police Department	Santa Clara Police Department
Morgan Hill Police Department	Santa Cruz Sheriff's Department
Napa Sheriff's Department	Santa Rosa Police Department
Oakland Police Department	Solano Sheriff's Department
Ontario Police Department	Sonoma Sheriff's Department
Orange Sheriff's Department	South San Francisco Police Department
Oxnard Police Department	Suisun Police Department
Pacifica Police Department	Sunnyvale Police Department
Palo Alto Police Department	Vacaville Police Department
Pittsburg Police Department	Vallejo Police Department
Pleasanton Police Department	Walnut Creek Police Department
Redlands Police Department	Windsor Police Department

The following task forces also assisted with the reduction of pending APPS investigations:

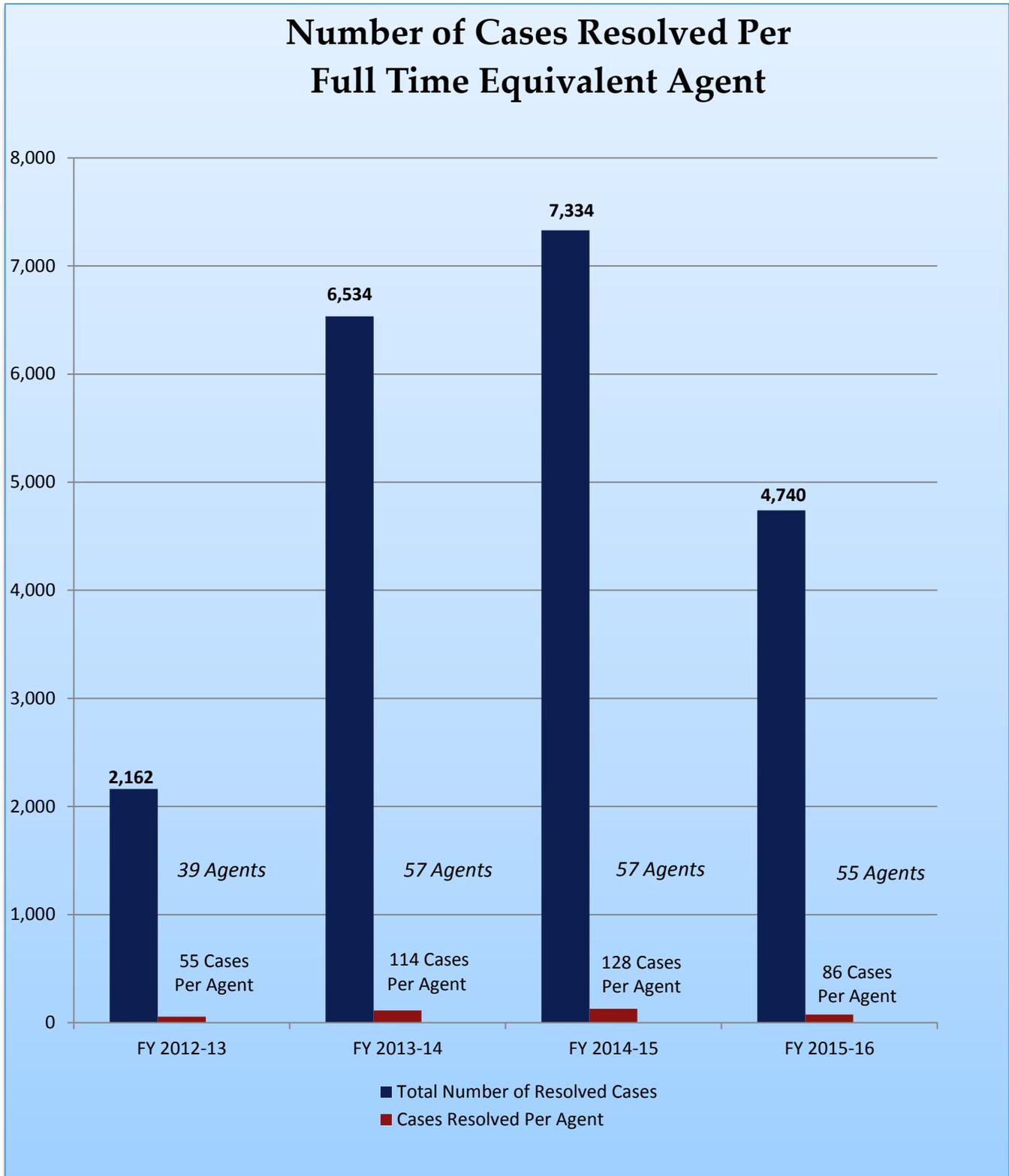
- San Mateo County Narcotics Task Force
- Santa Clara County Special Enforcement Team
- Tulare County Agencies Regional Gang Enforcement Team
- Unified Narcotics Enforcement Team, San Benito County

## (SR) NUMBER OF CASES RESOLVED PER FULL TIME EQUIVALENT AGENT

Each individual APPS case is the result of a thorough investigation, tactical plan and countless safety measures. APPS investigations work to verify, as best as possible, the status of the individual and to exhaust every possible option of making contact with the subject. In addition, each attempt at making contact with an individual must be impeccably planned to ensure the safety of each team of agents, the prohibited individual and the community.

The Department's agents are continuously researching and developing viable APPS investigations that can be executed effectively and safely. Despite the long hours devoted to each individual investigation, the Department's agents are clearing cases at an impressive rate.

The following graph depicts the number of cases resolved per full time equivalent agent for all reporting periods.



## (SR) NUMBER OF CASES RESOLVED WHERE WEAPONS WERE ALREADY SURRENDERED

The Department encountered numerous instances where an individual is in the APPS database because their associated firearm(s) was not properly entered as seized or lost by a law enforcement agency. The current and prior versions of our case management system only allow for one resolution disposition, and when encountering these situations the appropriate disposition could be *Subject No Longer Armed* or *Weapon in Custody of LEA*. A disposition of *Subject No Longer Armed* covers many other scenarios, not only one where a firearm is already in law enforcement custody. Thus, this has restricted our ability to accurately report the number the number of cases resolved as a result of discovering the firearm(s) was already in law enforcement custody. Future enhancements to our case management system will allow dispositions to reflect multiple relevant reasons for resolution. A manual audit of the system, however, revealed approximately 500 cases (annually) in which enforcement staff learned after initial investigation that the firearms(s) was in law enforcement custody.

## (SR) AVERAGE SB 140 COST PER CASE RESOLVED

According to the US National Library of Medicine National Institutes of Health, "Estimating the cost to society of individual crimes is essential to the economic evaluation of many social programs. Programs that directly or indirectly prevent crime can therefore generate substantial economic benefits by reducing crime-related costs incurred by victims, communities, and the criminal justice system." (McCollister, French, & Fang, *The Cost of Crime to Society: New Crime-Specific Estimates for Policy and Program Evaluation*, 2010). Further stated in this important research document was the cost of specific crimes. Most notably, each homicide is estimated to cost \$8,982,907. This figure was based on 2008 dollar valuation and included tangible (investigation, prosecution, incarceration, medical bills, lost earnings) and intangible (pain and suffering). Another study found that "guns are used in 70% of homicides," (Follman, Lurie, Lee & West, *the True Cost of Gun Violence in America*, 2015).

Since the inception of SB 140 (July 1, 2013) through October 31, 2015, the Department used \$14,425,198 of the appropriated \$24,000,000. This is the most current and up-to-date data as expenditures usually require several months to balance out. In this timeframe, there was a total of 18,608 cases resolved (closed), thus the average cost per case resolved is approximately \$775.

## (SR) RETENTION RATE OF AGENTS

Subsequent to budget cuts in Fiscal Year 2011-12, the Department was reconfigured and had to layoff personnel; primarily agents. Understandably, since that time, there has been a great deal of staffing instability as many of the remaining agents and other staff were placed in bureaus or units they did not choose and actively sought to return to their previous assignment when an opportunity arose.

SB 140 funding allowed the Department to rehire many of the laid-off agents, into Limited Term positions. The Limited Term hiring, however, caused further instability as many agents were concerned about future layoffs if the funding did not become permanent. Thus, in an effort to safeguard their employment, agents in Limited Term positions applied to transfer into permanent positions in other bureaus within the Department.

In order to accurately compute the retention rate of agents, we will only tally transferred agents who were with the Bureau prior to the layoffs in February 2012.

Since July 1, 2012, 67 agents were hired and 57 departed. Of those 57 individuals, only 10 were with the bureau prior to the budget cuts. The following is the yearly retention rate using only those individuals who departed but were with the bureau prior to the budget cuts.

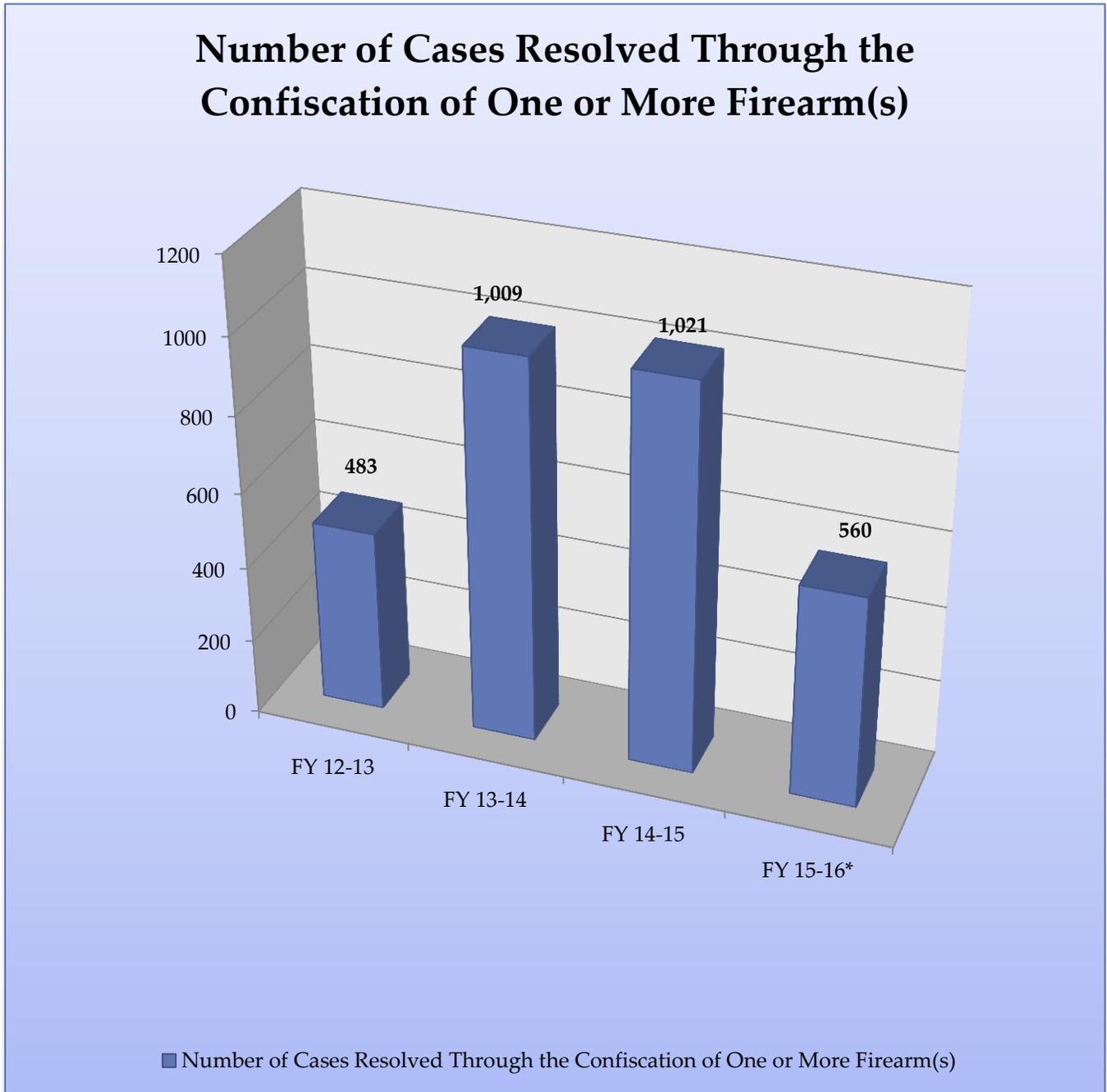
In Fiscal Year 2012-2013, 39 agent positions were filled and one agent, who was with the bureau prior to the layoffs, transferred to another bureau within the Department. This equals a 98 percent retention rate.

In Fiscal Year 2013-2014, 59 agent positions were filled and four agents, who were with the bureau prior to the layoffs, transferred to another bureau within the Department. This equals a 94 percent retention rate.

In Fiscal Year 2014-2015, 57 agent positions were filled and three agents, who were with the Bureau prior to the layoffs, transferred to another bureau within the Department. This is a 95 percent retention rate.

## (SR) THE NUMBER OF CASES RESOLVED THROUGH THE CONFISCATION OF ONE OR MORE FIREARMS

The following graph highlights the number of cases resolved where one or more firearms were seized.

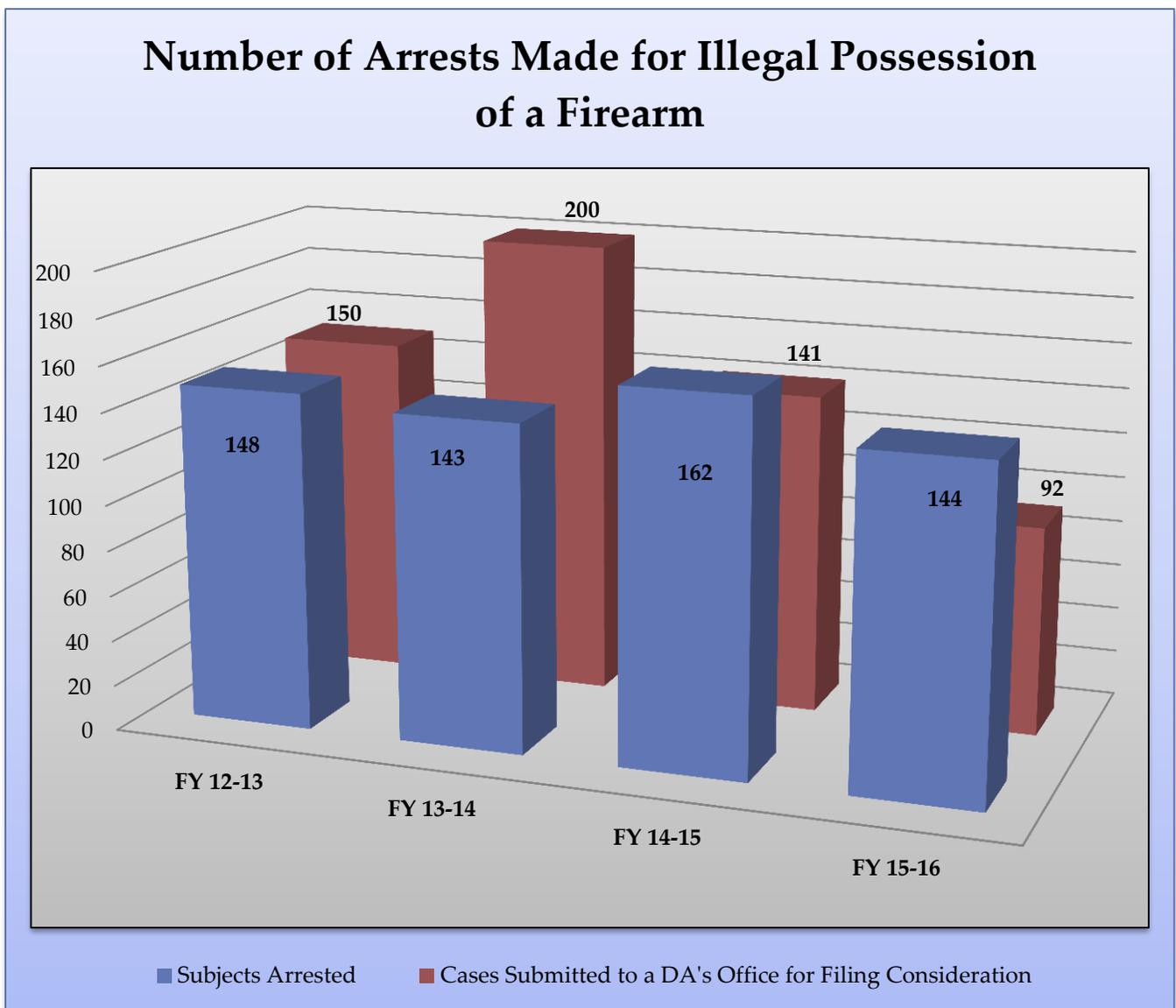


\*This data represents the first six months of the fiscal year.

## (SR) THE NUMBER OF ARRESTS MADE IN THESE CASES FOR ILLEGAL POSSESSION

The bureau's case management system utilized in all reporting periods is not able to maintain and extract arrest data. Therefore, a manual search of case files revealed a yearly average of 150 arrests and 145 cases submitted to district attorney offices for criminal filing consideration. Our future case management system will be designed to capture and report this information.

The following graph depicts the number of arrests and cases submitted, and the synopses highlight some of the arrests made for illegal possession in the relevant reporting periods.



## FELON/290 REGISTRANT ARRESTED FOR POSSESSING 80 FIREARMS

BOF agents conducted an APPS investigation on a registered sex offender/felon. Agents contacted the subject at his residence in Antelope and seized 26 firearms and approximately 5,000 rounds of various calibers of ammunition. During the interview, the subject admitted he had additional firearms in a large gun safe at his daughter's residence in Orangevale. Subsequently, agents searched that residence and seized an additional 54 firearms, and a large military ordnance container, containing numerous military destructive devices. Sacramento County Sheriff's Department, Explosives Ordnance Detail (EOD) were summoned to the residence and subsequently determined the military ordnance were inert. EOD advised that the items were the property of the military and they took custody of the items. The APPS subject was arrested for violation of Penal Code sections 29800(a), Felon in Possession of a Firearm; and 30305(a), Felon in Possession of Ammunition and/or Magazines.



**APPS SUBJECT ARRESTED FOR GUN AND AMMO POSSESSION IN PALO ALTO**

BOF agents arrested an APPS subject at his residence in Palo Alto following the execution of a search warrant. The warrant was obtained after the APPS subject lied about the whereabouts of firearms registered to him. A search revealed boxes of 7.62 ammunition, along with numerous boxes containing AK-47 rifle parts, lower receivers and a machine shop metal stamper used to make the parts. Agents also seized from a large gun safe hidden in the wall of a closet in the main bathroom: one AK-47 rifle (painted white and pink, with a red tip), eight handguns, one 30-06 rifle with a scope, 12 high capacity AR-15 type magazines, and approximately 1,700 rounds of various rifle and handgun ammunition. The APPS subject was charged for violation of Penal Code section 30505, Prohibited Person in Possession of Ammunition and/or Magazines.



**BOF AGENTS ASSIST OXNARD POLICE IN APPS ENFORCEMENT OPERATION**

BOF agents and Oxnard Police Department's Violent Crimes Unit conducted 11 compliance checks in the city of Oxnard. During the operation, four firearms were seized from prohibited persons. The four firearms consisted of a Colt AR-15 assault rifle, a long barreled rifle, and two semi-automatic handguns. Also seized were high capacity magazines and numerous rounds of ammunition. One of the prohibited persons was arrested for an outstanding felony warrant.



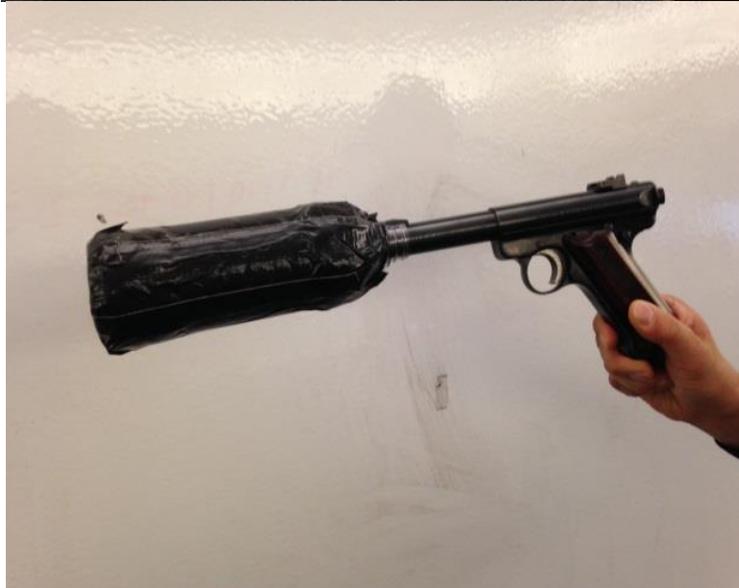
**TRACY MAN ARRESTED ON FIREARMS CHARGES AFTER AGENTS FIND  
18 FIREARMS IN HIS HOME**

BOF agents conducted an APPS investigation on a subject currently prohibited due to two mental health commitments and an active Domestic Violence Restraining Order. Agents went to the APPS subject's residence in Tracy, and saw a large gun safe in plain view in the living room. The subject refused to allow agents into the safe, but they were able to obtain a telephonic search warrant. The search resulted in the seizure of 15 rifles, three handguns, eight large capacity magazines and approximately 18,000 rounds of ammunition. The subject was arrested for violation of Welfare and Institution Code section 8103(i), Prohibited Person in Possession of Firearms; and Penal Code section 30305(a), Prohibited Person in Possession of Ammunition and/or Magazines.



## SACRAMENTO MAN CHARGED WITH POSSESSING A SILENCER AND SEVERAL FIREARMS

BOF agents investigated an APPS subject at his residence in Carmichael, CA. As a result of a "Knock and Talk" and consent search, agents seized 10 rifles, 11 handguns, two shotguns, one assault pistol, one improvised homemade silencer, and approximately 20,000 rounds of ammunition. The subject was arrested for violation of Penal Code sections 29805, Prohibited Person in Possession of Firearms; 30305(a), Prohibited Person in Possession of Ammunition and/or Magazines; 33410, Possession of a Silencer; and 30605, Possession of an Assault Weapon.



**CACHE OF FIREARMS AND AMMO OWNED BY 5150 SUBJECT LOCATED  
AT STORAGE FACILITY**

BOF agents conducted an APPS investigation in Porterville. Agents contacted the APPS subject who consented to a search of his storage unit. As a result of the search, agents seized 10 rifles, one shotgun, five handguns, six standard magazines and approximately 7,000 rounds of ammunition. Agents filed charges against the APPS subject for violating Welfare and Institutions Code section 8103.



**ILLEGAL PRIVATE PARTY FIREARMS SALES LANDS APPS SUBJECT IN JAIL**

CASE agents conducted an APPS investigation in Alamo. A probation search of the APPS subject's residence resulted in the seizure of 50 rounds of ammunition and one .223 caliber rifle magazine. A follow-up consent search at an associate's residence resulted in the recovery of one Eagle Arms .223 caliber assault rifle, one Chinese 7.62 semi-automatic rifle, one AR-80 bolt action rifle, two .44 caliber lever action rifles, one .45 caliber lever action rifle, one Springfield .45 caliber semi-auto pistol, one Luger 9mm semi-auto pistol, and one unknown caliber semi-automatic pistol. The associate admitted to purchasing the .45 caliber pistol from the APPS subject without utilizing a licensed gun dealer. The APPS subject was arrested for violation of Penal Code sections 30605(a), Possession of an Unregistered Assault Rifle, 29800(a)(1), Felon in Possession of a Firearm, 30305(a), Felon in Possession of Ammunition; and, 27545, Illegal Transfer of a Firearm.



**GRENADE LAUNCHER AND ASSAULT WEAPONS SEIZED FROM  
SANTA CLARA MAN**

BOF agents conducted an APPS investigation on a felon at his residence in Santa Clara County. Agents obtained consent to search a large safe in the garage and seized the following firearms: one AK-47 type assault rifle with a thumb grip stock; one Intratec 9mm assault pistol; and one unknown make assault pistol with a fake bullet button. Agents also seized seven handguns, one shot gun, five rifles, one M203, 37mm grenade launcher, numerous rifle and hand gun magazines, and approximately 2,240 rounds of various rifle and handgun ammunition. Agents arrested the APPS subject for violation of Penal Code sections 30605, Possession of an Assault Weapon; and 30305, Possession of Firearms and Ammunition by a Prohibited Person.



**SAN JOSE APPS SUBJECT IN POSSESSION OF 27 FIREARMS**

BOF agents arrested an APPS subject (a convicted felon) at his residence in San Jose. The subject was in possession of the following firearms: four assault rifles, one assault pistol, 11 rifles, two shotguns, nine semi-automatic pistols, and eight large capacity magazines along with 10,000 rounds of various caliber ammunition. Agents also seized one loaded semi-auto pistol from the trunk of the subject's car. The subject was charged with Penal Code sections 30605(a), Possession of an Unregistered Assault Rifle; and, 30305(a), Prohibited Person in Possession of Ammunition and/or Magazines.



## HUSBAND/WIFE ARRESTED FOR FELONY FIREARMS POSSESSION IN THE CITY OF ROSAMOND

BOF agents conducted an APPS investigation in Rosamond. The subject had a felony conviction for drug sales and was subject to search and seizure for three years as a condition of probation. As a result of a probation search, agents located and seized one unregistered SKS assault rifle, three rifles, three shotguns, seven handguns, 1,100 rounds of ammunition, one cane sword, two metal knuckles and five pen knives. Four of the APPS listed firearms were among the firearms seized by the Agents. All items of evidence were located in the master bedroom closet. Further investigation revealed the APPS subject's wife had a felony conviction for a violation of Penal Code Section 417(b), Exhibit a Firearm in the Presence of a Peace Officer. As a result of this conviction, she is also prohibited from firearms and/or ammunition possession for life. Both subjects were arrested for violations of Penal Code sections 29800(a)(1), Felon in Possession of a Firearm; 30305(a)(1), Felon in Possession of Ammunition; 30605, Possession of an Assault Weapon; 21810, Possession of Metal Knuckles; 20510, Possession of a Cane Sword; and, 20910, Possession of a Pen Knife.



**APPS SUBJECT ARRESTED FOR ILLEGAL POSSESSION**

BOF agents conducted an APPS investigation on a subject in San Bernardino, which ultimately led to a search warrant and the seizure of 14 rifles, 10 shotguns, one rifle, SKS - 7.62 X 39 caliber, one handgun, Intratec, Model AB10, 9mm, one shotgun, New England Arms, Model P, 12ga., (short barrel shotgun), and 6,050 rounds of handgun and rifle ammunition. The subject was arrested and charged with Penal Code sections 29805, Prohibited Person in Possession of Firearms; 30305(a)(1), Prohibited Person in Possession of Ammunition; 33215, Possession of a Short Barrel Shotgun; and, 30605(a), Possession of an Assault Weapon.



**FELON FROM CORONA ARRESTED ON SEVERAL FIREARMS CHARGES**

BOF agents received information that an APPS subject attempted to purchase a rifle in Corona. Agents conducted an investigation and ultimately secured a search warrant for the subject's residence in Riverside. The search resulted in the seizure of nine handguns, one assault weapon, eight rifles and one shotgun. The assault weapon was identified as an unknown make (completed non serialized 80 percent AR-15) AR-15 pistol. Agents also located approximately 10,000 rounds of handgun and rifle ammunition. The APPS subject was arrested for violating Penal Code sections 29800(a)(1), Felon in Possession of a Firearm; 30305(a), Felon in Possession of Ammunition; and, 30605, Possession of an Assault Weapon.



## SEARCH WARRANT LEAD TO SEIZURE OF ILLEGAL FIREARMS & ARREST OF LIVERMORE MAN

BOF agents arrested a felon in Livermore,, after serving a search warrant at his residence and locating eight rifles, five shotguns, one semi-automatic .40 caliber pistol, one .357 caliber revolver, one AK-47 type assault weapon pistol, 26 large capacity magazines, one military ordnance smoke grenade, and 3,900 rounds of various, rifle, pistol and shotgun ammunition. The subject was booked for violation of Penal Code sections 29800(a), Felon in Possession of Firearms; 30605(a), Possession of an Assault Weapon; and, 30305(a), Prohibited Person Possession of Ammunition and/or Magazines.



## (SR) THE NUMBER OF CASES RESOLVED BY REMOVING SOMEONE FROM APPS WHO WAS ON IT ERRONEOUSLY

Substantive research and investigation are conducted to verify APPS prohibitions prior to any enforcement action. As a result of this, Department staff have found instances where an individual's Domestic Violence Restraining Order was rescinded or expired; Fugitives From Justice were apprehended; Undocumented Immigrants' status changed due to Naturalization or Deportation; Felons' convictions were reduced; and/or, people previously committed under Welfare and Institutions Code section 5150 had their rights restored by Welfare and Institutions Code section 8103.

Department staff take extraordinary measures to confirm the veracity of information before taking enforcement action. Although our bureau's case management system was not designed to capture or extract this data, a query of supervisory staff revealed there have been a few instances in which enforcement staff contacted an APPS subject who was subsequently able to prove their prohibition was no longer in effect. In each of these cases, the agency responsible for the action failed to provide the Department with the updated information. It cannot be emphasized enough, a database is only as good as the information it is provided.

**(SR) THE NUMBER OF FIREARMS ERRONEOUSLY CONFISCATED,  
THE NUMBER OF THOSE RETURNED TO THEIR RIGHTFUL  
OWNERS, AND A DETAILED DESCRIPTION OF WHY ANY  
ERRONEOUSLY CONFISCATED FIREARM WAS NOT RETURNED  
TO ITS RIGHTFUL OWNER**

As stated on page 50; substantive research and investigation are conducted to verify APPS prohibitions prior to any enforcement action. As a result of this, Department staff have found instances where an individual's Domestic Violence Restraining Order was rescinded or expired; Fugitives From Justice were apprehended; Undocumented Immigrants' status changed due to Naturalization or Deportation; Felons' convictions were reduced; and/or, people previously committed under Welfare and Institutions Code section 5150 WIC had their rights restored.

It is important to note, anytime an APPS subject provided documentation that he or she was no longer prohibited, and the information was verified, their firearm(s) were returned. The Department does not keep firearms from their rightful owners.

(SR) THE CATEGORIES OF PROHIBITED PERSON TO WHICH DOJ HAS DETERMINED IT IS APPROPRIATE TO MAIL A LETTER INFORMING THE PERSON OF THEIR ALLEGED ARMED, PROHIBITED STATUS AND WHAT THEY CAN DO ABOUT IT

After a great deal of discussion and legal review, the Department has started sending out letters to individuals currently in the APPS database due to a traffic or non-prohibiting misdemeanor arrest warrant. In the month of December 2015, the Department sent out 55 letters to subjects who fall within these criteria.

See attached sample letter.

BUREAU OF FIREARMS  
P.O. BOX 160487  
SACRAMENTO, CA 95816-0487  
Telephone: (916) 227-4010  
Fax: (916) 227-4070

DATE

APPS Subject  
Number Street  
City, CA Zip

APPS Subject:

The Department of Justice (the Department) hosts the State of California's Armed Prohibited Person System (APPS). This system, as authorized by California Penal Code section 30000, identifies individuals who legally purchased a firearm or registered an assault weapon and have subsequently become prohibited from possessing a firearm.

A search of the APPS database by the Department has identified you as being in this system due to an active arrest warrant(s). As such, your continued possession of the firearm(s) listed in your name constitutes a criminal violation under Federal law, 18 United States Code 922(d) and (g). To remove yourself from this database, and comply with California and Federal law, you must do the following:

\* Contact your local law enforcement agency or Superior Court and turn yourself in to Authorities, thus clearing your active arrest warrant(s).

Failure to comply with California and/or Federal law may subject you to arrest, prosecution, and seizure of your firearm(s).

Please contact the Department at (916) 227-7527 if you require additional information

Generally,

STEPHEN J. LINDLEY, Chief  
Bureau of Firearms

For KAMALA D. HARRIS  
Attorney General

**(SR) THE CATEGORIES OF PROHIBITED PERSONS DOJ HAS DETERMINED TO BE INAPPROPRIATE TO RECEIVE SUCH A LETTER AND THE REASONS FOR THOSE DETERMINATIONS**

Again, after a great deal of discussion and legal review, the Department determined for purposes of officer safety the following criteria of APPS subjects would be inappropriate to send letters to:

Felons

Violent Misdemeanors

Mental Health (Welfare and Institutions Code sections 5150 and 5250)

Domestic Violence Restraining Orders

The sending of a letter in the hopes an APPS subject in one of the above criteria would voluntarily surrender their firearms poses a real and present threat to law enforcement officials who later seek to disarm these individuals. These subjects have already been notified of their firearm prohibition; either by the court, their attorney, or the mental health facility where they were treated. To again notify them of their prohibition and allow time for them to surrender their firearm(s) would be a de-facto amnesty program and the likelihood of the firearm(s) being surrender would be remote. This letter would pose an issue in any future attempted prosecution for a prohibited person being in possession of firearm(s).

**(SR) THE NUMBER OF CASES RESOLVED AS A RESULT OF THOSE  
LETTERS**

In the month of December 2015, the Department sent out letters to subjects who fall within the criteria described on page 53 of this report. The Department is still evaluating the response to these initial letters. As more data is collected from this initial notification, the Department will provide the Joint Budget Committee with the results.

(SR) TOTAL COSTS OF MAILING THE LETTERS, INCLUDING  
PRINTING, POSTAGE, AND STAFF TIME

Below are the costs associated with sending out the letter to the subjects who fall within the criteria described on page 53 of this report.

For each letter, our analyst is required to identify the APPS subject to which the Department will send a letter, properly identify the best and most accurate address to the send the letter, and prepare the letter and tracking criteria. On average, it would take an analyst 20 minutes per letter. Of the 55 letters mailed multiplied by 20 minutes, it equaled 18 hours.

Department analysts are paid approximately \$30.52 per hour (which includes salary, benefits, and retirement costs). The staff time to prepare these letters cost \$549.36

Printing

Paper at \$.06 each X 55 letters sent = \$3.36

Envelopes at \$.10 each X 55 letters sent = \$5.40

Labels, two per envelope, at \$.03 each X 55 envelopes = \$3.30

Postage

\$6.74 (certified with return receipt requested) X 55 letters sent = \$370.70

(SR) A DESCRIPTION OF THE IMPACT OF CHAPTER 344,  
STATUTES OF 2010 (AB 302, BEALL) UPON THE APPS WORKLOAD

**APPS Workload Impact:** As a result of AB 302 (Beall), mental health prohibited information is submitted electronically by mental health facilities through the Mental Health Reporting System for the Dealer's Records of Sales background process. The information is transmitted to the Department of Justice Mental Health Firearm Prohibition System (MHFPS) minutes after submission and subsequently updates the Dealer's Record of Sales (DROS) System the following day. Consequently, triggering events for armed persons with mental health prohibitions are reviewed and identified as prohibited much more expeditiously by the Armed and Prohibited Persons System (APPS) unit analysts. Thereby, allowing enforcement to have current information on armed persons with mental health prohibitions and increasing our ability to remove firearms from prohibited individuals.

**Printing Costs:** Prior to the implementation of AB 302, the Bureau of Firearms provided mental health facilities the Mental Health Reporting (BOF 4009 A) form to report information. The Bureau also provided them with the Patient Notification of Firearms Prohibition and Right to Hearing (BOF 4009 B) form and the Request for Relief from Firearms Prohibition (BOF 4009 C) form. Printing costs associated with these forms were approximately 9 cents per form. It can be assumed for every Mental Health Report (4009 A) form submitted a Patient Notification of Firearms Prohibition and Right to Hearing (4009 B) form was provided to the prohibited individual. In addition, it is estimated about 20 percent of those individuals requested a hearing and therefore a form was provided to them. As such, the Bureau saved approximately \$164,356 in printing costs from July 2012 to July 2015, since these forms no longer have to be provided to facilities.

SB 140 Supplemental Report of the 2015-2016 Budget Package

**Mental Health Form Submissions:**

Fiscal Year 11/12	
BOF Mental Health Form 4009A* Processed (Hardcopy)	50,376
Mental Health Records Reported (Electronic)	191,176
<b>TOTAL</b>	<b>241,552</b>
Fiscal Year 12/13	
BOF Mental Health Form 4009A* Processed (Hardcopy)	3,075
Mental Health Records Reported (Electronic)	204,025
<b>TOTAL</b>	<b>207,100</b>
Fiscal Year 13/14	
Mental Health Records Reported (Electronic)	214,734
Mental Health Records Reported (Electronic)	218,746

Printing Costs Based on Electronic Mental Health Submissions					
	FY 11/12	FY 12/13	FY 13/14	FY 14/15	TOTAL
<b>4009 A</b>	\$17,206	\$18,362	\$19,326	\$19,687	
<b>4009 B</b>	\$17,206	\$18,639	\$19,326	\$19,687	
<b>4009 C</b>	\$3,441	\$3,672	\$3,865	\$3,937	
<b>TOTAL</b>	<b>\$37,853</b>	<b>\$40,674</b>	<b>\$42,517</b>	<b>\$43,312</b>	<b>\$164,356*</b>

Calculations:

Mental Health Report – 4009 A (Electronic) x .09

Patient Notification of Firearms Prohibition and Right to Hearing – 4009 B (1 for 1 with 4009A) x .09

Request for Hearing for Relief from Firearms Prohibition – 4009 C (Estimate - 20% requested hearings of those that were reported).

**Personnel Costs:** As a result of AB 302, the Bureau of Firearms was able to reduce the amount of personnel in the Mental Health Unit. Prior to the implementation, the Bureau had the following positions in the section:

CLASSIFICATIONS	AMOUNT
CRIMINAL IDENTIFICATION SPECIALIST III	1
PROGRAM TECHNICIAN II	2
PROGRAM TECHNICIAN I	1
PROGRAM TECHNICIAN (RETIRED ANNUITANT)	1
STUDENT ASSISTANT	2
<b>TOTAL</b>	<b>7</b>

SB 140 Supplemental Report of the 2015-2016 Budget Package

Total expenditures to support the above positions (including salaries and benefits) is an estimated \$400,000 per year. Currently, the Bureau has the following positions in the Mental Health unit:

<b>CLASSIFICATIONS</b>	<b>AMOUNT</b>
STAFF SERVICES ANALYST	1
CRIMINAL IDENTIFICATION SPECIALIST II	1
PROGRAM TECHNICIAN I	1
<b>TOTAL</b>	<b>3</b>

Total expenditures for the above positions, per year, is an estimated \$235,800. That is a savings of \$164,200 in personnel costs per year.

Future yearly savings are estimated to be approximately \$200,000 (\$40,000 in printing costs and \$160,000 in personnel costs).

## OTHER INFORMATION DEEMED RELEVANT BY THE DEPARTMENT

As indicated in this report, the Department has made great strides in reducing the number of subject in the APPS database. It is also important to mention the efforts the Department has made in addressing the historical backlog. On July 1, 2013, the number of individuals in the historical backlog was 382,934. As of January 1, 2016, the historical backlog is 122,566; a 68 percent reduction. In a recent Bureau of State Audit review of APPS, it was recommended the historical backlog be eliminated by December 31, 2016. This goal is achievable at the current rate the Department is reducing the backlog.