



C A L I F O R N I A

DEPARTMENT of JUSTICE

BIENNIAL REPORT

2023 - 2024



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EXECUTIVE SUMMARY

As the People's Attorney, Attorney General Bonta has been a steadfast champion of California's values of unity, belonging, and progress and is committed to using the full force of the law and authority of the California Department of Justice (DOJ) to address injustice and defend the people and resources of California. In the biennial period, Attorney General Bonta worked to improve the lives of Californians by protecting public safety, advancing justice for all, and enforcing and defending laws touching nearly all facets of life — including healthcare, the environment, housing, consumer protection, civil rights, and criminal justice.

During the biennial period, DOJ remained committed to justice for all Californians — especially communities who have been historically marginalized and overlooked. Our state is far from a monolith, which means that in order to best represent, serve, and support all Californians, DOJ must reflect, understand, and respect the diversity of the Golden State. The Diversity, Equity, Inclusion, and Belonging Office was established to ensure equitable and inclusive practices are embedded in every element of DOJ's work, from recruitment to hiring to retention and to help guide our continued commitment to uplifting and valuing a diversity of viewpoints, perspectives, and backgrounds within our team and within our state.

The Office of Community Awareness, Response, and Engagement (CARE) works directly with community organizations, state and local elected officials, and members of the public to help ensure the inclusion of diverse perspectives in the state's work. Specifically, CARE focuses on cultivating relationships with historically marginalized and underrepresented communities by organizing opportunities for the Attorney General and other senior level staff to hear ideas and concerns directly from impacted communities. Since its establishment, CARE helped organize discussions with dozens of community organizations and leaders across the state on myriad topics, including hate crimes, reproductive health, public safety, environmental justice, domestic violence, and tenant rights. These discussions serve to inform the policies and practices at DOJ.

Attorney General Bonta continued the essential work of both ensuring a bright and healthy future for California's children, including tackling the fentanyl and housing crises, getting illicit guns off our streets, addressing the mental health risks associated with social media use, and protecting LGBTQ+ children. As the fifth largest economy in the world and a beacon of progress, California has a particular responsibility in protecting and promoting an economy and workforce where innovation, competition, fair labor practices, environmental protections, and the promise of The California Dream can all flourish in tandem. This responsibility builds on the steadfast belief that we can have a California where business and families can thrive, where safety and compassion go hand in hand, and where we protect all our neighbors and stand up for those who are taken advantage of or harmed. As the biennial reporting period comes to a close, DOJ remains committed to these California values.

This report describes some of the major accomplishments during the biennial period.

Strengthening Public Safety

As the state's Chief Law Enforcement Officer, protecting and expanding public safety is a top priority for Attorney General Bonta, and holding people accountable for breaking the law remains a critical piece of building safer communities. Over the last two years, Attorney General Bonta worked together with local, state, and federal law enforcement partners to protect California's public safety by cracking down on theft and illegal narcotics, dismantling organized criminal activity, going after sexual predators, and holding bad actors accountable.

Attorney General Bonta made combatting the fentanyl crisis a top priority. Over the last four years, seizures of fentanyl at the California's border with Mexico have skyrocketed. The fentanyl epidemic is driving a surge of drug overdose deaths in the United States; in San Diego alone, there has been a 2,375% increase in fentanyl overdose deaths over the past five years. DOJ's Fentanyl Enforcement Program, created by the Attorney General, has been working to interrupt networks of drug traffickers. As of June 2024, DOJ has seized a total of 12,154,897 fentanyl pills and 3,588 pounds of fentanyl powder and has arrested 325 suspects on fentanyl-related charges. In addition, DOJ joined the Fentanyl Abatement and Suppression Team (FAST) to address fentanyl trafficking from the U.S. and Mexico border. The DOJ provided critical support to San Diego through our Bureau of Investigation, arresting and apprehending fentanyl dealers and seizing fentanyl from communities.

Attorney General Bonta zeroed in on organized retail crime rings across the state, arresting more than 1,750 suspects, including the ringleader and other members of an organized retail crime scheme that spanned 21 counties and involved an estimated \$8 million worth of beauty products.

Attorney General Bonta made advancements in the fight against gun violence, with the goal of creating a safer California for all. This included the convening of a series of gun violence prevention roundtable discussions with local leaders and community advocates. It also included the arrest of a suspect in Richmond with a large cache of illegal firearms, including assault weapons, high-capacity magazines, and approximately one million rounds of ammunition. The Attorney General fought in the courtroom to secure vital information sharing with gun violence researchers, sponsored successful legislation to ban the sale of firearms on state property and to bar manufacturers and retailers from selling ghost guns in California, and proved, through the 2023 APPS Report and other reports published by our first-of-its-kind Office of Gun Violence Prevention, that California's commonsense gun laws are working.

Ensuring the Health and Wellbeing of Californians

Attorney General Bonta continued to fiercely defend and protect the reproductive freedom and liberties of Californians and people across the nation. The Attorney General sued a national anti-abortion group and a chain of five crisis pregnancy centers for using false claims to lure in pregnant patients. He announced the results of investigations into anti-implicit bias training for pregnancy care providers and into reproductive healthcare access in county jails. Emboldened by the U.S. Supreme Court's decision overturning of *Roe v. Wade*, anti-abortion states challenged the FDA's decades-old approval of mifepristone, widely used for medication abortion. Attorney General Bonta fought the partisan attacks aggressively on every front and with every tool at his disposal, from filing amicus briefs to publicly countering the lies and empty rhetoric of anti-mifepristone forces to reminding Californians of the laws that protect their access to medication abortion and other reproductive care. He led nationwide fights to push for increased access to birth control coverage, protect Americans' access to abortions during life-threatening medical emergencies, and support stronger protections for reproductive health data privacy. And he sent letters to major pharmacy and health data companies reminding the companies of their obligations to limit access to information related to patients' reproductive health or gender-affirming care.

Attorney General Bonta fought for Californians' rights to affordable, equitable healthcare and protected Californians against threats to public health. He sued the nation's largest insulin makers and pharmacy benefit managers for driving up the cost of the lifesaving drug, and as Californians grappled with the ongoing fallout from the opioid epidemic, secured billions of dollars in nationwide settlements with pharmacies CVS and Walgreens, manufacturers Allergan, Teva, Hikma Pharmaceuticals, and global marketing and communications firm, Publicis Health for their role in the opioid crisis. He worked to protect the public – particularly youth and vulnerable populations – from harmful and addictive tobacco products by taking legal action against two California online retailers of e-cigarettes over violations of state and federal laws, and by securing a historic \$462 million multistate settlement

agreement with e-cigarette maker, JUUL.

Protecting Consumers and a Vibrant Economy

Large corporations are not above the law. For too long, corporate entities have been left unaccountable for destructive practices – often at the expense of workers and communities who lack the resources to fight back. DOJ is committed to stepping in to defend California’s nation-leading labor laws, protect hardworking families, support Californians’ equitable access to economic opportunities, and protect a business landscape where competition and innovation flourish.

The Attorney General aggressively enforced state and federal antitrust laws, joining US DOJ in a lawsuit to challenge the anticompetitive merger of Spirit and JetBlue, joining the FTC to successfully challenge the grocery megamerger of Kroger and Albertsons, continuing his prosecution of Amazon for blocking price competition, and joining a lawsuit against Agri Stats for facilitating meat processors’ unlawful increase on the price Californians pay for chicken, pork, and turkey. He sponsored successful legislation to ban hidden fees, to compensate victims of consumer protection violations, and to protect the financial futures of Californians by prohibiting medical debt from appearing on credit reports.

In this digital age, Attorney General Bonta took aggressive action to protect youth and California families online. He co-led a bipartisan coalition in filing a lawsuit against Meta for designing and deploying harmful features on Instagram and Facebook that addict children and teens to their mental and physical detriment and later celebrated the release of the damning unredacted complaint in that case. He also supported legislation that would interrupt the ability of social media companies to use addictive design features.

Attorney General Bonta took on corporate giants that have gone after Californians’ pocketbooks and privacy rights. He announced a \$700 million settlement with Johnson & Johnson for failing to disclose if asbestos was present in its talc products; a settlement with DoorDash for selling its customers’ personal information; and worked with local partners to secure a settlement with a video game developer for illegally collecting and sharing children’s data. He continued his work to protect students, securing a decision that upheld a judgment against Ashford University for giving students false or misleading information about career outcomes, cost and financial aid, and transfer credits, and securing a \$4.5 million settlement with University of Phoenix for aggressive and unlawful military student recruitment tactics.

Guarding Californias Natural Resources

As California’s largest law enforcement agency, DOJ is committed to protecting California’s natural resources, biodiversity, and our residents by enforcing California’s robust environmental protection laws and by holding polluters accountable.

Attorney General Bonta took on corporate polluters and fought to protect the health and safety of California communities through innovative settlements and major lawsuits, including a landmark lawsuit against five of the largest oil and gas companies and a trade association for engaging in a decades-long campaign of deception about the climate harms of their products. He announced a settlement with Southern California Gas Company over misleading, unqualified environmental marketing claims the company made that natural gas is “renewable,” and reached settlements with Kaiser and Quest Diagnostics for improper hazardous waste disposal, as well as with several owners and operators of gas stations for violating state environmental laws. He announced a settlement of \$46 million with Cummins for violating California’s engine emission control and certification requirements and filed felony charges Lamb Fuels and its management for illegally treating and transporting hazardous waste throughout California.

He continued his ongoing work to combat the harmful effects of PFAS, calling for 3M and Dupont to pay more for contaminating Americans' drinking water supply with these toxic forever chemicals. And he issued an enforcement advisory letter to manufacturers, distributors, and sellers of food packaging and cookware, reminding them of their obligations under Assembly Bill 1200, which restricts the presence of PFAS in food packaging and imposes labeling disclosure requirements for cookware, as well as a consumer alert with tips for reducing PFAS exposures.

Recognizing that certain communities endure a disproportionate share of environmental pollution, Attorney General Bonta's Bureau of Environmental Justice sent comment letters to projects under the California Environmental Quality Act, reached innovative settlements, and issued guidance to address historic and ongoing inequities in land use decisions and beyond. He announced a settlement with the Port of Oakland and Eagle Rock Aggregates, securing binding commitments to mitigate the Eagle Rock project's air quality impacts and provide other benefits for West Oakland residents. He raised serious legal concerns about the environmental and housing impacts of a proposed warehouse development plan in the Inland Valley. And he secured settlements that reduce wildfire ignition and evacuation risks and conserve sensitive ecosystems. He also issued guidance to local governments on promoting environmental justice for marginalized communities across California.

Safeguarding Civil Rights

Attorney General Bonta worked tirelessly to protect the civil rights of people in California and across the country. Amidst unprecedented attacks on the LGBTQ+ community across the nation, Attorney General Bonta stood up for the rights of LGBTQ+ people to live, work, and pursue education free from discrimination: from fighting forced outing policies in Chino Valley and across the state to challenging bans on inclusive curricula and textbooks in classrooms. Outside of California, the Attorney General stood up against Idaho legislation undermining transgender students' constitutional rights and joined multiple amicus briefs in support of gender-affirming care for transgender youth.

The Attorney General worked to the safeguard Californians' civil rights through stipulated judgements with Kern County addressing free-speech violations and to reform the Vallejo Police Department's policies and practices, and he opened new civil rights investigations into the Riverside County Sheriff's Office and Antioch Police Department. He entered into a stipulated judgment with the Redlands Unified School District to address critical and systemic shortfalls in the district's policies and practices regarding their response to allegations and complaints of sexual harassment, assault, and abuse of students. Through the Racial Justice Bureau, he supported the work of the Reparations Task Force in issuing its historic final report on the harms of slavery and systemic discrimination of African Americans. He took action to protect workers, launching a historic investigation into gender discrimination in the National Football League. He took action to uphold voter rights by opening an investigation into Butte County's redistricting process and filing a lawsuit against the city of Huntington Beach challenging its voter identification law, Measure A, which amended the city's charter to purportedly allow the city to impose voter ID requirements at the polls for all municipal elections starting in 2026.

Attorney General Bonta recognizes that people with disabilities are at least 3.4 times more likely to be victims of violent crimes than people without disabilities and continued his commitment to protecting the rights of Californians with disabilities. He issued a bulletin to California local law enforcement agencies reminding them of their obligations under state law to enact policies and procedures to help improve reporting, enforcement, and education regarding crimes against seniors and persons with disabilities and released six publications providing valuable information on disability rights to support accessibility and full participation for Californians in all aspects of everyday life.

Addressing the Housing Crisis

As California continues to face a housing shortage and affordability crisis of epic proportions, Attorney General Bonta's Housing Justice Team ramped up its enforcement of state housing production, consumer protection, and housing discrimination laws, putting local governments from Huntington Beach and Coronado to San Bernardino and Elk Grove on notice for violations of state housing laws. To date, the work of the Housing Justice Team has led cities across California to plan for 22,000 new units of housing. Attorney General Bonta secured a settlement with the City of Malibu that will enable the city to reach compliance with the state's Housing Element Law and announced an agreement requiring the City of Fullerton to reach compliance with the state's Housing Element Law and adopt a plan to allow for the development of 5,187 low- or very low-income housing units.

As housing costs continue to overly burden household budgets, Attorney General Bonta fought to protect tenants' and homeowners' rights and prevent housing discrimination. Attorney General Bonta reminded California tenants of their rights and protections under state law, including limits on rent increases; announced statewide guidance to address Crime-Free Housing policies that disproportionately discriminate against people of color, survivors of domestic violence, people with disabilities, and justice-involved individuals; and brought financial relief to tenants who endured illegal rent increases and evictions at the hands of Green Valley Corporation and two separate local Bakersfield landlords and their property management company, Clemmer & Company.



DEPARTMENT OVERVIEW

The Attorney General’s responsibilities are fulfilled through the diverse programs of the Department of Justice, which has approximately, 5,900 positions, four divisions, and an operating budget of over \$1.3 billion.

Division	Authorized Positions	Budget
Legal Services Division	2,123	\$694,625,000
Division of Law Enforcement	1,369	\$359,071,000
California Justice Information Services	1,276	\$276,840,000
Directorate and Administration	1,169	(\$180,334,000)
Total	5,938 positions	\$1,330,536,000



EXECUTIVE PROGRAMS

Overview

Executive Programs consists of the following units:

The **Office of Community Awareness, Response, and Engagement (CARE)**, through its three teams, works directly with community organizations, state and local elected officials, and members of the public to help ensure the inclusion of diverse perspectives in the state's work. Specifically, CARE focuses on cultivating relationships with historically marginalized and underrepresented communities in line with the California Department of Justice's commitment to diversity, equity, and inclusion in all aspects of its work on behalf of the people of California. The Office includes the Victims' Services Unit, the Public Inquiry Unit, and Community Outreach Specialists.

The **Diversity, Equity, Inclusion, and Belonging Office** is committed to advancing diversity, embedding equitable practices, and ensuring inclusivity in DOJ's work. The office carries out this mission by promoting diverse representation, viewpoints, embedding equitable and inclusive practices into the DOJ employee experience, so that employees experience a sense of belonging and inclusion at DOJ. The office also provides subject matter expertise in DEIB and serves as a partner in every aspect of the employee lifecycle to ensure DOJ is representative of the people DOJ serves.

The **Office of External Affairs** develops and maintains relationships with key stakeholders such as elected officials, law enforcement agencies, labor unions, and business organizations to foster a greater understanding of the initiatives taken by the DOJ. The office oversees the Attorney General's external engagement through attending or planning meetings or events that advance the priorities of the Attorney General.

The **Office of Native American Affairs** addresses justice-related issues for California's Native American tribes and tribal citizens who reside on reservations, rancherias, and urban communities for the overall improvement of health, safety, and welfare of Native Americans on behalf of the Attorney General and DOJ. The office advises the Attorney General on matters of importance to California tribal governments and tribal citizens; serves as tribal liaison between the DOJ and federal, tribal, state and local justice systems; and facilitates and promotes a statewide framework for state and tribal partnerships that encourage the cooperation and collaboration between tribal, state, federal and local justice agencies through coordination of intergovernmental services, programs and technical assistance for justice-related issues.

The **Office of Legislative Affairs** represents the Attorney General in the State Legislature. It is responsible for developing and advocating for the Attorney General's legislative priorities. It also coordinates the Attorney General's communications with the State Legislature and the Governor's Office on legislative matters.

The **Office of the Solicitor General's** core mandate is to provide or promote excellent representation in appellate matters handled by the Department. The Office serves as a resource for Department leadership, attorneys, and staff by providing appellate advice and collaborating with the divisions and sections to foster consistent excellence in appellate practice.

The **Opinion Unit** helps the Attorney General carry out his statutory responsibility to provide opinions on questions of law in response to requests from designated state and local officials and government agencies. Those opinions are accorded great weight by the courts and help requesters and the general public better understand the law. The Opinion Unit also reviews "quo warranto" applications, in which litigants seek the Attorney General's permission to initiate a legal proceeding to resolve a dispute over whether a specific person has the right to hold a particular public office.

The **Equal Employment Rights and Resolution Office** ensures equal employment opportunities (EEO) within the DOJ are consistent with state and federal laws. The office administers the employee discrimination complaint process, monitors departmental employment processes, and provides training to ensure a workplace free of discrimination and harassment.

The Attorney General appoints **Special Assistants to the Attorney General** to focus on priorities of his administration, including civil rights, criminal justice reform and law enforcement, housing, workers' rights, consumer protection, health care, and the environment. Special Assistants serve as the Attorney General's key advisors in his priority areas and work throughout the Department to lead teams and manage special projects for the Attorney General.

The **Office of Communications** oversees external and internal communications for the Department. The office organizes speaking opportunities, press conversations, and other events to highlight the initiatives the Department engages in on behalf of all Californians. The Office manages press inquiries, oversees the messaging for all legislatively mandated reports, and produces press releases on behalf of the Attorney General. In addition, the Office is responsible for the Department's digital presence including content on the public website, social media, and graphics.

Office of Community Awareness, Response, and Engagement

Overview

The Office of Community Awareness, Response, and Engagement (CARE), through its three units — Community Outreach Managers, Public Inquiry Unit (PIU), and Victims' Services Unit (VSU) — works directly with community organizations, state and local elected officials, and members of the public to help ensure the inclusion of diverse perspectives in the state's work. Specifically, CARE focuses on cultivating relationships with historically marginalized and underrepresented communities in line with the California Department of Justice's (DOJ) commitment to diversity, equity, and inclusion in all aspects of its work on behalf of the people of California.

Within three months of his appointment, Attorney General Bonta established CARE to address barriers to advance justice for all Californians. Since its launch on July 15, 2021, CARE's goals are as follows:

- Develop knowledge and awareness among the public and community organizations of DOJ's mission and actions on behalf of the people of California.
- Build trusted relationships and work directly to meet the needs of California's communities, particularly those who are marginalized and underrepresented.
- Ensure DOJ's policies and programs are directly informed by the needs of all Californians.

Each unit within CARE directly engages with members of the public daily. The units are strategically located within a single office to provide accurate, consistent information and resources to victims and other members of the public upon engagement with DOJ.

The office consists of the following units:

- **Victims' Services Unit (VSU):** VSU offers support and information to victims and their families at every stage of the criminal process. VSU works to provide client-centered, trauma-informed, and culturally sensitive services to all crime victims, including underserved, at-risk, underrepresented, and vulnerable populations. Through the unit's services, victims can track the status of appeals, recusal cases, and other matters handled by DOJ's prosecutors. The unit

works in conjunction with victim service providers and frontline prosecutors across the state.

- **Public Inquiry Unit (PIU):** PIU serves as the primary public access point for all Californians, elected officials, governmental entities, and law enforcement agencies seeking assistance from DOJ. PIU handles all aspects of complaint intake, tracking, and response for most DOJ's legal programs. In addition, PIU takes the lead role in assisting consumers with resolving their disputes with California businesses directly. PIU receives consumer complaints from Californians and internally manages a consumer mediation program.
- **Community Outreach Managers:** Community Outreach Managers establish and build relationships through outreach and engagement with community-based organizations, local and state agencies, faith-based groups and other external stakeholders and constituencies to reach communities that have historically confronted barriers to accessing justice. They initiate and manage programs to promote awareness of DOJ resources, identify additional strategies to support communities, and create opportunities for the Attorney General to meet directly with key stakeholders.

Major Accomplishments

Increasing Accessibility and Access for Communities

VISION: In early 2024, PIU launched VISION, a new complaint database. The system is linked to new complaint forms on the public DOJ website, including an updated consumer complaint form, local law enforcement agency complaint form, and general contact form. These forms will collect critical data for use by DOJ's legal sections in their investigations and lawsuits. In addition, for the first time, the forms allow complainants to upload supporting documents. Complaints submitted via these web forms are automatically uploaded to the VISION database, which improves the complaint handling process.

Engaging with California's Historically Marginalized and Underserved Communities

Strategic Outreach: CARE established five Community Outreach Manager positions to perform outreach in all 58 counties of California. The Community Outreach Managers are located in five separate regions: Northern California/Bay Area, Sacramento/Central Valley, Central Coast, Los Angeles/Orange County, and Inland Empire/Border Region (San Diego/Imperial). Since its creation in July 2021, our Community Outreach Managers have engaged over 800 diverse organizations and communities by conducting meetings, making presentations, attending key events, and consistently sharing relevant information about DOJ resources and activities.

Public Education Series: In an effort to develop knowledge and awareness of DOJ's resources and programs, CARE hosts virtual presentations for the public, one of which is a quarterly virtual presentation series for the public entitled *Demystifying the DOJ*. These presentations are opportunities to learn directly from DOJ experts and ask questions regarding the work of DOJ's various divisions, sections, bureaus, and offices. Since establishing this program in 2022, we have conducted presentations on the following topics:

- Victims' Services Unit
- Hate Crimes
- Consumer Protections
- Reproductive Rights
- Re-Entry
- Office of Gun Violence Prevention
- Housing Justice Team
- Workers' Rights Section

- Bureau of Children’s Justice

In addition to the *Demystifying the DOJ*, CARE also created a new webinar program named *CARE Community Briefings*. The purpose of the *CARE Community Briefings* is to share information about various reports and public resource materials published by DOJ. The first briefing was hosted in July 2024 on the topic of the 2023 Annual Hate Crime Report.

CARE hosts other virtual presentations in response to community interest. These have included:

- Resources to Address Hate Crimes
- National Day of Racial Healing
- Dialogue on the Legacy of Cesar Chavez

Direct Community Engagement: CARE organizes opportunities for the Attorney General, Special Assistant Attorneys General and other senior level staff to hear ideas and concerns directly from impacted communities. Since its establishment, CARE helped organize discussions with dozens of community organizations and leaders across the state on myriad topics, including hate crimes, reproductive health, public safety, environmental justice, domestic violence, and tenant rights. These discussions serve to inform the policies and practices at DOJ.

Collaborating with State Agencies to Address Hate:

In 2021, the Governor approved \$166.5 million investment to address an historic rise in hate crime. The funding was distributed to various state agencies to execute programs and administer grants. To help facilitate the equitable distribution of these funds, CARE represents DOJ in a multi-agency collaborative designed to coordinate resources and services that combat hate crimes in California. The collaborative includes the California Department of Justice, the California Department of Social Services, the California Civil Rights Department (Formerly the Department of Fair Employment and Housing), the California State Library, the California Department of Education, and the California Commission on Asian American and Pacific Islander Affairs. CARE participates in the collaborative’s monthly meetings where the agencies share information and coordinate resources and services to combat hate crimes.

Spotlight on: Organizing Engagement Activities

Hate Crime Roundtables: As California and the nation experienced an alarming overall increase in reported hate crimes, Attorney General Bonta committed to combat the effects of hate and worked with partners across the state to build stronger, safer communities. Attorney General Bonta began a series of roundtables in partnership with the mayors of the 14 biggest cities in California to focus on strategies to address bias, hate, and strengthen responses to hate crimes. The roundtables bring together elected officials, law enforcement officers, and community leaders. CARE assists with organizing these meetings and is the liaison with community leaders. As of now, 13 of those 14 roundtables have been conducted in Anaheim, Bakersfield, Fresno, Irvine, Long Beach, Oakland, Sacramento, San Diego, San Francisco, San Jose, Santa Ana, Stockton and Riverside.

Youth Community Conversations: Beginning in the fall of 2023, CARE has been facilitating roundtables with high school aged youth across the state with the Attorney General and/or with a Special Assistant Attorney General. The purpose of these discussions is to provide high-school aged youth the opportunity to share their experiences, concerns, and ideas about the justice system, social justice issues, education, and community safety directly with DOJ. These conversations also provide the Attorney General the opportunity to engage and share his own experiences, and for CARE and the Special Assistant Attorney General to discuss the DOJ’s role within the justice system. As of now, Youth Community Conversations have been held in Bakersfield, Fresno, Garden Grove, Sacramento,

San Diego, Santa Barbara, and Watsonville, with additional roundtables scheduled for Long Beach, Los Angeles, San Francisco, San Jose, and Riverside.

Office of Gun Violence Prevention Roundtables: Since the COVID-19 pandemic, community gun violence has spiked across the country including in California. Although the state has made historic progress in public safety and continue to be an example for the rest of the nation, community gun violence continues to be an issue that disproportionately impacts historically marginalized and underrepresented communities. In response, the Attorney General established a statewide Office of Gun Violence Prevention (OGVP) in September 2022. Led by CARE in partnership with OGVP, this roundtable series hosted by the Attorney General was created to understand the needs of each region in California related to gun violence, to learn about innovative community violence prevention strategies from local leaders and identify ways the DOJ can assist with these efforts.

Advisory Groups: One of CARE's primary roles is to engage with community organizations and the general public about DOJ, the role of Attorney General and to listen to their challenges and concerns to identify any areas where DOJ may have an impact or where there may be areas of collaborate. Advisory groups were developed to advise the Attorney General about specific issues as well as for DOJ to share relevant information. They are led by Special Assistant Attorneys General and CARE. Membership of the advisory groups are by invitation. Current advisory groups include Cannabis, Civil Rights, Disability Rights, Immigration, LGBTQ+, Organized Retail Crime, Reentry, Reproductive Rights and Survivor Centered.

Diversity, Equity, Inclusion, and Belonging Office

Overview

The Department of Justice (DOJ) is committed to justice for the people of California, and part of that commitment is advancing diversity to represent the citizens we serve, embedding equitable practices in our work, and ensuring that we are inclusive in everything we do. The Diversity, Equity, Inclusion, and Belonging office is an extension of that commitment. The DEIB Office carries out this mission by promoting diverse representation, viewpoints, embedding equitable and inclusive practices into every element of our work, so that employees experience a sense of belonging and inclusion at DOJ. By embedding DEIB into every aspect of the employee experience, we recognize that our team will be stronger, more engaged, retain our employees, and empower them to carry out the vital work for the people we serve. The DEIB Office provides subject matter expertise in DEIB and serves as a partner in every aspect of the employee lifecycle to ensure DOJ is representative of the people we serve and embeds equitable and inclusive practices into all that we do.

Major Accomplishments

Creating a Strong Foundation for a Culture of DEIB

Onboarding of the Chief Diversity, Equity, Inclusion, and Belonging Officer (CDIO): Onboarded in August 2023, under the direction of the Chief Deputy Attorney General, the CDIO serves as the senior diversity, equity, inclusion and belonging (DEIB) advisor and expert to the Attorney General and Chief Deputy. The CDIO will build and maintain an organizational culture that promotes an inclusive and diverse workforce and establishes external and internal equity. The CDIO is responsible for developing and providing overall management and direction of the Department's DEIB Office as well as DEIB programs and practices throughout the Department.

Relaunching the Diversity Council: Originally formed in November of 2021 under direction of Chief Deputy Attorney General, the council served as an advisory council to the Equal Employment Rights

and Resolution (EER&R) on DEIB related matters. The original council consisted of 40-50 employees and paused until after the onboarding of the CDIO. The council was relaunched in February 2024, and is working to rebuild and develop a governance structure for more impactful decision making.

Online Self-Paced Training: Collaborated with EER&R to refresh three equal employment opportunity-related mandatory trainings that are required every two years. In addition to “Discrimination, Harassment and Retaliation Prevention Training” (DHRPT), EER&R created and conducted “Understanding Diversity and Implicit Bias” (UDIB) and “Understanding and Respecting Gender in the Workplace” (URGW), effectively tripling the number of mandatory trainings provided by EER&R without using additional resources.

Fostering Inclusivity

Inclusive Workplace Workshop: DEIB collaborated with Office of Human Resources (OHR) Staff in the development of an Inclusive Workplace Workshop, toolkit, and Companion book that will be delivered throughout the department to continue to bring awareness to inclusive practices and bias awareness in the workplace.

Honors DAG Program Collaborator: Collaborated with the Honors DAG program coordinators to embed clearer communications for DAG cohorts beginning in 2024. As part of the collaboration, the DEIB office will coordinate focus groups for DAG Cohorts, provide feedback sessions, and assist with onboarding Honors DAG cohorts in 2024 and beyond.

Transition Employee Advisory Committees (EAC) under the EER&R Leadership to Employee Resource Groups (ERG) under DEIB Leadership: Employee Resource Groups (ERG) are voluntary, employee led groups who share a common diverse characteristic. ERG are open to all DOJ employees and encourage community building and awareness to the broader DOJ. Currently there are 10 ERG. DEIB assisted with several EAC cultural events utilizing the Lunchtime Micro Learning Sessions platform and disseminated information regarding their communities and respective observances via department-wide emails, intranet carousel postings, and postings on an EAC’s intranet page.

Revising the Department of Justice Administrative Manual (DOJAM): The addition of the DEIB office at DOJ requires an addition and revision to the DOJAM. The new DOJAM section provides guidance and structure for the ERG now under the DEIB office’s leadership, and provides clear guidance on participation and expectations of the ERGs.

Office of External Affairs

Overview

The Office of External Affairs develops and maintains relationships with key stakeholders such as elected officials, law enforcement agencies, labor unions, and business organizations to foster a greater understanding of the initiatives taken by DOJ. The office oversees the Attorney General’s external engagement through attending or planning meetings or events that advance the priorities of the Attorney General.

Major Accomplishments

Connecting with Californians

Event Appearances: Since Attorney General Bonta has taken office, the External Affairs team has overseen his appearance in over 300 events across more than 30 regions in California and the United States, including 221 in 2023 and 139 so far in 2024. The team works collaboratively with several offices throughout DOJ and meets with external stakeholders to prepare the Attorney General for meetings

and events, putting together more than 400 briefing documents throughout the reporting period.

Connecting Internationally

Climate Events: Every year, Attorney General Bonta attends at least two major world climate events in the effort to support climate change. In collaboration with the Special Assistant Attorneys General, External Affairs connects with all participants joining AG Bonta in this effort.

Hosting Events

Zone Meetings: External Affairs coordinated five law enforcement Zone Meetings, bringing together over 150 Chiefs and Sheriffs across the state to discuss DOJ priorities and areas of mutual interest and collaboration. There are two meetings planned for August 2024 and one in September 2024. After the conclusion of these meeting, all zones in California will have been represented.

Hate Crimes Roundtables: External Affairs began hosting Hate Crimes Roundtables with nine big city mayors across California, bringing together over 100 government and community leaders to discuss how to combat hate crimes across the state and in local jurisdictions.

False Claims Act Roundtable: In 2024, AG Bonta hosted a False Claims Act Roundtable. The goal of this roundtable was to meet and discuss how DOJ can partner with the Plaintiffs' Attorneys on False Claims Act cases. The Roundtable was held in San Francisco and included approximately 10 participants from across the state.

Reproductive Rights: External Affairs engaged with reproductive rights advocates through a series of forums across the state where we brought together legislative leaders, community organizations and local constituents to discuss the future of reproductive rights in California.

Office of Native American Affairs

Overview

California is home to more people of Native American and Alaskan Native heritage than any other state in the country and home to approximately 176 California Native American Tribes, with over 100 separate tribal reservations and rancherias located within 34 of the state's 58 counties. The Office of Native American Affairs (ONAA) addresses justice-related issues for California's Native American tribes and tribal citizens who reside on reservations, rancherias, and urban communities for the overall improvement of health, safety, and welfare of Native Americans on behalf of the Attorney General and the California Department of Justice (DOJ). ONAA provides three main functions for the Attorney General:

- ONAA advises the Attorney General on matters of importance to California tribal governments and tribal citizens that promote the health, safety and welfare for California's tribal citizens.
- ONAA serves as tribal liaison between the DOJ and federal, tribal, state and local justice systems.
- ONAA facilitates and promotes a statewide framework for state and tribal partnerships that encourage the cooperation and collaboration between tribal, state, federal and local justice agencies through coordination of intergovernmental services, programs and technical assistance for justice-related issues.

To accomplish these functions, ONAA has developed internal processes, external programs and

has conducted extensive outreach efforts to build and improve upon government-to-government relationships with tribal, local, state and federal justice partners. Below are a few examples of what ONAA has accomplished during 2022-24.

Major Accomplishments

California Tribal Justice Directory: In 2022-23, to best serve the Attorney General, ONAA developed the California Tribal Justice Directory, an internal database that provides information including detailed data about California Tribal Governments, Local, and State Justice Agencies that serve Indian Country, and other tribal-related information that would aid DOJ's work including furthering outreach for environmental justice issues, public safety issues, welfare issues, and direct communications between the Attorney General and tribal leaders.

Responding to General Inquiries: ONAA receives general inquiries from Tribal Governments and citizens by telephone, email, DOJ-ONAA web-based inquiry submission form, and the mail. Subjects of the inquiries range from child welfare and public safety to environmental and consumer-related concerns. In the reporting period, ONAA received and responded to approximately 300 general inquiries.

Providing Technical Assistance on Legislative Matters: ONAA provides technical assistance on various areas of legislation, including but not limited to, public safety, child welfare, justice systems, human trafficking, missing persons, gaming, tribal cultural resources, and criminal justice databases. ONAA has provided technical assistance on Missing Murdered Indigenous Persons (MMIP) legislation, such as AB 1314 (Ramos, 2022), also known as the Feather Alert (California's Missing Indigenous Person Alert System), and AB 44 (Ramos, 2023) a law that authorizes DOJ to provide access to the California Law Enforcement Telecommunications System to California tribal law enforcement and tribal courts. Both laws received the support of Attorney General Bonta. During 2022-23, ONAA participated in five Feather Alert community and local law enforcement gatherings throughout the state and hosted by Assemblymember James Ramos. These gatherings share information about the Feather Alert and crucial information about missing persons investigations, as well as provide an opportunity to engage with both the law enforcement and tribal community about MMIP issues.

During the 2024 legislative session, ONAA provided significant technical assistance in the drafting of AB 2695 (Ramos, 2024), which requires California law enforcement to report to DOJ crimes occurring in Indian Country, such as crimes of domestic violence, kidnapping, human trafficking, narcotics, assaults, and missing persons investigations — all crimes associated with the MMIP crisis. ONAA also provided significant technical assistance on other bills, including AB 2279 (creation of a MMIP Justice Program at the CA DOJ) and AB 2138 (recognizing tribal police as California peace officers).

From 2022 to 2024, ONAA reviewed and provided analysis on a total of 67 bills.

Implementing AB 3099: In 2020, ONAA provided significant technical assistance on AB 3099 (Ramos, 2020) also known as the Tribal Assistance Program, or TAP. TAP is being implemented under the direction of ONAA, in coordination and collaboration with Division of Law Enforcement and Research Services. Under AB 3099, TAP calls on DOJ to provide Public Law 83-280 (PL 280) training and guidance to law enforcement agencies and tribal governments to help reduce uncertainty regarding criminal jurisdiction and improve public safety on tribal lands. AB 3099 also calls for DOJ to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native Americans in California.

Improving Public Safety in California: Addressing the Failures of Public Law 280 and the MMIP Crisis in California

In 2020, the legislature, through AB 3099, identified DOJ as its best hope to identify what the MMIP crisis looks like in California and how California can help bring an end to the violence. The legislature understood that to address the MMIP crisis, DOJ would also need to address a federal law known as PL 280, which left in its wake over 70 years of jurisdictional confusion, an erosion of trust of all justice systems, and contributed to an overall lack of and/or poor public safety for tribal communities.

During 2022-24, ONAA, conducted extensive research and outreach efforts, that included public safety surveys of both California and Tribal criminal justice agencies, social services and judicial branches. Based on the intelligence gathered from these efforts, the following actions were taking by ONAA – each designed and implemented to improve public safety for California’s tribal citizens.

Establishment of a First-of-Its-Kind Attorney General Public Law 280 Advisory Council: The complexity of PL 280 has led to public safety uncertainty and frustration among tribal communities, their neighboring communities, and tribal and local law enforcement. In response, the Attorney General established a first-in-the-nation Public Law 280 Advisory Council. The PL 280 Advisory Council reflects a commitment to partnership between tribal governments and local, state and federal justice agencies to improve public safety on tribal lands and build trust in the criminal justice system together. The specific objectives of the Advisory Council are as follows:

- Determine the current status of PL 280 implementation throughout the state.
- Identify areas of concern for tribal communities and California justice agencies.
- Recommend to the Attorney General solutions on how to enhance intergovernmental relations that will improve public safety and build trust in the justice system.

The PL 280 Advisory Council consists of approximately 40 separate entities: tribal leadership, local law enforcement, state law enforcement, and federal justice partners. PL 280 Advisory Council meetings are facilitated by PL 280 Experts: Professor Carole Goldberg of UCLA Law School, Dorothy Alther of California Indian Legal Services, and ONAA.

Commitment to Developing a Tribal Consultation Policy: Attorney General Rob Bonta is committed to working with California Native American tribal governments towards collaborative solutions that ensure mutual respect for shared responsibilities and sovereign interests, such as safeguarding Californians from harm and promoting community safety, preserving California’s natural resources, and enforcing civil rights laws. To achieve this policy goal, and to allow for a more formal process of engaging with the Attorney General and DOJ, Attorney General Bonta is creating a first-of-its-kind Tribal Consultation Policy for DOJ.

In 2024, Attorney General Bonta directed ONAA and the Native American Tribal Affairs Section (NATA) to coordinate and collaborate directly with California Native American tribal leaders in the development of a tribal consultation policy. Seven Engagement (Listening) Sessions with California Native American tribal governments were held and over 100 tribal representatives participated and shared their hopes and expectations for the policy. Drafting of the policy began in 2024, a review and comment period, and later adoption of policy by the Attorney General is expected to take place in 2025.

Created Missing in California Indian Country Events: In 2023, ONAA held public, first-of-their-kind MMIP regional events called Missing in California Indian Country (MICIC). MICIC, in part, served as critical public safety events for tribal communities and aimed to elevate the state’s response to the MMIP crisis. These events allowed for loved ones to report an individual missing, receive an update on an active missing person’s case, and/or provide a DNA sample for inclusion in DOJ’s Unidentified

Persons Database. These regional events were developed and planned, in collaboration with California Tribal Governments, to be most responsive to the region's tribal community's needs. Together, local, state, tribal and federal justice partners came together for these events to share critical information, resource availability, and partnership in addressing the MMIP crisis in California. Contributing to the success of these first-of-their-kind events were the following DOJ programs/sections: Division of Law Enforcement (provided information to tribal communities regarding how to identify human trafficking activities and what to do if you believe someone is being trafficked); Bureau of Forensic Services (shared information about the DOJ's Missing Persons DNA program and collected DNA samples from the public for inclusion in the database); CARE's Victim Services Unit or VSU (VSU advocates were instrumental in providing information about victims' rights and resources, as well as providing assistance to tribal members who may have been victims of crime); Missing Unidentified Persons Unit or MUPS (provided valuable information about the role MUPS plays in assisting law enforcement in locating missing persons, including training that they can provide tribal law enforcement); and, Research Services (conducted MMIP research, facilitated group and one-on-one interviews with survivors and families of MMIP.)

Co-Convened A National MMIP Symposium: In 2023, ONAA co-convened a first-of-its-kind multistate MMIP symposium of state-led MMIP research teams, in coordination and collaboration with the New Mexico MMIR Task Force. This symposium included the MMIP research teams from New Mexico, Nebraska, Wisconsin, Minnesota, Colorado, Washington, and California. The symposium focused on interdisciplinary collaboration, inter-agency collaboration, and data transparency and accuracy.

Created a "BEING PREPARED Together" Program – Supporting Tribal Governments in Developing Community Response Plans: In 2024, ONAA began a new program called BEING PREPARED *Together*. This program helps support tribal governments in the efforts to develop a community response plan for MMIP and human trafficking events to help minimize the effects of a crisis and expedite response and recovery efforts. The program is a first-of-its-kind and helps tribal participants learn about how to identify MMIP and human trafficking situations, determine the best resources for each circumstance, and begin developing a tailored response plan for their individual and unique tribal government's needs on specific issues. These programs are being developed and implemented throughout the state with two events currently in the planning stages: Mendocino/Lake Counties in January of 2025 and Riverside/San Bernardino Counties in March of 2025. The first seminar was held in San Diego County at the Pala Casino Resort with over 45 participants.

Communicating with State Justice Partners and Coordinating Efforts with U.S. Attorney General's Office: The Attorney General continues to promote communication and collaboration between federal, tribal, state, and local justice systems to improve overall public safety for tribal communities and citizens. In 2022, ONAA issued two Information Bulletins that provide our justice partners with guidance on the enforceability of tribal court protection orders in California and on the applicability of California's criminal trespass laws on Indian lands, two areas of concern raised by our tribal partners in justice in the fight against the MMIP crisis. During 2022-24, ONAA provided critical support and partnership to the US Attorney's Office – Southern, Central and Northern Districts – in successfully implementing the federal law known as the Savanna's Act. This Act was part of the US DOJ's mandated efforts to address the MMIP crisis and involved improving communications between tribal, local, state and federal justice partners.

Identifying Tribal Victim Service Provides and Updating the Native American Marsy's Law Information Card: In 2023, ONAA identified and published Tribal Victim Service Provider Contact Information on the DOJ-ONAA website so that tribal victims of crime can access culturally appropriate victim services and so that our justice partners can locate culturally appropriate victim services for their Native American victims of crime. In April of 2023, ONAA published an updated [Native American Marsy's Law Information Card](#). This card contains specific sections of the Victims' Bill of Rights Act of 2008 and

provides critical information on national, statewide, regional, tribal, and local resources for Native American victims of crime. The card contains a QR Code that assists tribal citizens in locating culturally appropriate and informed services available to them statewide, by region, and by county. These combined resources are the first-of-their-kind for tribal citizens in California. The card was published on DOJ's website and distributed to all tribal victim service providers in the state, as well as all local law enforcement agencies and victim service agencies who requested it.

Office of Legislative Affairs

Overview

The Office of Legislative Affairs (OLA) represents the Attorney General in the California State Legislature. OLA is responsible for developing and advocating for the Attorney General's legislative priorities and reviewing and engaging on thousands of bills introduced in the Legislature each session, including providing fiscal impacts, and coordinating legislatively mandated reports. It also coordinates the Attorney General's communications with the Legislature and the Governor's Office on all legislative and related matters and provides direct assistance to the 120 legislative offices on constituent inquiries.

Major Accomplishments

Providing Fiscal Review of Legislation: OLA provides fiscal assessments to the Department of Finance, bill authors, and the respective Appropriations Committees on legislation that impacts DOJ, explicitly outlining how each bill will impact our department in order to determine how to effectively implement the bill should it become law. Over the biennial period, OLA formally analyzed and reported to the various stakeholders on several hundred bills that directly impacted DOJ.

Handling Legislative Constituent Matters: OLA provides dedicated assistance to each of the 120 legislative offices to help answer constituent inquiries relating to matters within the department's purview. Over the biennial period, OLA provided assistance to legislative offices and their respective constituents on more than 1,000 constituent matters and inquiries.

Legislative Advocacy and Support: During the biennial period, OLA reviewed and tracked every bill introduced in both the Assembly and Senate, providing technical assistance to the authors and policy and fiscal committees. OLA also works closely with the Attorney General each year to develop a legislative package including bills the department sponsors and supports. The following is a list of bills sponsored by the Attorney General during the biennial period. (Many of the later introduced bills were still pending at the time this report was compiled, so their status updates are not included).

Firearm Safety

AB 1406 (McCarty) - Strengthening Processing of Firearm Background Checks

Chaptered by Secretary of State - Chapter 244, Statutes of 2023

AB 1420 (Berman) - Firearm Dealer Investigations: Expanding DOJ Authority

Chaptered by Secretary of State - Chapter 245, Statutes of 2023

AB 2629 (Haney) - Closing Loopholes in Mental Health Firearm Prohibitions

AB 3064 (Maienschein) - Ensuring Safe and Effective Firearm Safety Devices/Modernizing Processing Procedures

SB 2 (Portantino) - Strengthening California's Concealed Carry Weapon Licensing Laws
Chaptered by Secretary of State. Chapter 249, Statutes of 2023

Protecting Children

AB 1949 (Wicks) - California Children's Data Privacy Act

SB 680 (Skinner) - Protecting Children from Social Media Harms
Held in Assembly Appropriations, 2023

SB 976 (Skinner) - Protecting Our Kids from Social Media Addiction Act

Addressing Racial Bias in Maternal Health Care

AB 2319 (Wilson, Weber & California Legislative Black Caucus) - Oversight and Enforcement of the California Dignity in Pregnancy and Childbirth Act

Housing

AB 1485 (Haney) - Strengthening Enforcement of State Housing Laws
Chaptered by Secretary of State - Chapter 763, Statutes of 2023

AB 1893 (Wicks) - Strengthening the Housing Accountability Act to Clarify the Builder's Remedy

SB 1037 (Wiener) - Expanding Enforcement California Housing Laws

Public Safety

AB 2695 (Ramos) - Murdered and Missing Indigenous Persons Data Collection

AB 3042 (Nguyen) - Prop. 69 Funding Extension: Supporting DNA Activities to Solve Crime

AB 3092 (Ortega) - Death in Custody Reporting Act (DICRA) Follow-up Authority
Chaptered by Secretary of State - Chapter 69, Statutes of 2024

SB 1285 (Laird) – Invisible Disability Marker on Driver Licenses, State Identification
Held in Senate Appropriations, 2024

SB 1473 (Laird) - State Authorized Risk Assessment Tools for Sex Offenders (SARATSO) Reporting

SB 1484 (Smallwood-Cuevas) - Juvenile Court Jurisdiction for Youth Under 12

Increasing Corporate Financial Penalties

AB 2432 (Gabriel, Cervantes & Reyes) – Enhanced Corporate Accountability and Funding Crime Victim Services

Health

AB 3129 (Wood) - Review of Private Equity Healthcare Transactions

AB 3218 (Wood) - Implementation and Enforcement of the Flavored Tobacco Ban

Consumer Protection

AB 1345 (Hart/Wilson) - The Residential Exclusive Listing Agreements Act

Chaptered by Secretary of State - Chapter 577, Statutes of 2023

AB 1366 (Maienschein) - Victims of Consumer Fraud Restitution Fund

Chaptered by Secretary of State - Chapter 686, Statutes of 2023

SB X1-2 (Skinner) - Taking on Big Oil's Excessive Profits to Protect California Families

Chaptered by Secretary of State - Chapter 1, Statutes of 2023-24 First Extraordinary Session

SB 478 (Dodd/Skinner) - Protecting Consumers from Hidden Fees

Chaptered by Secretary of State - Chapter 400, Statutes of 2023

SB 1061 (Limón) - Prohibiting Medical Debt on Credit Reports

SB 1124 (Menjivar) - Veterans Benefits Protection Act of 2024

Held in Senate Appropriations, 2024

Expanding Employment Opportunities Upon Re-entry

AB 3235 (Bryan) - Expanding Employment Opportunities for Persons with Prior Convictions

SB 365 (Wiener) - Forced Arbitration Agreements/Frivolous Delay

Chaptered by Secretary of State - Chapter 710, Statutes of 2023

Administrative Workload/ Fulfilling State Obligations

AB 459 (Kalra) - Ensuring Full Implementation of the Racial and Identity Profiling Act

AB 2755 (Assembly Appropriations Committee) – Assembly Claims Bill

SB 383 (Senate Appropriations Committee) – Senate Claims Bill

Chaptered by Secretary of State - Chapter 10, Statutes of 2023

SB 1481 (Senate Appropriations Committee) - Senate Claims Bill

SB 1518 (Public Safety Committee Omnibus) - Firearm Eligibility Background Checks for Peace Officer Candidates

Office of the Solicitor General

Overview:

The Office of the Solicitor General (OSG), under the leadership of the Solicitor General, has plenary authority and responsibility for ensuring the excellence of the Department of Justice's appellate

practice. OSG works on matters at every level of the state and federal court systems, with a special emphasis on the Department's work in the U.S. Supreme Court and the California Supreme Court, and on certain Ninth Circuit matters. OSG attorneys regularly file briefs and present oral arguments in the state and federal appellate courts. The Office also supports the improvement of appellate practice skills and provides advice on appellate matters throughout the Department. In litigating particular appellate cases, OSG closely collaborates with sections in the Public Rights, Civil, and Criminal Divisions. Select cases in which OSG played an important or lead role during this reporting period are described below, organized under the relevant litigating division.

Major Accomplishments:

Public Rights Division

Sheetz v. County of El Dorado: California led a coalition of states and the District of Columbia in the U.S. Supreme Court in a case involving a challenge to "traffic impact fees" imposed by El Dorado County as a condition of securing a development permit. In this case, a developer argued that legislatively determined fee schedules that require permit applicants to pay a fee to mitigate local traffic impacts violates the "unconstitutional conditions" doctrine described in the Supreme Court's *Nollan*, *Dolan*, and *Koontz* cases. Those cases hold that under the Takings Clause, governments may not condition an individual land use development permit on the dedication of an interest in land or money, unless the condition bears an "essential nexus" and "rough proportionality" to the development's impacts. The question in *Sheetz* was whether that framework should extend to fees imposed by legislation. Our amicus brief agreed with the County's view that the *Nollan/Dolan* framework should not apply to impact fees imposed pursuant to a generally applicable formula set by legislation. It also explained that, in the alternative, any extension of that framework to legislatively imposed impact fees should not require any property-specific or individualized analysis, but should instead allow fees appropriately tailored to a class of development. The Court held that the *Nollan/Dolan* framework does apply to legislatively-set impact fees, but it did not require any property-specific or individualized analysis.

R.J. Reynolds v. Bonta: Working closely with the Healthcare Rights and Access Section, OSG defended a California state law, S.B. 793, which bans the retail sale of flavored tobacco products on a statewide basis. Weeks before the law was set to take effect, R.J. Reynolds and other tobacco-industry plaintiffs sought an emergency writ of injunction from the U.S. Supreme Court, arguing that the law was preempted by federal law and asking the Court to prohibit enforcement of S.B. 793. Our opposition argued that federal law expressly preserves the authority of state and local governments to enact laws like S.B. 793 and explained why the equitable considerations did not support an injunction. The U.S. Supreme Court denied the tobacco industry's requested injunction, allowing California's flavored tobacco sales ban to go into effect. Later, after the Ninth Circuit held that S.B. 793 is not preempted, the Supreme Court denied R.J. Reynolds' certiorari petition seeking review of that judgment, after requesting and receiving a brief in opposition from our Office.

Johnson & Johnson v. California: Working in collaboration with the Consumer Protection Section, OSG successfully opposed certiorari in this case, where a company sought to overturn a \$300 million civil penalty for deliberately suppressing information and concealing serious risks about pelvic mesh devices. The company argued that it lacked fair notice, for purposes of the Due Process Clause, that the trial court could treat each of their false or misleading communications as a separate violation under California's false advertising statutes. Our brief argued that the company had not properly preserved the due process argument in the state courts and that it had received fair notice under the standards established by U.S. Supreme Court precedent. The Supreme Court denied review, leaving the \$300 million judgment in place. Adding post-judgment interest, the company ultimately paid more than \$362 million for its misconduct — the largest litigated unfair competition law penalty in California history.

***Nevada Irrigation District v. California State Water Resources Control Board* and *Turlock Irrigation District v. Federal Energy Regulatory Commission*:** OSG worked with the Natural Resources Section to represent the California State Water Resources Control Board in two cases involving hydroelectric facilities that submitted relicensing applications to the Federal Energy Regulatory Commission to operate on California rivers. Under the Clean Water Act, any applicant for a federal license to conduct activity that may result in a discharge into navigable waters is required to obtain a certification from the state in which the discharge originates that the activity will comply with applicable state law. In both cases, the hydroelectric facilities argued that the Board had waived its certification authority by failing to act on their request for certification within a reasonable period of time. The court of appeals rejected the argument that the Board's conduct amounted to a waiver of the state's certification authority. The facilities filed petitions for writs of certiorari in the U.S. Supreme Court in both cases, and we submitted briefs in opposition arguing that the facilities' arguments about waiver would be at odds with the purpose and design of the Clean Water Act. The Supreme Court denied review, thereby safeguarding the Board's authority to enforce state environmental requirements in the federal licensing process.

***American Petroleum Institute v. Environmental Defense Center*:** In another case demonstrating the Attorney General's commitment to protecting the environment, OSG filed a brief in opposition together with the Land Use and Conservation Section and the Environmental Law Section. That case arose from federal permits authorizing hydraulic fracturing ("fracking") and other stimulation treatments in oil wells off the coast of California. Those treatments make it easier to extract oil and gas through the use of acid and chemical injections, but they pose a threat to the surrounding environment. Environmental organizations sued the federal government, alleging that the permits violated federal laws requiring environmental review. The federal government settled those cases by agreeing to undertake a "programmatic environmental assessment" of well-stimulation practices and to impose a moratorium on permit approvals until that assessment was complete. In 2016, the federal government published its environmental assessment, proposing to allow the use of well-stimulation treatments without any restrictions on the view that such treatments would not result in any cumulative effects on the coastal environment. The federal government also issued a "finding of no significant impact," concluding that the treatments would not affect the quality of the human environment. California and the California Coastal Commission sued, alleging that the 2016 environmental assessment and finding violated several federal environmental statutes. After lower federal courts enjoined the federal government from granting any further permits for well-stimulation treatments until it complied with its statutory obligations, the oil industry interveners sought review in the U.S. Supreme Court. OSG filed a brief in opposition, explaining that the federal government's actions were subject to judicial review and that the Coastal Zone Management Act required the federal government to evaluate whether its actions were consistent with California's coastal management plan. The Supreme Court denied the petition without any noted dissent, leaving in place the Ninth Circuit's judgment and the injunction.

***Citizens for Clean Energy v. National Mining Association*:** OSG collaborated with attorneys in the Environmental Law Section in representing the State of California before the Ninth Circuit in a case involving federal coal leases. That case arose after the Trump Administration's decision to rescind a nationwide moratorium on the approval of new leases for coal mining on federal lands. That rescission threatened to increase total U.S. greenhouse gas emissions by upwards of 1.1 billion tons per year — a volume equivalent to 17.2% of total U.S. emissions in 2017. California led a coalition of states, along with nongovernmental organizations, in challenging the rescission under the National Environmental Policy Act. The district court agreed with our claims and vacated the rescission.

***Gillespie v. Peraton, Inc.*:** At the invitation of the Ninth Circuit, we authored an amicus brief with the Land Use and Conservation Section on the question whether Fort Irwin National Training Center in San Bernardino County is a federal enclave subject to the exclusive jurisdiction of the United States. That question informs whether state labor and employment laws apply to workers who are employed on the

base. In this case, a worker at Fort Irwin sued a private employer, alleging gender and physical disability discrimination in violation of state employment laws. The district court rejected the employer's argument that Fort Irwin is a federal enclave but certified its order for interlocutory appeal. After the parties completed their briefing on appeal, the Ninth Circuit invited the State of California and the United States to file amicus briefs. Both the California and the federal government argued that Fort Irwin is not a federal enclave subject to exclusive federal jurisdiction. After the amicus briefs were filed, the employer filed an unopposed motion to voluntarily dismiss its appeal.

Texas v. United States: OSG teamed up with the Civil Rights Enforcement Section and our counterparts in New York to lead multistate amicus briefs in the district court and the Fifth Circuit in defense of a final rule concerning the Deferred Action for Childhood Arrivals (DACA) policy. DACA allows certain immigrants to apply for discretionary immigration relief, work authorization, and other benefits. California had previously led a multistate coalition in successfully challenging the Trump Administration's efforts to rescind the 2012 memorandum, with OSG leading the briefing and the Solicitor General presenting oral argument in the Supreme Court. The final rule at issue in *Texas* continues the DACA policy in largely the same form as established in 2012. A coalition of states led by Texas challenged the rulemaking and a judge in the Southern District of Texas vacated the rule. On appeal, we supported the Biden Administration's defense of the final rule, focusing on the district court's legal errors and abuse of discretion in selecting a remedy, and emphasizing the profound reliance interests that DACA has created over the twelve years that it has been in effect. The Fifth Circuit has not yet issued its decision.

Uber Technologies Wage and Hour Cases: In this case, alongside the Workers' Rights and Fair Labor Section, OSG defended the People's authority to enforce state labor laws. The People of the State of California, represented by the Attorney General and the city attorneys of Los Angeles, San Diego, and San Francisco, filed an Unfair Competition Law enforcement action against Uber and Lyft. The complaint alleged that the companies misclassified their drivers as independent contractors for years, thereby denying the drivers important benefits and protections guaranteed to employees by state law and denying public programs revenue to which they were entitled. The companies, relying on arbitration agreements between themselves and some of their drivers, filed a motion to arbitrate certain claims in the People's complaint and to delay the remainder of the People's action, on the ground that the Federal Arbitration Act required arbitration of the claims. The trial court denied the motion and the Court of Appeal affirmed. Uber and Lyft then filed petitions seeking California Supreme Court review. We successfully opposed those petitions, arguing that no court has adopted the companies' theory that the Federal Arbitration Act would require a public prosecutor's enforcement action to proceed in a private arbitral forum to which the government actor did not consent. After the California Supreme Court denied review, the companies filed petitions for writs of certiorari in the U.S. Supreme Court. We submitted briefs in opposition and expect the U.S. Supreme Court to consider the case in September 2024.

Adolph v. Uber Technologies: In another case involving collaboration with the Workers' Rights and Fair Labor Section, OSG filed an amicus brief in the California Supreme Court supporting the plaintiff's efforts to sue Uber under the Private Attorneys General Act (PAGA). PAGA is one of California's main tools in the fight against worker abuse. The law authorizes employees to pursue and recover civil penalties on behalf of the state for labor law violations committed against themselves and their fellow workers. In *Adolph*, Uber claimed that an aggrieved employee is unable to bring a PAGA claim in court if the employer's own claim has been sent to arbitration. Our amicus brief highlighted PAGA's critical importance, reiterated that the U.S. Supreme Court indicated that state courts have the last word with regard to this area of state labor law, and called on the California Supreme Court to reject Uber's arguments. The California Supreme Court issued a decision consistent with our arguments, concluding that an order compelling arbitration of individual claims does not strip the plaintiff of standing as an aggrieved employee to litigate claims on behalf of other employees under PAGA.

Civil Law Division

Defending California's Gun Safety Laws: OSG continued to work closely with the Government Law Section to defend California's gun safety laws against Second Amendment claims and other constitutional challenges in dozens of cases in state and federal courts. In several appeals arising out of the Southern District of California, for example, OSG and the Government Law Section collaborated on briefs opposing challenges to California's restrictions on assault weapons (*Miller v. Bonta*), ammunition background check requirements (*Rhode v. Bonta*), and longstanding prohibitions on certain billy clubs (*Fouts v. Bonta*); these appeals are currently pending. In another case, *Duncan v. Bonta*, the Solicitor General presented argument before an en banc panel of the Ninth Circuit in a challenge to California's restrictions on "large-capacity magazines," which allow shooters to fire a large number of shots without pausing to reload. The district court struck down the law after receiving supplemental briefing applying the framework for considering Second Amendment claims announced by the Supreme Court in *New York State Rifle & Pistol Association v. Bruen*. OSG drafted a successful motion to stay the district court's judgment and submitted briefs on the merits before the en banc panel, explaining that large-capacity magazines are not presumptively protected by the text of the Second Amendment and that the challenged restrictions are consistent with a long historical tradition of regulating especially dangerous weapons. OSG is awaiting a decision from the Ninth Circuit.

Olson v. California: OSG again worked with the Government Law Section (GLS) in *Olson*, a case involving an equal protection challenge by app-based driving companies to AB 5, a statute that establishes a new employment-classification standard for workers in hundreds of industries. A three-judge panel of the Ninth Circuit held that plaintiffs had plausibly alleged that animus against Uber and similar companies motivated the Legislature to deny the app-based driving sector an exemption from AB 5's general worker-classification standard. We filed a successful petition for rehearing en banc, submitted supplemental briefing, and presented argument before the en banc court. The en banc panel unanimously agreed with our arguments that AB 5 draws rational distinctions; that the statute in no way "singles out" Uber and similar companies; and that allegations of "animus" are constitutionally irrelevant in a rational-basis case if the challenged law otherwise serves legitimate, rational interests. The en banc decision recognizes and re-affirms a number of important principles about the nature and scope of rational-basis review under the Equal Protection Clause.

Brach v. Newsom: In this third en banc case, OSG worked with the Health, Education and Welfare Section to successfully petition the Ninth Circuit for en banc review regarding a challenge to California's COVID-related restrictions on in-person schooling. The district court had granted summary judgment, rejecting the plaintiffs' claims on the merits. On appeal, a three-judge panel of the Ninth Circuit partially reversed, concluding that the required closure of private schools could violate parents' substantive due process right to control their children's education. On rehearing, the en banc panel agreed with our argument that the dispute was moot. The en banc panel noted that the State rescinded its restrictions on in-person instruction, unequivocally renounced any intention to re-impose those restrictions, and kept schools open even as case counts peaked. The plaintiffs then filed a petition for a writ of certiorari in the U.S. Supreme Court. After receiving our brief in opposition, the Supreme Court denied the petition.

National Pork Producers Council v. Ross: OSG and GLS continued the Department's work defending against challenges to important California laws under the dormant Commerce Clause, a constitutional restriction on state laws that discriminate against or excessively burden interstate commerce. This case is the most prominent example of a challenge to California's Proposition 12, which prohibits the sale in California of certain pork products that were produced in an inhumane manner. After California prevailed in the lower federal courts, the U.S. Supreme Court decided to review the case. We filed our merits brief in August 2022 and the Solicitor General presented oral argument in October 2022. After argument, the Court upheld Proposition 12. In an opinion by Justice Gorsuch, the Court

unanimously rejected the challengers' argument that Prop 12 has impermissible "extraterritorial" reach based on its alleged effects on pork production in other states. The Court also rejected the challengers' alternative claim, which invoked the balancing test from *Pike v. Bruce Church, Inc.* One group of justices concluded that the challengers had failed to plausibly allege the kind of substantial burden on interstate commerce necessary to trigger a judicial balancing of benefits and burdens under *Pike*. Another group concluded that there was no judicially manageable way to balance the alleged economic burdens on the pork industry against the morals- and health-related benefits associated with the sales restriction. The Court's decision sets important precedent that will be relevant in our defense of a wide range of state laws, including environmental and consumer protection laws.

***O'Handley v. Weber*:** In collaboration with GLS, OSG filed briefs in the U.S. Supreme Court opposing several petitions for writs of certiorari. In *O'Handley v. Weber*, the petitioner claimed that an employee of the Secretary of State violated the First Amendment by alerting a social media company that one of petitioner's posts violated the company's policies on election-related tweets. Our brief explained that the alleged conduct did not come close to establishing the type of government coercion necessary to state a claim under the Supreme Court's seminal First Amendment coercion case, *Bantam Books, Inc. v. Sullivan*, and that the court of appeals properly held that petitioner failed to state a retaliation claim because there were no allegations plausibly suggesting an "adverse action." The Supreme Court denied the petition.

***Porter v. Martinez*:** In this case, the U.S. Supreme Court denied a petition presenting First Amendment challenges to California laws. In *Porter v. Martinez*, the petition challenged a century-old law that prohibits car honking except as an "audible warning" when "reasonably necessary to insure safe operation" of a vehicle. The petitioner alleged that the law violated her rights to engage in "expressive honking." Our opposition explained that the law is a content-neutral restriction that satisfies intermediate scrutiny; that "indiscriminate horn use can distract other drivers and pedestrians and "dilute the potency of the horn as a warning device"; and that forty other States have similar laws.

***Mobilize the Message, LLC v. Bonta*:** In this case, the U.S. Supreme Court denied a petition presenting First Amendment challenges to California laws. The petition challenged AB 5, which addresses what test should apply to determine whether workers are "employees" or "independent contractors." The petitioners were organizations focused on political campaigns and canvassing. They argued that AB 5 violates the First Amendment by applying the standard three-part test to the "signature gatherers" and "doorknockers" they wished to hire, while applying an alternative, multi-factor test to certain other exempted workers. Our successful brief in opposition explained why the Ninth Circuit's decision was correct on the merits and did not create any circuit conflict.

***Hashim v. Cohen and Johnson v. Cohen*:** In these cases, OSG successfully opposed certiorari petitions seeking to challenge California's Unclaimed Property Law, which imposes certain notice requirements before unclaimed property escheats to the state. The petitions argued that the lack of individualized notice requirements for certain property valued under \$50 violates the Due Process and Takings Clauses of the federal Constitution. Our brief in opposition described the jurisdictional barriers to the Court's consideration of California's law in these cases and defended the constitutionality of the law on the merits. The Supreme Court denied review in both cases.

The U.S. Supreme Court also denied review in a series of cases presenting follow-on questions arising from its 2018 decision in *Janus v. American Federation of State, County, and Municipal Employees*. In *Janus*, the Court held that the First Amendment is violated when money is taken from nonconsenting employees for a public-sector union. In a number of cases since then (including *O'Callaghan v. Drake*, *Savas v. California Statewide Law Enforcement Association*, and *Kurk v. Los Rios Classified Employees Association*), the Supreme Court called for responses to certiorari petitions filed by employees who argued that their First Amendment rights were violated when unions enforced the terms of their voluntary agreement to pay union dues for a specified period of time and prevented them from

withdrawing membership and ceasing dues payments at will. Our responses, prepared in collaboration with the Government Law Section, emphasized that California law expressly protects public employees' right to decline union membership; that California law makes an employee's authorization for dues deductions "revocable," subject to the terms of the employee's agreement with the union; that there is no state action when a private union seeks to enforce the terms of its agreement with an employee; and that state contract law could address alleged shortcomings in the private agreement between an employee and the union. So far, the Supreme Court has denied every petition raising these issues.

Castellanos v. California: OSG continued its active involvement in California Supreme Court matters arising out of the Civil Division. In this case, OSG worked with the Government Law Section to defend against a state constitutional challenge to Proposition 22, a voter initiative establishing a new worker-classification standard for individuals who drive for companies that offer rideshare or delivery services through online platforms or apps. The narrow question on which the Court granted review was whether Proposition 22 conflicts with a state constitutional provision granting the Legislature "plenary" and "unlimited" power to establish and enforce a system of workers' compensation. Under the new classification standard adopted by the voters, app-based drivers generally do not qualify as employees, and therefore are no longer entitled to receive protections and benefits guaranteed to employees under California law — including workers' compensation coverage. OSG argued that the voters' initiative was constitutionally permissible, in light of longstanding California precedent recognizing that the voters may legislate on topics as to which the state Constitution grants the Legislature plenary authority, and that statutes may validly withdraw workers' compensation from certain workers. OSG also noted the possibility that the Legislature might pass new legislation providing workers' compensation to some or all app-based drivers, and urged the Court to reserve judgment on the question whether such legislation would be constitutional. The Solicitor General presented oral argument in May 2024 and a decision is expected by September 2024.

Criminal Division

OSG worked with the Appeals, Writs and Trials Section (AWT) on a variety of other significant criminal matters in the California Supreme Court.

People v. Hardin and People v. Williams: OSG briefed and argued these cases, in which the defendants argued that the exclusion of certain offenders from California's youth offender parole statute violates the equal protection clause. In *Hardin*, the California Supreme Court granted review to consider the exclusion of young adult offenders who were sentenced to life without the possibility of parole. After briefing and argument, the Court applied the rational basis standard and agreed with our position that the exclusion of such offenders is constitutionally valid. The Court reasoned that the Legislature could rationally balance the seriousness of the offenders' crimes against the capacity of all young adults for growth and determine that young adults who have committed certain very serious crimes should remain ineligible for release from prison. In *Williams*, the Court is considering the exclusion of young adult offenders convicted of certain aggravated sex offenses and sentenced under the One Strike Law. Our brief argued that the exclusion is valid under rational basis review because the California Legislature could plausibly conclude that offenders convicted of the most serious sex offenses present an intolerable risk of recidivism and should be ineligible for parole consideration. A deputy solicitor general argued the case in June 2024 and a decision is expected by September 2024.

People v. Cannon: In another case involving an equal protection challenge before the California Supreme Court, OSG collaborated with AWT to submit an answer brief on the merits. The Court granted review to address what level of scrutiny applies in determining whether the Sexually Violent Predator Act violates the equal protection clause. The defendant's claim is that the Act is invalid because it does not require a jury-trial advisement or personal waiver of a jury trial, as afforded in other civil commitment statutes. Our brief argued that the rational basis standard applies to the

defendant's claim because the claim does not involve a suspect classification or burden a fundamental right. We explained that the defendant failed to identify any independent constitutional basis to impose personal waiver or direct-advisement requirements about jury trials, and that he had not identified any longstanding practice suggesting that those additional procedures are fundamental. We asked the Court to remand the case to the lower courts to address whether the asserted disparity in treatment is supported by a rational basis. The Court has not yet scheduled oral argument.

People v. Martinez: During this reporting period the California Supreme held that a Department of Insurance regulation is not facially invalid under the First Amendment. The challenged regulation prohibits bail bond agents from entering into agreements with jail inmates under which the inmates agree to notify the agents about recently arrested individuals, who may be in need of bail bond services. Applying intermediate scrutiny, the Court held that the regulation directly serves the state's substantial interests in avoiding abuses by for-profit bail-bond businesses, which undermine fair competition in the industry and impair security conditions within the jail. The Court's analysis extensively relied on historical evidence assembled in our briefs.

People v. Harris: During this reporting period, the California Supreme Court issued a unanimous decision that agreed with our position on constitutional questions related to pretrial detention procedures. Article I, section 12 of the California Constitution allows a court to detain a defendant without bail if the "facts are evident or the presumption great" that the defendant committed a qualifying crime and the court finds by "clear and convincing evidence" that release would pose a "substantial likelihood" of causing certain kinds of danger. The defendant was arrested when DNA evidence linked him to a brutal, decades-old rape and attempted murder. The court ordered him detained without bail based on the prosecutor's proffer of evidence regarding witness statements and DNA test results. He argued that judges making detention decisions may consider only evidence that would be admissible in a criminal trial. Rejecting that argument, the Court agreed with our position that judges may consider proffers, documents, or other hearsay in lieu of live testimony. The Court explained that judges should still consider whether the proffers are sufficiently reliable under the circumstances, and its guidance on how to determine reliability was substantially informed by the oral argument presented by our deputy solicitor general. The Court also agreed with our position that judges should not assume the truth of the pending charges.

People v. Delgadillo: In this case, the Court considered whether "*Wende*" procedures are required in connection with postconviction relief petitions filed under Penal Code section 1170.95. Those procedures were established in *People v. Wende*, where the Court held that Courts of Appeal must conduct a review of the entire record whenever appointed counsel submits a brief on direct appeal that raises no specific issues or that describes the appeal as frivolous. Those procedures are required in the first appeal as of right because of the right to counsel under the Fourteenth Amendment of the United States Constitution. OSG worked closely with AWT to argue that such procedures are not constitutionally required in connection with an appeal of an order denying postconviction relief under Penal Code section 1170.95, because that type of appeal does not implicate a constitutional right to counsel. Our brief also suggested that the Court could exercise its inherent supervisory powers to establish certain appellate procedures and requirements for providing notice to a defendant before a Court of Appeal dismisses an appeal from the denial of a petition under section 1170.95. The Court adopted our suggested approach and issued an opinion holding that *Wende* procedures are not constitutionally required in section 1170.95 appeals, but describing alternative procedures a Court of Appeal must follow before dismissing an appeal of the denial of an 1170.95 petition for postconviction relief.

People v. Espinoza: In this case, the California Supreme Court considered whether the defendant had established prejudicial error under Penal Code section 1473.7, a statute that allows a defendant to seek to vacate a conviction or sentence that is "legally invalid due to prejudicial error damaging the

moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence." In a prior case, *People v. Vivar*, the Court had decided that the "prejudice" requirement of section 1473.7 requires defendants to show only a reasonable probability that they would have rejected a plea bargain if they had correctly understood its actual or potential immigration consequences, a standard that must be applied in light of all the relevant circumstances. Our brief in *Espinoza* argued that, under the *Vivar* standard, the Court should either reverse on the current record or allow the defendant to present further evidence in the courts below. The Court held that the defendant had adequately corroborated his claim that immigration consequences were a paramount concern at the time of his plea and that he could demonstrate prejudice within the meaning of section 1473.7.

In the U.S. Supreme Court, OSG continued to work closely with AWT to oppose petitions for writs of certiorari in criminal and habeas cases arising out of decisions by the California Supreme Court, the Courts of Appeal, and the Ninth Circuit. We collaborated on dozens of briefs in opposition to certiorari. The Supreme Court denied review in every one of those cases that it considered during this period.

Opinion Unit

Overview:

The Opinion Unit helps the Attorney General fulfill his statutory responsibility under Government Code section 12519 to provide opinions on questions of law in response to requests from designated state and local officials and government agencies. The formal legal opinions of the Attorney General are published in the Official Reports and are frequently cited in judicial and administrative opinions. The courts accord Attorney General opinions "great respect" and "great weight." The Opinion Unit also administers the Attorney General's oversight responsibility over the "quo warranto" legal process, which is typically used to seek the removal of a public officer for failing to satisfy the eligibility requirements for a particular office. During this reporting period, the Unit has substantially increased its productivity and reduced its average turnaround time, while continuing the Unit's long tradition of publishing high-quality legal research and analysis on a wide variety of subjects. Several notable opinions published during this reporting period are described below.

Major Accomplishments:

Open Meetings: In response to a request from the San Bernardino County District Attorney, Opinion No. 22-402 concluded that the Executive Committee of the San Bernardino County District Advocates for Better Schools (SANDABS) is a "legislative body" within the meaning of the Brown Act, meaning that the committee must conduct its meetings in public and allow for public comment. The opinion described the committee's historic and ongoing operations as a legislative advocacy group serving the interests of dues-paying local school districts under the direction of the county superintendent of schools. Based on that history, it concluded that local school districts at least "played a role" in the creation of SANDABS. Under applicable precedent, that local agency participation in the creation of SANDABS was sufficient to bring it within the reach of the Brown Act, thereby promoting transparency in local government.

Interstate Commerce in Cannabis: In response to a request from the Director of the Department of Cannabis Control, Opinion No. 23-103 addressed a California law that empowers the Governor to enter into agreements authorizing commercial cannabis activity between California licensees and out-of-state licensees. That law also provides that no such agreement may take effect unless one of several conditions is satisfied, the last of which is that the Attorney General has issued an opinion concluding that entering into the agreement would "not result in significant legal risk to the State of California under the federal Controlled Substances Act." Our opinion concluded that there was at least

a “significant” legal risk because of the possibility (among other things) that the Controlled Substances Act could be invoked as a basis for arguing that the California law is preempted.

Interstate Sales of California Wine: In response to a request from Senator Bill Dodd, Opinion No. 22-1201 recognized that California wineries applying for a direct shipper license in another state are often required — under the laws or regulations of the other State — to provide a criminal record check in connection with that application. Our opinion concluded that, due to restrictions on the dissemination of criminal information, it would violate California law for in-state winery owners or managers to furnish their own criminal record to another state’s alcohol control agency. But the opinion also concluded that the other state’s agency may request and receive the criminal background information directly from DOJ if it first obtains authorization from the Department to receive that information. The opinion explained the process for obtaining authorization

The Criminal Grand Jury: In response to a request from the Yolo County District Attorney, Opinion No. 22-701 answered two questions about criminal grand juries. First, it concluded that California law allows a superior court to impanel a second criminal grand jury upon a district attorney’s request but does not require it to do so. Second, it concluded that prosecutors’ disclosure obligations under the federal Constitution and state statutes encompass materials from criminal grand jury proceedings, despite the fact that those proceedings are conducted in secret. Both questions had been the subject of considerable debate among prosecutor’s offices over the years and had not yet been addressed by judicial precedent.

Quo warranto: In response to an application to proceed with a quo warranto lawsuit against an officeholder to remove him from his seat on the Sacramento County Board of Education, Opinion No. 22-802 concluded that there were substantial legal issues as to his eligibility to serve on the county board and granted the application. The officeholder also serves as the Executive Director of the Pacific Charter Institute system of charter schools, and that Institute operates schools in Sacramento County. The opinion reasoned that there were substantial legal issues as to whether holding both positions at once would violate the Government Code prohibition against holding incompatible offices, and the Education Code prohibition against school district employees serving on a county board of education with jurisdiction over their district. The quo warranto litigation is currently proceeding in superior court, under the supervision of the Attorney General.

Equal Employment Rights and Resolution Office

Overview

The Equal Employment Rights and Resolution Office (EER&R) ensures equal employment opportunities (EEO) within DOJ are consistent with state and federal laws. The office administers the employee discrimination complaint process, monitors departmental employment processes, and provides training to ensure a workplace free of discrimination and harassment.

Major Accomplishments

Training

Discrimination, Harassment and Retaliation Prevention Training (DHRPT): In the summer of 2023, DHRPT was updated with a fresh look, updated scenarios related to sexual harassment, and zero-tolerance and interactive exercises. The most notable update was the integration of supervisor-specific content throughout the training, where attendees are provided specific information about handling EEO issues with their staff. The number of non-compliant employees was significantly reduced when EER&R implemented new monthly notification protocol and training directive in February 2023.

Understanding Diversity and Implicit Bias Training (UDIB): EER&R redesigned the UDIB training, including a fresh look, improved definitions, adjusted exercises, new video clips, a new study about diversity and innovation, and more images throughout. The updated web-based training was redesigned with more visual movement in mind to stimulate and engage the audience. The movement was created by adding more slides with less content on each, adding more visuals, and increasing the number of engaging videos in each section. EER&R is currently partnering with the Creative Services Team and the Web Team to complete the production. EER&R anticipates that a refreshed UDIB will be available in the fall of 2024.

Understanding and Respecting Gender in the Workplace Training (URGW): EER&R has been partnering with the Chief Diversity and Inclusion Officer in updating URGW training. The previous version of URGW focused primarily on the topic of gender as it relates to the transgender and non-binary communities, including clarifying terms, rights in the workplace, and best practices for navigating workplace situations with transgender and nonbinary colleagues. The refreshed version of URGW will expand this topic to cover gender in the workplace; increase inclusivity by focusing on gender equality and equity; discuss gender-related challenges, identify inappropriate behavior and comments; identify gender-related microaggressions; best practices for gender inclusion; and resources for staff. EER&R will be partnering with the Creative Services Team and the Web Team to complete the production. EER&R anticipates that a refreshed URGW will be available in the winter of 2024.

Inclusion Workshop: The Inclusion Workshop was developed at the request of the Division of Operations, Office of the Chief in August 2023. EER&R developed an innovative workshop called, *Building an Inclusive Workplace: Your Role Matters*, to meet this special request. This workshop guided attendees through a conversation about workplace inclusion, what it is and looks like, their role in it, and tangible ways to implement it into their team. A companion book was developed to support the attendees as they completed the workshop, and a toolkit was developed to support supervisors as they build a more inclusive work environment. EER&R will offer this workshop upon request by DOJ units.

Disability Awareness, Disability Etiquette, and Inclusivity Training: In October 2023, EER&R, the California Department of Rehabilitation (DOR), and the DOJ's Disability Rights Bureau, Civil Rights Enforcement Section collaborated to provide employees in the Public Rights Division with a live webinar on disability awareness, disability etiquette, and inclusivity. The training was designed to provide awareness and understanding of persons with disabilities and to increase inclusion and belonging at DOJ. The webinar was held on October 17, 2023, and conducted by the DOR's Diversity and Inclusion Advisor to the Director and a DOR Attorney.

Understanding Bias Through Critical Thinking Training: The Emerging Leaders Program (ELP) is a fully virtual experience that supports high potential, high-performing employees in developing leadership skills. EER&R, in partnership with the Office of Professional Development, created a 2.5 hour *Understanding Bias Through Critical Thinking* training module for the ELP. EER&R researched and developed the content and high impact activities for a highly interactive training program. The first delivery of the training module was in March 2024.

Employee Resources and Programs:

EEO Annual Discussion Toolkit: Annual EEO discussions are facilitated by supervisors and managers to educate employees on their EEO protections, the laws that provide those protections, and how to engage in resolution options. EER&R designed the toolkit to assist supervisors and managers with what information to present and to create consistency for the information being presented in these discussions across DOJ. EER&R developed a digital EEO Annual Discussion toolkit as a resource to enhance the effectiveness of the discussions. The seven-page toolkit contains guidance on how to facilitate an EEO annual discussion with staff, including definitions, discussion checklists, procedures,

and links to a variety of additional resources. The EEO Annual Discussion Toolkit is published on the intranet and can be easily downloaded by supervisors and managers. EER&R includes a link to the toolkit in an annual email to supervisors reminding them to hold their EEO annual discussions.

Employee Advisory Committees (EAC): Starting in 2024, the EACs will transition from the EER&R Office to the Diversity, Equity, Inclusion, and Belonging Office as Employee Resource Groups (ERG) with an anticipated full transition by the fall of 2024. In 2023, the Equal Employment Opportunity Advisory Committee (EEOAC) conducted an EEOAC virtual summit with the EAC Chairs and Co-Chairs. The event featured opening remarks by the Chief Deputy Attorney General and a presentation by DOJ's Chief Diversity and Inclusion Officer entitled, *Why Diversity, Equity, Inclusion, and Belonging Matters*. The Chairs and Co-chairs provided updates from their committees, followed by a presentation on the State of California's new EEO Academy from the Chief of the Office of Civil Rights, California Department of Human Resources. The virtual summit ended with a panel discussion on diversity, equity, inclusion, belonging, and accessibility featuring DOJ leadership from CARE, legal and policy on civil rights, and Civil Rights Enforcement Section. The EACs were active in 2023 and hosted, participated or collaborated in 33 activities and events to promote cultural understanding and awareness, which is more than in previous years.

Limited Examination and Appointment Program (LEAP): EER&R manages LEAP, which provides an alternate examination and appointment process to facilitate recruitment and hiring of persons with disabilities into California civil service. During this biennial period, DOJ hired 23 qualified LEAP candidates for positions throughout the Department. EER&R partnered with DOJ's Office of Human Resources on an internal LEAP process from hire to performance management.

Employee Assistance Program (EAP): EER&R facilitated or collaborated on several EAP-related trainings and events to promote the valuable EAP benefits available to employees. This included collaborations with the Office of Professional Development's Lunchtime Micro-Learning Series Team, Office of Human Resources' New Employee Orientation Team, the Supervisor Development Program, and the Wellness Program. EER&R also collaborated with the Division of Law Enforcement (DLE) on enhanced critical incident stress debriefing services specific to law enforcement personnel. EER&R researched the California Chaplain Corps, a statewide organization that provides critical incident emergency response services and emotional support around the clock to public safety staff and families within the State of California.

Mediation: EER&R contracted with a new experienced mediator in 2024 who has a background in employment law and experience providing mediation services for employees of government agencies.



OFFICE OF GENERAL COUNSEL

Overview

Established in 2023, the Office of General Counsel (OGC) provides legal advice to DOJ's many divisions and programs, and also oversees compliance efforts across DOJ. In addition, OGC provides risk management, cybersecurity, and research services for DOJ. This work directly supports DOJ's critical legal, law enforcement, and public safety functions.

OGC consist of the following programs:

- Executive Administration Unit
- Legal Unit
- Office of Information Security and Research Services
- Office of Program Oversight and Accountability

Executive Administration Unit

Overview

The Executive Administration Unit supports OGC's administrative functions, including records retention, inventory maintenance and asset management, personnel services (e.g., hiring, position and salary tracking, onboarding tasks), business services (e.g., training and travel, roster updates,) contract preparation, invoicing, equipment purchasing, and budget maintenance (e.g., fiscal monitoring and drills, encumbrance tracking, and coordinating budget requests). This unit also supports DOJ-wide enterprise information technology software procurement.

Legal Unit

Overview

The Legal Unit is responsible for carrying out complex policy reviews, analyses, and advice matters for DOJ related to risk management; information security, storage, and disclosure issues; professional and government ethics requirements; financial conflicts; regulations; and other legal and operational areas. These efforts support the work of DOJ's Legal Divisions, as well as DOJ's other divisions, which contain numerous programs operating across a wide range of subject matters.

Major Accomplishments

Public Records Act Responses and Litigation: The Legal Unit's Public Records team responds to thousands of public-records requests every year, on behalf of DOJ and other state agencies. The Public Records team also represents DOJ, the Governor, and other state agencies in high-profile, sensitive litigation related to the Public Records Act.

Representing Issuers in Bond Transactions: During the biennial period, the Public Finance Team represented multiple state agencies in more than 50 bond transactions. Bond proceeds were used to finance the construction of university, hospital, court, charter school, high-speed rail, and jail facilities.

Advising on State Contracting Procedures: DOJ enters into hundreds of contracts per fiscal year. During the biennial period, OGC attorneys worked with the Division of Operations and the Legal Divisions to fine tune DOJ's public contracting workflow. The team rolled out new processes with

updated templates and detailed guidance, covering numerous contracting scenarios, and working to streamline the contracting workflow while maintaining compliance with numerous Public Contract Code and the State Contracting Manual requirements is ongoing.

Ethics Advice: The Ethics Team advises internal and external clients on a broad range of issues, including financial conflicts of interest, open meeting laws, incompatible activities, misuse of public resources, and attorney ethics. The team also helps oversee the mandatory state official ethics training course, updates DOJ's conflict-of-interest code every two years, and advises DOJ's Form 700 filer program. The team also completed an updated guide on the Bagley-Keene Act's open meeting laws for use by state boards and commissions. The comprehensive guide includes references to relevant published court decisions and formal Attorney General opinions and incorporates recent amendments to the Act's teleconference rules.

Regulations Advice: The Regulations Team advised on dozens of regulation packages, including regulations relating to firearms and other high-profile issues.

Office of Information Security and Research Services

Overview

The Office of Information Security and Research Services is led by DOJ's Chief Information Security Officer. The office directs the development, implementation, and enforcement of DOJ's information security and risk policies. It also handles forensic investigations and provides research services.

This office consists of the following sections:

- Cybersecurity Branch
 - Network Information System Unit
 - Office of Digital Investigations
- Information Security Risk Management Unit
- Research Services Branch

Cybersecurity Branch and the Information Security Risk Management Unit:

The Cybersecurity Branch oversees DOJ's cybersecurity/information security and digital forensic programs. Activities in these programs include cybersecurity/information security strategic direction, awareness training, governance, program management, policy direction and development, technology decisions, cybersecurity/information security operations, litigation holds, and digital forensics. The Cybersecurity Branch proactively addresses cybersecurity/information security vulnerabilities, threats, and cybersecurity/information security findings. It also supports the state's law enforcement agencies with regard to the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policy. It also carries out work relating to digital forensic preservation, investigations services, and litigation holds.

- **Network Information System Unit (NISU):** NISU serves as DOJ's security operations center and is responsible for improving DOJ's cybersecurity/information security posture; preventing, detecting, and responding to threats; and administering various cybersecurity/information security solutions. NISU monitors identities, endpoints, servers, databases, network applications, websites, and other systems to uncover potential cybersecurity/information security attacks in real time. It also does proactive cybersecurity/information security work by using the latest threat intelligence to stay current on threat groups and infrastructure, and

to identify and address system or process vulnerabilities before attackers exploit them. In addition, NISU provides cybersecurity/information security awareness training for DOJ and expertise for projects with a security component, as well as other departmental cybersecurity/information security activities.

- **Office of Digital Investigations (ODI):** The Office of Digital Investigations performs various digital forensic investigations in support of DOJ's legal and law enforcement operations, which includes participation in the Tax Recovery in the Underground Economy Criminal Enforcement Program (TRUE) task force, as well as assisting with search warrants and data preservation for legal matters. In addition, ODI administers litigation holds, as requested by authorized Departmental organizations.

Information Security Risk Management Unit (Risk Unit):

The Information Security Risk Unit is tasked with ensuring that DOJ has a holistic, disciplined approach to identifying, addressing, and managing risks across the organization.

Research Services Branch (RSB):

The Research Services Branch provides social science and statistical research services to, and on behalf of, DOJ. The research teams in RSB provide a wide variety of research, data, and analysis services, such as empirical social science studies and literature reviews, program evaluations, qualitative and quantitative data collection and analysis, survey design and administration, advanced statistical modeling, research methods and sampling consulting, data visualization, and data access and release. The research and analytical work of the RSB supports DOJ's publication of mandated reports, investigations and litigation, generation of evidence-based policy and decision making, and facilitating secure data sharing of DOJ's sensitive data with verified bona fide research institutions.

Office of Program Oversight and Accountability

Overview

The Office of Program Oversight and Accountability (OPOA) is DOJ's primary internal audit organization. OPOA enables DOJ to comply with statutory requirements relating to accounting and internal controls.

Major Accomplishments

The Cybersecurity Branch and the Information Security Risk Management Unit officially began operations as part of OGC in October 2023. Since then, these organizations have undertaken a holistic review of all security-related processes, technologies, and work efforts. Numerous efforts to improve DOJ's information security posture are underway, including actively monitoring for and mitigating information security threat activity; supporting DOJ's adoption of more secure technologies; enhancing existing information security requirements; collaborating with vendors to align DOJ's tools and technologies with best practices; and enhancing communication and collaboration across the DOJ, with respect to information technology and security.

The Information Security Risk Management Unit has assisted the Chief Information Security Officer with developing numerous standardized and updated information security policies.

Mandated Reports: The Research Services Branch made significant contributions in the form of data collection, analysis, visualizations, and interpretation for the (1) 2022 Immigration Detention Facility Review, (2) 2022 Research Advisory Panel of California Report, (3) 2022 and 2023 Racial and Identity Profiling Act Board Reports, (4) 2022 and 2023 Armed and Prohibited Persons Report, (5) inaugural 2023 Crime Guns Report, (6) 2022 and 2023 Cannabis Convictions Resentencing Statistics, and (7) 2022

and 2023 Automatic Record Relief Statistics.

Investigation and Litigation Support: The Research Services Branch aided in a number of DOJ's law enforcement agency pattern and practice investigations by analyzing and interpreting patterns in DOJ-held data, such as the Racial and Identity Profiling Act data and AB 71 Use of Force data, as well as other data collected from law enforcement agencies. RSB also assisted in analyzing the compliance data for Senate Bill (SB) 464, which mandated implicit bias training for all health care providers involved in perinatal care of patients. Of note, RSB also aided in critical analysis of data in support of litigation efforts against the e-cigarette company, JUUL, which resulted in the largest state settlement with the tobacco company to date.

Secure Data Release to Bona Fide Researchers: The Research Services Branch (RSB) is also responsible for fielding requests for access to confidential or sensitive data from requestors affiliated with bona fide research institutions. This work supports DOJ's mission to provide access to data while also protecting the privacy of persons reflected in the data. In 2022 and 2023, RSB vetted and processed 68 new requests from external researchers or research institutions for access to sensitive DOJ data to support criminal justice research, as well as provided continuing support to over 100 ongoing research projects relying on sensitive DOJ data.

Facilitating Statutorily Required Reporting and Audit Activities: OPOA coordinated the drafting of the "2022- 2023 Biennial Risk Assessment Report" and the June 30, 2024 "Ongoing Risk Monitoring Status of Implementation Plan," in accordance with the State Leadership Accountability Act.

OPOA also coordinated annual efforts relating to the Single Audit (required under the federal Single Audit Act), which involves an audit of financial statements and compliance with requirements for certain programs using federal funds. On an annual basis, OPOA works with DOJ's Accounting Office annually to compile and upload federal expenditures into the Department of Finance's Single Audit database. OPOA also submits the Single Audit Management Representation Letter to DOF, each year. This letter attests to the accuracy of the financial statements and other information provided to the external auditors.

Coordinating External Audits and Executing External Audit Resolutions: OPOA coordinated the following audits of DOJ programs performed by the California State Auditor's office (CSA):

- [Local Government Batterer's Intervention Program](#)
- [Proposition 56 Taxes, Tobacco Fund](#)

OPOA assisted DOJ program staff in implementing recommendations and addressing findings from the following audits performed by CSA:

- [California Hospice Licensure and Oversight](#)
- [CalGang Criminal Justice System](#)
- [Child Abuse Central Index](#)
- [Gambling Control Fund](#)
- [Hate Crimes in California](#)
- [Indian Gaming, Special Distribution Fund](#)
- [Local Government Batterer's Intervention Program](#)
- [Proposition 56 Taxes, Tobacco Fund](#)

Audit in Support of DOJ's Delegated Contracting and Procurement Authority: OPOA conducted an audit of DOJ's procurement processes, as required for DOJ to maintain the contracting and procurement authority delegated to it by the Department of General Services.



DIVISION OF LAW ENFORCEMENT

Overview

The Division of Law Enforcement (DLE), through its 1,279 employees, provides comprehensive law enforcement services, particularly as they relate to forensics, investigations, intelligence, and related training. DLE Special Agents provide technical expertise and statewide jurisdiction to criminal investigations and work with local, state, and federal law enforcement partners to provide investigative law enforcement services throughout California. In the process, DLE criminalists offer cutting-edge forensic services and support to agencies throughout the state. Additionally, DLE's regulatory professional staff conduct background reviews for firearms eligibility and gambling license applicants.

DLE is organized into the following five areas:

- The Office of the Chief
- The Bureau of Firearms
- The Bureau of Forensic Services
- The Bureau of Gambling Control
- The Bureau of Investigation

Office of the Chief

Overview

The Office of the Chief provides administrative support to the investigative, regulatory, and forensic components of DLE. In addition, the Office of the Chief serves as the policymaking and oversight body for its four operational bureaus.

Major Accomplishments

Administrative Consolidation

Merging of Division of Law Enforcement Administrative Staff: In February 2023, the Office of the Chief streamlined administration across the five bureaus by consolidating all bureau-specific administrative staff into one office. Five administrative units emerged: Facilities and Assets Services Team, Personnel Services Unit, Fiscal Services Unit, Procurement Team, and Administrative Support Unit. These units provide collaborative support to the four other operational Bureaus as they pursue their respective missions. The teams continue discovering new opportunities to create efficiencies and eliminate duplicity with the common goal of successfully providing essential administrative service to DLE.

Advanced Training Center

External and Internal Specialized Investigative Training: The Advanced Training Center (ATC) provides specialized investigative training to thousands of law enforcement personnel statewide within the California Department of Justice (DOJ) and outside agencies.

In total, ATC conducted 125 classes, teaching over 3,500 attendees from federal, state and local agencies. The hard work and dedication by the ATC Training Officers has ensured the continued success of these training programs.

The following classes were conducted in fiscal years (FY) 2022-2023 and 2023-2024:

- Electronic Surveillance, Clandestine Laboratory Safety Recertification, Dignitary Protection, Computer Crime/Pre-Search, Computer/Investigation of Internet Crimes, Human Trafficking, Policing the Dark Web and Cryptocurrency, Advanced Crypto-Currencies Concepts, Computer Digital Evidence Recovery, PC Forensics/Advanced Computer Forensics for the Investigator, LAN Investigations, Advanced LAN Investigations, Cellular Phone Forensics, Advanced Cell Phone Forensics, Threat Intelligence and Campaign, Vehicle Forensics, Computer Forensics – Macintosh, and Advanced Macintosh Forensics.

Internal Training: ATC continues to conduct in-service training for DOJ Special Agents to ensure compliance with Peace Officer Standards and Training (POST) requirements and in order to remain on the cutting edge of law enforcement best practices. Approximately 200 Special Agents attended various classes including: Entry Weapon Courses, Active Shooter Courses, Rifle Courses, Taser, First Aid/CPR and Narcan Courses.

Special Agent Orientation Academy: ATC coordinated and facilitated in 2022/2023 and 2024, the 53rd, 54th and the 55th Special Agent Orientations. The ATC presented three Special Agent Orientation Academies for 63 new Special Agents.

GLOCK G45 Project: In 2023, ATC coordinated and facilitated the transition to the GLOCK G45 (9mm) with Trijicon RMR. This transition also included an advanced sight system known as “Red Dot” which allows for faster target acquisition and ultimately a safer operating environment in tactical situations. ATC Cadre and statewide range masters became California POST Certified Red Dot Instructors. ATC coordinated and facilitated approximately 10 transition training blocks for approximately 250 agents within a three-month period. The ATC relied on statewide instructors from each bureau to carry out this transition project.

Personal Trauma Kit (PTK) Project: The ATC will be receiving 325 personal trauma kits (PTKs) to disseminate statewide. ATC Emergency Medical Technician instructors will schedule and conduct practical training on First Aid/CPR, Narcan, and PTK equipment in Sacramento, Fresno and Riverside. The training will be three hours in duration. ATC will schedule two days per regional office with multiple sessions. ATC’s goal of completion is Summer 2024.

Ballistic, Load Bearing Vest (LBV/Carrier) and Rifle Plate Project: ATC has coordinated statewide “fitting” of all DLE agents to receive new ballistic, load bearing vests (LBV) and Rifle Plates. ATC’s goal of completion is Summer 2024.

Rifle Project: ATC will receive approximately 150 COLT 11.5” M-LOK Semi-Auto AR-15 Rifles. ATC’s projected goal is to disseminate and conduct a two-day transition training starting Summer 2024. ATC plans to conduct a rifle course by Fall 2024.

Operation Plan Project: ATC is conducting workshops to draft and produce a new Operation Plan, a High-Risk Assessment Matrix and an update to the DLE Operation Plan Policy 405. ATC’s goal of completion is Summer 2024.

Less Lethal Project: In FY 2024/2025 ATC is preparing to schedule training for instructors on less lethal weapon systems. The less lethal equipment will be disseminated statewide to each of the regional offices. ATC’s goal of completion is Fall 2024.

The Peer Support Program

Launching the Peer Support Program: The Peer Support Program (PSP) was created in early 2023, with its first meeting of approved peer support counselors (PSCs) occurring in March 2023. The Special Agent Supervisor (SAS) position was subsequently filled in September 2023, and the program has been growing since its inception. As of April 2024, the team includes a SAS, a Staff Services Manager I, and 17 volunteer peer counselors, of which 13 have been fully trained in basic peer support. The volunteer PSCs provide assistance and guidance to employees in need of peer support and/or other available resources such as the Employee Assistance Program (EAP). These programs aid personnel in their emotional, financial, mental health, career, and relationship wellness.

The responsibilities of PSP include, but are not limited to: providing training and education in wellness topics; being available on- and off-duty to listen, non-judgmentally, to those requesting support; assisting in talking through issues and concerns while discussing and providing options to self-reliant problem-solving; teaching skills for building resiliency; assisting in providing access to resources such as the EAP and the Cordico application (app); coordination and logistics related to critical incident stress debriefings (CISDs); providing additional assistance for personnel involved in critical incidents; providing assistance in accessing benefits for the employee and/or their family; death notifications and/or funeral planning; hospital visitations and check-ins for those on an extended leave-of-absence.

PSP's services include the Cordico app, which is a digital resource for all DLE and Division of Medi-Cal Fraud and Elder Abuse (DMFEA) employees, retirees, and their families. The Cordico app is designed specifically for the law enforcement profession while focusing on confidentiality. The confidentiality of the app helps reduce the fear of stigma with seeking self-help or requesting assistance from the PSCs for various life problems they may be experiencing. This app is customized to provide agency specific resources related to self-assessments, over 60 wellness topics, peer support, as well as guidance developed by psychologists who are experts in the field of law enforcement specific issues. The app is regularly updated with the latest information related to the current issues in the profession as well as guidance for problem resolution at the earliest possible stage.

Responding to Critical Incident Stress Debriefings (CISD): In December 2023 and February 2024, two CISDs were requested and conducted for DLE staff at regional offices. The PSP SAS arranged, scheduled, and coordinated the CISDs with culturally competent clinicians. The CISD also included a small team of PSCs to assist during and after the sessions. Follow-up contacts were made with employees to ensure the best possible outcomes.

Confidential Recordkeeping: In 2024, PSP started keeping self-reported statistics from the peer support counselors while maintaining the highest levels of confidentiality. In January 2024, the counselors had approximately 24 peer support contacts, spending approximately 40 hours on-duty, and 24 hours off-duty. Additional resources, such as EAP and CISDs, were provided and/or recommended during these contacts. In February 2024, 21 contacts were completed, 28 hours on duty and 18 hours off-duty were expended providing support, and no additional resources were provided or recommended.

Future Outlook for PSP: It is important to note the PSCs will be available 24/7 via the Cordico app as soon as approximately 80% of the PSCs are fully trained. It is anticipated the PSP will meet the 80% guideline by July 2024. This will allow PSP to increase availability of the PSCs, who will be available to all DLE and DMFEA employees, retirees, and their family members. Based on the aforementioned statistics which were self-reported by the PSCs, an increase in usage of the program is anticipated in July 2024. Also starting in July, the PSP SAS and local PSCs will attend local office meetings to provide brief presentations of the program and raise awareness of the resources available.

Administratively, the SAS will continue to prepare the agenda and develop the curriculum for each of

the quarterly and annual PSC meetings, including guest speakers and trainers. The SAS will continue to focus on the development and maintenance of the PSP involving wellness for all DLE and DMFEA employees, retirees, and their families.

Finally, PSP is in the process of vetting trauma and mental wellness retreats throughout the state to make these facilities available to those who need such resources. The PSP SAS and PSCs are ensuring these facilities are safe for our employees and their family members, are properly licensed and staffed with culturally competent clinicians and employees, and exclusively serve the first responder population.

Bureau of Firearms

Overview

The Bureau of Firearms (BOF) regulates and enforces actions concerning the manufacture, sale, ownership, safety training, and transfer of firearms. BOF staff provide firearms expertise to law enforcement, legislators, and the public, through programs designed to raise awareness about legal and responsible firearm possession. These law enforcement and regulatory services extend to all 58 counties within the state through three regional offices, three field offices, two task forces, and a headquarters office.

Major Accomplishments

Disarming Dangerous Individuals through the Armed Prohibited Persons System

Increasing Investigations of Armed and Prohibited Persons: Established in 2006, the Armed Prohibited Persons System (APPS) identifies registered firearm owners in California who subsequently become prohibited from owning and/or possessing firearms and ammunition. The number of active prohibited subjects in the database changes on a daily basis due to the addition of new subjects and removal of others. Overall, the total number of active prohibited subjects in the database is steadily declining, despite the continual addition of newly prohibited persons, primarily due to BOF enforcement efforts. As of January 1, 2023, there were 9,294 active subjects in the APPS database, and 9,622 as of June 30, 2024. During the same period, BOF enforcement teams conducted 12,624 investigations which led to the seizure of 2,351 firearms and 1,445,925 rounds of ammunition. Meanwhile, the Armed and Prohibited Persons Unit (APPU) processed 144,447 triggering events, causing analysts within the APPU to determine whether a lawful firearm owner has become prohibited. Through this analysis, staff confirmed 20,120 prohibited firearm ownership determinations for the time frame of January 1, 2023 through June 30, 2024.

Notable BOF firearm seizures from January 1, 2023 - June 30, 2024 include:

Confiscating Firearms from Convicted Felons

Convicted Felon in Red Bluff Found to be in Possession of Numerous Firearms: In August 2023, BOF identified a subject in Red Bluff, California that was prohibited from owning or possessing firearms due to a felony conviction. Agents attempted to contact the subject at his residence. While agents were attempting to contact the subject at the front door, they heard noises coming from the rear of the residence. Agents walked to the side of the large farm style property and noticed the prohibited person operating a tractor. Agents attempted to contact the subject, who immediately fled the area. Agents attempted to locate the subject but were unsuccessful. Agents obtained and executed a search warrant at the residence and seized eight handguns, eight shotguns, 10 rifles, three standard capacity magazines, a collapsible baton, two prescription pill bottles filled with multiple small baggies of

suspected methamphetamine, and over 3,000 rounds of ammunition.

Confiscating Weapons from People Prohibited Due to a Mental Health Commitment

Azusa Man Arrested for Being in Possession of Machine Guns and Assault Weapons While Prohibited Due to a Mental Health Commitment: In January 2023, BOF identified a subject who resided in Azusa, California and was prohibited from owning or possessing firearms due to a mental health commitment. The subject was determined to have one firearm recorded in his name.

Agents made contact with the individual at his residence, but the individual refused to answer questions about his firearms and refused consent to search his residence. Agents obtained a search warrant for the subject's residence. As a result of the search warrant, agents seized four machine guns, seven assault weapons, a short-barreled rifle, four suppressors/silencers, six handguns, a shotgun, four rifles, 54 lower receivers/frames, 41 standard capacity magazines, 87 large capacity magazines, and over 35,000 rounds of miscellaneous ammunition.

Paso Robles Man Prohibited from a Mental Health Commitment Found in Possession of an Arsenal of Firearms: In October 2023, BOF identified a subject who resided in Paso Robles, California who was prohibited from owning or possessing firearms due to a mental health commitment. The subject had 50 firearms recorded in his name. Agents contacted the subject at his residence and received consent to search his residence. During the search of the residence, agents located and seized 281 long guns (both shotguns and rifles), 227 handguns, 92 standard capacity magazines, 25 high-capacity magazines, and approximately 28,000 rounds of ammunition.

Confiscating Weapons from Subjects of Criminal Protective Orders

Villa Park Subject Found to be in Possession of Firearms While Prohibited Due to a Domestic Violence Restraining Order: In July 2023, BOF identified a subject who resided in Villa Park, California and was prohibited from owning or possessing firearms due to having a domestic violence restraining order issued against him. Agents attempted to contact the subject at his residence but were unsuccessful. While attempting to contact the subject, agents were able to call him on his cell phone. During the telephone conversation the subject became extremely uncooperative and refused to talk with agents.

Agents obtained a search warrant for the residence and during the service of that warrant they located nine handguns, four shotguns, an assault rifle, 13 rifles, 30 ammunition magazines, and 405 rounds of ammunition.

BOF Task Force Efforts

Porterville Residents Found to be in Possession of Explosives and Ghost Guns: The BOF Tulare County Agencies Regional Gun Violence Team (TARGET) Task Force investigated two subjects residing in Porterville, California. One of the subjects was prohibited from owning or possessing firearms due to a felony conviction. The TARGET Task Force conducted numerous enforcement operations and suspected the subjects were manufacturing firearms and were likely to be in possession of illegal firearms. A search warrant was obtained and served at the two subjects' residence. During the service of the search warrant, task force officers and agents located and seized materials and equipment used for the manufacturing of unserialized ghost gun handgun frames. The equipment included a 3D printer, polymer filament, associated computers, seven 3D printed polymer ghost gun handgun frames, a completed ghost gun handgun, several 3D printed large-capacity magazines, body armor, miscellaneous ammunition, and a firearm suppressor. Agents also located and seized three homemade explosive devices, one of which was 3D printed, and precursor material used to make explosive devices.

Seizing Hundreds of Military Grade Firearms and 1,000,000 Rounds of Ammunition from Subject

with a Workplace Violence Restraining Order: An APPS investigation was conducted by the BOF Contra Costa Anti-Violence Support Effort Task Force. Task force members and BOF agents served a search warrant at the suspect's residence in Richmond. During the search, several suspected grenades were discovered which were later found to be inert by the responding bomb squad. The search of the residence resulted in the seizure of approximately 11 military style machine guns, 133 handguns, 37 rifles, 60 assault rifles, seven shotguns, 20 silencers, four flare guns, 3,000 large capacity magazines, approximately one million rounds of miscellaneous caliber ammunition, and dozens of rifle receivers and pistol frames.

Modernizing DOJ's Firearms Information Technology

Firearms Information Technology Systems Modernization (FITSM): DOJ initiated the FITSM Project in June 2020 and is currently working with the California Department of Technology to obtain approval for the Stage 2 Alternative Analysis Planning stage and is actively identifying and planning activities for Stage 3 Solution Development. The project is expected to identify many positive solutions to various firearms systems, including the APPS database. The existing firearms systems utilized by DOJ, law enforcement agencies (LEAs), and other firearm stakeholders were built many years ago — dating as far back as 1980 — and have been modified piecemeal over the years in response to various legislative mandates. The new system will replace the existing legacy infrastructure, streamlining the DOJ's processes and allow for timely system updates due to new legislation.

BOF-Related Legislation

Legislative Analysis: On average, there are 190 different legislative bills introduced each year which BOF must analyze. Many of the bills must be analyzed multiple times due to amendments, averaging more than 200 analyses per year. Annually, an average of 30 firearms-related bills are signed into law. When these bills become law, many actions may be required as a result, including the preparation of Budget Change Proposals, promulgation of regulations, implementation of a new program or process, which often requires ongoing participation with California Justice Information Services Division (CJIS)/ Application Development Bureau (ADB) in the modification or development of software applications and databases. In 2023, BOF, in collaboration with the Office of General Counsel completed two regulation packages. Currently, in 2024, BOF has completed four regulation packages with an additional six regulation packages in various phases of this lengthy process.

Complying with New Legislation

Assembly Bill 2552, Gun Shows: AB 2552 (Stats. 2022, Ch. 696), enacted in 2022, strengthens certain requirements for gun show producers and vendors. AB 2552 also placed expanded responsibilities on DOJ to conduct oversight and inspection activities at California gun shows. For example, commencing July 1, 2023, DOJ "shall annually conduct enforcement and inspection of a minimum of one-half of all gun shows or events in the state to ensure compliance" with applicable laws. (Cal. Pen. Code, § 27310, subd. (c).) Additionally, BOF is required to post on its website, for a period of 90 days after an inspection, any violations of laws applicable to firearm and ammunition transfers or sales conducted at a gun show discovered during inspection. (Cal. Pen. Code, § 27310, subd. (d).)

Since December 2023, BOF has inspected a total of 26 gun shows throughout California. Additionally, in May 2024 BOF released its first Gun Show report, for the period of July 2023-December 2023.

Applications for Unique Serial Numbers: Assembly Bill 1621 (stats. 2022, Ch. 76) redefined the definition of a firearm precursor part, extended the definition of a firearm to include a firearm precursor part for the purpose of most criminal and regulatory provisions, and required any person in possession of an unserialized firearm to apply for a unique serial number by January 1, 2024. DOJ Issued 487 unique serial numbers from July 1, 2023 to January 1, 2024.

Implementing Significant Changes to Carry Concealed Weapons License Laws: Effective January 1, 2024, Senate Bill 2 (stats. 2023, Ch. 249), shifted California from a “may” issue state to a “shall” issue state for the issuance of Carry Concealed Weapons (CCW) Licenses. The bill required DOJ to establish new design standards for the CCW application and license, new qualifying criteria for CCW Certified Instructors, and a new hearing process wherein applicants can challenge their denial of a license through the court. To comply with this legislation, DOJ amended several of its existing forms, including the standard CCW application and license, drafted new forms for use in the disqualified person’s hearing process, established a new application process to become a CCW Program DOJ Certified Instructor, and provided regulatory guidance via the adoption of two emergency regulation packages.

Implementation of AB 732 and Strengthening APPS Enforcement Coordination Efforts: Effective January 1, 2024, Assembly Bill 732 (stats. 2023, ch.240) was enacted to promote coordination between DOJ and local LEAs to address the APPS backlog of individuals who may illegally possess firearms. AB 732 required that DOJ provide a monthly report to local LEAs and district attorneys that contains information regarding prohibited individuals residing in their jurisdiction that have not provided proof of their relinquishment of firearms. DOJ already provides this information to local LEAs through the California Law Enforcement Web (CLEW). Each local LEA is now required to designate a person to access or receive the APPS information in CLEW, and then make quarterly reports to DOJ describing the steps taken to ensure that the prohibited individuals in their jurisdiction are no longer in possession of firearms.

Field Inspections of Licensed California Firearm Dealers, Manufacturers, and Ammunition Vendors

Compliance Inspections: Pursuant to California Penal Code section 26720 and 30357, DOJ is authorized to inspect licensed California firearm dealers and ammunition vendors to ensure compliance with California firearm and ammunition laws and regulations. Field Representatives within DOJ conduct compliance inspections and audits of dealer records which include a sampling of each record type. DOJ conducted 190 compliance inspections during (FY) 2021-2022, 133 compliance inspections during (FY) 2022-2023 and 203 compliance inspections (FY) 2023-2024.

Crime Gun Report: AB 1191 (stats. 2021, Ch. 683) amended section 11108.3 of the California Penal Code to require DOJ to analyze “patterns and trends relating to recovered firearms that have been illegally possessed, used in a crime, or suspected to have been used in a crime, including the leading sources and origins of those firearms.” AB 1191 requires DOJ to submit an annual report to the Legislature summarizing this crime gun tracing analysis and “detailing which California licensed firearms dealers are responsible for selling or transferring those guns that are illegally used and possessed.” The inaugural report, “[Crime Guns in California](#),” was released to the Legislature and public on June 30, 2023.

Dealer Record of Sales (DROS) Transactions and Updates to the Dealer Record of Sale Entry System (DES)

Dealer Record of Sales (DROS): Dealer Record of Sale transactions have reduced slightly since the pandemic; however, they remain high. DOJ staff continue to work tirelessly to keep up with the workload despite ongoing changes in state and federal firearms laws and regulations that have added additional complexities to the background eligibility determinations. These efforts ensure firearms and ammunition do not end up in the hands of prohibited individuals. In 2023, the DOJ received and processed 939,231 DROS transactions. So far, through June 30, 2024, DOJ has already processed 412,547 DROS transactions.

Including a “New Firearm Eligibility Notice” – “Stolen Reject”: Pursuant to Penal Code section 28220, subdivision (d), DOJ shall immediately notify California Firearms Dealers (CFDs) and law enforcement when a firearm transferred in accordance with Penal Code section 28220 matches a stolen firearm in

the Automated Firearms System. A dealer notified by the department must retain possession of the stolen firearm until the LEA responsible for the reporting of the firearm (or another designated LEA) is able to retrieve the firearm. Effective January 1, 2024, CFDs now receive a new notice via the DROS Entry System (DES) that advises them that the firearm is stolen and to retain possession of the firearm until retrieved by law enforcement. DOJ also established internal procedures for notifying the LEA who reported the firearm lost or stolen of the attempted purchase/transfer, the location of the dealer, and subsequent actions to be taken by the LEA for the recovery of the firearm pursuant to Penal Code 28220(d)(3).

Updates to the Dealer Record of Sale (DROS) Entry System (DES) Temporary Storage and Temporary Storage Returns: Effective January 1, 2024, DES has been enhanced to expand the use of the Prohibited Temporary Storage transaction to allow firearms dealers to report the voluntary storage of firearms transferred in accordance with Penal Code section 26892. As a result, several refinements have been made to the DES user interface to integrate voluntary storages with the existing prohibited storage transaction type. Enhancements were also made to allow dealers to report the return of firearms voluntarily stored in accordance with Penal Code section 26892.

Bureau of Forensic Services

Overview

The Bureau of Forensic Services (BFS) comprises one of the largest crime laboratory systems in the nation, operating 12 forensic laboratories and a forensic science training facility. BFS staff examine and analyze physical evidence, investigate crime scenes, and provide expert court testimony for federal, state, and local law enforcement agencies (LEA), district attorneys, and courts. In addition to general forensic laboratory services, BFS provides specialized forensic services, including drug toxicology, digital evidence, specialized DNA analysis for missing person investigations, latent print comparison, crime scene examination, and the databank sample analysis in the CAL-DNA Data Bank program.

The CAL-DNA Data Bank program maintains the state's offender DNA database, which compiles DNA profiles of sex and violent offenders, as well as felony arrestees. In addition, BFS provides forensic science training and library services for DOJ criminalists and local government crime laboratory staff through the California Criminalistics Institute (CCI).

Major Accomplishments

Responding to Analysis Requests: Between FY 2022-2024, BFS completed over 74,000 requests for analysis from client agencies and logged 60,230 breath alcohol records from instruments provided to law enforcement agencies in the field.

Forensic Discipline	Completed Requests
Biological Evidence	1,268
Alcohol Analysis	19,756
Breath Alcohol (DUI)	60,230
Controlled Substance	31,252
Crime Scene Response*	348
Digital Evidence	69
DNA	7,917
Firearms	994
Latent Print Processing and Comparison	2,272
Toxicology	7,968
Missing Persons DNA Program	2,385
Total	134,459

* Includes latent print and clandestine laboratory response.

Applying for — and Distributing — Forensic Science Funding

Bureau of Justice Assistance DNA Grants: In response to continuously declining revenues in the DNA Identification Fund, BFS applied for and was awarded a federal DNA grant during the period of January 1, 2023 through June 30, 2024. BFS received over \$2.4 million in grant funds for capacity enhancement and case backlog reduction from the Bureau of Justice Assistance. BFS leverages these funds for DNA analysis of forensic evidence samples as well as databank samples collected from convicted offenders and felony arrestees.

Sexual Assault Evidence Grants: BFS administered three local assistance grants to support the DNA testing of sexual assault evidence in California. In total, these three grants offered more than \$7.8 million to facilitate the submission and testing of backlogged and untested sexual assault evidence.

Streamlining the Toxicology Laboratory

Decreasing the Drug Toxicology Backlog: During this biennial period, the Toxicology Laboratory decreased its case backlog by more than 33%. The novel One Stop Shot (OSS) method, implemented in April 2021, contributed to this decrease. The OSS method streamlines the identification of 56 different drugs in driving under the influence of drugs (DUID) samples. Of the 56 prescription drugs and street drugs identified, 45 can also be quantified.

Developing New Methods of Data Analysis

Evofinder Automated Ballistics Identification System: The Central Valley Laboratory validated the Evofinder Automated Ballistics Identification system, a scanning device that captures extremely high resolution 2D and 3D digital images of bullets and cartridge cases and stores them in a database for the purpose of comparison and matching to evidence items from potentially related cases. This new technology is in the process of being implemented at several other sites in BFS.

Assisting with Investigative Leads in Old and/or Cold Case Investigations

CAL-DNA Data Bank's Familial Search Program: When DNA evidence has not hit in the Combined DNA

Index System (CODIS), the Familial Search Program at the Jan Bashinski DNA Laboratory searches the DNA evidence in the CODIS Convicted Offender database to try to identify a potential close relative of the source of the evidence. Since its inception, the Familial Search Program has completed 368 familial searches, and 30 of these searches have provided investigative leads that have solved previously unsolved major crimes involving 109 victims. More familial searches are currently in progress, as well as reruns of previously negative cases as the chances of getting a familial DNA hit increase as the number of samples in the state's Convicted Offender database increase.

A New Milestone in Identifying Missing Persons: The Missing Persons DNA Program announced it has identified more than 2,000 missing and unidentified persons since the program's inception in 2001.

Contributing to the Field of Forensics

Forensic Investigative Genetic Genealogy: BFS has continued participation on the Forensic Investigative Genetic Genealogy Committee of the National Technology Validation and Implementation Collaborative (NTVIC). NTVIC is developing validation plans and technical training curricula for genetic genealogy testing that, when finalized, can be adopted for use by crime labs throughout the country.

Conferences and Publications: The DNA Method Development team at the Jan Bashinski DNA Laboratory presented work at several professional technical conferences and provided extensive DNA training for criminalists both within and outside of BFS. The team published two articles in the journal, *Genes*: "Compound and Conditioned Likelihood Ratio Behavior within a Probabilistic Genotyping Context" and "Forensic DNA Mixture Interpretation and Probabilistic Genotyping," as well as an article in the journal, *Electrophoresis*: "Effects and Considerations of Multiplexing ForenSeq Kintelligence Libraries with a Negative Control."

Updates on CAL-DNA Data Bank Submissions and CODIS Outcomes

CAL-DNA Data Bank Updates: As of May 2023, the state Combined DNA Index System (CODIS) database has: 3,369,951 offender and arrestee DNA profiles, 167,975 crime scene DNA profiles, 111,278 crime scene-to-offender hits, and 140,221 investigations aided through case-to-case hits. The state database also has 871 DNA Index of Special Concern (DISC)-enabled forensic evidence profiles, which are searched against arrestee DNA profiles in those states that have Rapid DNA Booking Stations.

Collaborating with the Attorney General's Office of Native American Affairs

MPDP Collaboration with ONAA: The Missing Persons DNA Program (MPDP) at the Jan Bashinski DNA Laboratory collaborated with the Office of Native American Affairs (ONAA) to enhance awareness of how DNA testing can help Native Americans find their missing loved ones. MPDP staff attended ONAA events in the Humboldt, Sacramento, and Riverside areas to provide information and assist with collection of DNA samples from biological relatives of missing Native Americans.

Training Law Enforcement and DOJ Staff

Training Forensic Laboratory and Law Enforcement Personnel: Under the umbrella of the DOJ's Bureau of Forensic Services, California Criminalistics Institute (CCI) provides foundational forensic discipline classes and professional conduct classes to prepare scientists and law enforcement personnel to perform high quality work, to make ethical decisions while handling criminal evidence, and to explain their background and findings in court.

Training the California Police Shooting Investigation Team: CCI provided courses in support of the DLE California Police Shooting Investigation Team (CaPSIT). In addition to formal course offerings, CCI held a training symposium for criminalists and special agents involved in the CaPSIT program.

Updating and Expanding the Bureau of Forensic Services Quality Assurance Program

American National Standards Institute (ANSI) National Accreditation Board (ANAB) Assessment:

BFS participated in an on-site, system-wide reassessment to the ISO/IEC 17025:2017 standard by their accrediting body, ANSI National Accreditation Board (ANAB), over the week of June 5-9, 2023. All BFS DNA laboratories were audited to the FBI Quality Assurance Standards during this week. This major event involved 40 technical assessors from throughout the forensic science community. The ANAB assessors were distributed over all 12 BFS laboratories to ensure BFS was meeting the international standards for the competence of forensic testing laboratories by reviewing a sample of technical and quality assurance records. At the end of the assessment, five findings of nonconforming work were observed, all of which were successfully resolved in the 90 days following the assessment. The ability to address these findings shows the commitment of BFS to continual improvement and maintaining high quality standards. As a result, ANAB has continued the BFS accreditation to the ISO/IEC 17025:2017 standard.

As part of this continuing accreditation, an off-site document review was also conducted June 12-13, 2024 by ANAB. No findings were discovered during this assessment activity. The BFS QA Program continues to excel in supporting the missions of both BFS and DLE.

Significant Bureau of Forensic Services Cases

CODIS Unit Provides Crucial Lead in Matter of National Security: The CAL-DNA Data Bank Program's CODIS unit assisted the Bureau of Alcohol, Tobacco, Firearms and Explosives National Laboratory Center (ATFL) with an emergency request for a CODIS search of evidence from a matter of national security. The CODIS unit searched the evidence DNA profile, and it hit to an arrestee in the state's DNA database. Within 25 hours of the request, the CODIS unit had conducted the search, conducted additional laboratory analysis to confirm the hit, and released the name of the arrestee to the ATFL.

Sacramento Laboratory Provides Investigative Lead in Old and Cold Case: In 2013, the Sacramento Laboratory conducted DNA analysis on evidence from a 1994 Redding Police Department double homicide case. At the time, most of the DNA results were uninterpretable, and some of the DNA samples were not tested but were retained for possible future analysis. In 2023, remaining DNA samples were tested using current technologies, including probabilistic genotyping for DNA mixture deconvolution and interpretation. Several DNA samples were uploaded to CODIS, and one sample hit to an offender in the state's CODIS database. The offender's sample had been previously put into CODIS related to another homicide.

MPDP Assists with the Identification of a Navajo Woman Missing Since 1987: The Missing Persons DNA Program assisted the Madera County Sheriff-Coroner's Office with the identification of skeletal remains of a missing Navajo woman, Christine Lester. Lester's remains were found on the side of a rural county road in 1987. In 2022, the MPDP searched DNA from the remains in the CODIS Missing Persons database and found a potential relative of Lester. The MPDP performed mitochondrial DNA testing to obtain additional support of the familial relationship between the remains and Lester's relative.

CODIS Unit Assists with Identification of Assailant in Sexual Assault of 95-year-old San Francisco Woman: The CAL-DNA Data Bank Program's CODIS unit assisted the San Francisco Police Department (SFPD) with an emergency request for a CODIS search of sexual assault evidence from a burglary/sexual assault investigation. The CODIS unit searched the evidence DNA profile, and it hit to a convicted offender in the state's DNA database. Within three hours of the request, the CODIS unit provided the name of the convicted offender to the SFPD.

Crime Scene Response

In February 2022, Salinas Police Department Officer Jorge Alvarado was murdered while attempting a traffic stop. The crime scene was processed by criminalists from the Freedom and Central Valley Laboratories. DNA evidence from the scene was analyzed by criminalists from the Jan Bashinski DNA laboratory, linking a suspect to the crime scene. The suspect was also linked to the crime scene with firearms evidence analyzed by the Freedom Laboratory. The case went to trial in October 2023 where three Freedom Lab criminalists testified regarding crime scene processing, biology screening, trajectory analysis, and firearms. DNA testimony was also provided by a criminalist from the DNA lab. The suspect was found guilty of first-degree murder.

Bureau of Gambling Control

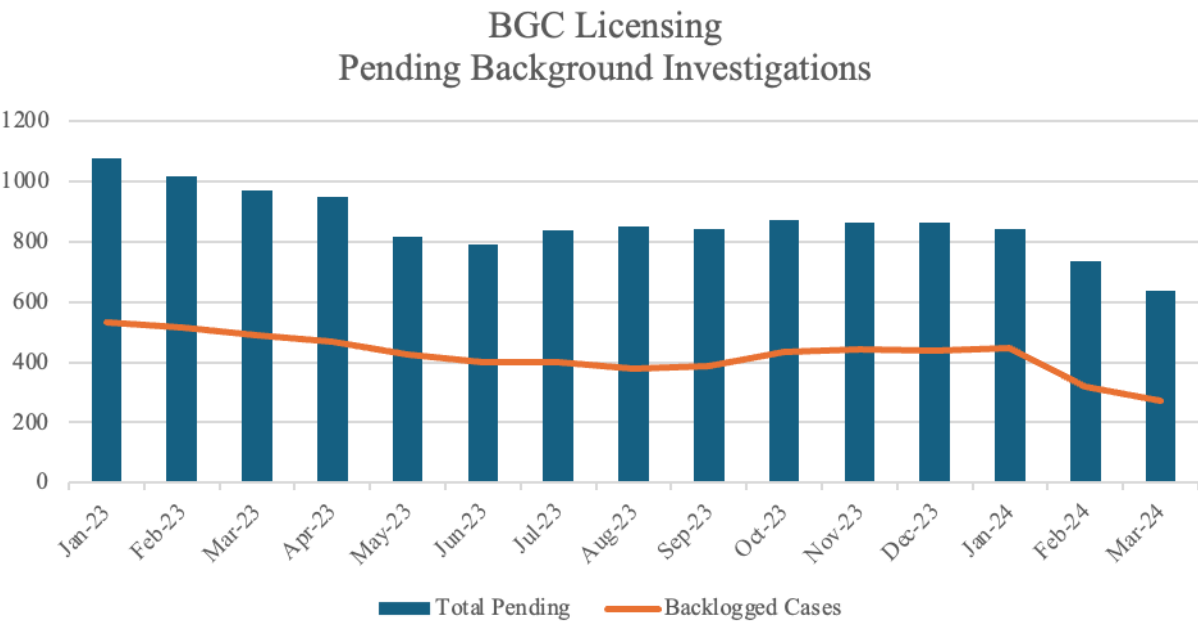
Overview

The Bureau of Gambling Control (BGC) regulates legal gambling activities in California to ensure gambling is conducted honestly and is free from criminal and corruptive elements. This is accomplished by investigating the qualifications of individuals and business entities who apply for state gambling licenses, key employee licenses, work permits, or findings of suitability. BGC monitors the conduct of these licensees to ensure compliance with the Gambling Control Act and applicable regulations. BGC Special Agents conduct criminal investigations in and around tribal casinos and California cardrooms. In addition, BGC audits and reviews tribal gaming to ensure each tribe is in compliance with all aspects of the state gaming compact.

Major Accomplishments

Reducing Backlog for Tribal Key Employee Applications

California Tribal Casinos Tribal Key Employees (TKE): In January 2022, BGC had 1,312 pending background investigations required for tribal key applicants of California Tribal Casinos, of which 677 were considered backlogged¹. By the end of fiscal year 2022-2023, BGC reduced the pending background investigations to 1,076 pending investigations, of which 533 were considered backlogged. By March 2024, BGC reported 636 pending investigations, of which 270 were considered backlogged. The BGC receives an average of 1,449 TKE applications annually.



¹ Backlogged cases refers to pending background investigations that are over 180 days old.

Cracking-Down on Non-Compliance

The Compliance and Enforcement Section (CES): Between January 1, 2023 and June 30, 2024, The Compliance and Enforcement Section (CES), comprised of Special Agents and Field Representatives, initiated 185 investigations and evaluated 881 gambling related complaints from the general public and law enforcement agencies. As a result of criminal investigations, search and arrest warrants were issued and illegal gaming devices, illegal narcotics, and other contraband were seized. CES staff also generated 21 letters of warning to cardrooms, and 86 tribal inspection letters/reports.

Researching Technology Advances in Gaming

Identifying Technological Changes in Tribal Gaming: The Audits and Compact Compliance Section (ACCS) researched and viewed various cashless wagering systems being developed by Manufacturers & Distributors (M&D) and in use in some tribal casinos to evaluate the potential impact on the gaming industry and the potential challenges for BGC/ACCS. As a result of the COVID pandemic, tribal casinos wanted to limit the handling of cash so some casinos have started to adopt a cashless wagering system. Since patrons must register for this system with a credit card, casinos created security measures that require patrons to register in person instead of online. Third party companies have protocols in place to protect patron funds by linking a patron's bank account to their player reward account. Discussions with the various entities included transaction tracking to verify anti-money laundering compliance, the cashless wagering app functionality, additional security measures as well as an in-person demonstration of the system in use at an M&D and tribal casino. It is anticipated that more tribal casinos will adopt a cashless wagering system in the near future.

Assisting in Large-Scale, Illegal Gambling Operations

Search Warrants Served on Illegal Gambling Operation: In September 2023, BGC along with the San Jose Police Department and the Santa Clara County District Attorney's Office executed three search warrants authored in support of a BGC illegal gambling investigation based in the City of San Jose. As a result of the search warrants, agents recovered six table top gambling machines, approximately \$18,000 in US currency and an unregistered "ghost gun". Charges are pending with the Santa Clara County District Attorney's Office.

Serving Search Warrants Related to an Israeli Organized Criminal Gambling Organization: In 2022, the leader of an Israeli organized criminal gambling organization, along with his two partners and three additional co-conspirators were arrested by BGC and the Federal Bureau of Investigation for violation of Title 18 United States Code (U.S.C.) section 1955 – Illegal Gambling and Money Laundering. While out on bail awaiting trial, the leader of the organization used several co-conspirators to continue the illegal operation. BGC and the FBI identified these co-conspirators through numerous administrative search warrants and surveillance operations. In 2023, search warrants were served on residences and a storage facility in San Jose, Farmersville, and Sherman Oaks. These search warrants resulted in the seizure of more than \$158,000 in cash, gambling machines and parts, and other evidence showing the ringleader continued his illegal operation even after his arrest in 2022. The co-conspirators who were the subject of these search warrants are pending federal indictment.

Investigating Robberies

Armed Robbery Suspect Arrested: In August 2023, BGC agents arrested a subject for an armed robbery that had occurred at the Oaks Card Club in the City of Emeryville. During the investigation, BGC learned the same suspect had been identified in additional armed robberies in the cities of San Francisco, Oakland and Emeryville. Additionally, the vehicle used in all the robberies had been stolen during a violent carjacking in the City of San Francisco.

Follow The Money: In August of 2023, BGC received information regarding the follow home robbery of a Los Angeles area cardroom patron. Agents assisted the Los Angeles County Sheriff's Department Major Crimes Bureau with the investigation, identifying the suspect as being involved with several other follow home robberies and assaults of cardroom/casino patrons. It was determined that the suspect had been previously arrested and had served time in state prison for similar follow home robberies. The service of a search warrant resulted in the seizure of evidentiary items linking the suspect to the robberies.

Follow Home Robberies Linked: In November of 2023, BGC received information of a follow home robbery from the Los Angeles Sheriff's Department Major Crimes Bureau – Gambling Unit (LASD Majors-Gambling). LASD requested assistance in identifying other incidents of patrons being robbed after leaving Los Angeles area casinos. The investigation identified seven additional robberies that had occurred in various jurisdictions in Southern California. BGC obtained surveillance footage and reports detailing the activities of the victims prior to the robberies. Additionally, suspects and vehicles captured on casino video were identified at the robbery scenes. Suspects were identified leading to the service of residential and cell phone search warrants. The investigation resulted in the arrest of four suspects responsible for 14 casino-related robberies and the theft of \$259,000.00 in cash and gaming chips. In March of 2024, the Federal Bureau of Investigation and the United States Attorney's Office reviewed the investigation and determined it met the criteria to file federal charges.

Investigating Sophisticated Phone Scams

Phone Scam Suspect Arrested: In April 2023, BGC agents executed a search warrant on a vehicle and suspect in support of a grand theft investigation. The investigation was initiated after unknown callers contacted the Livermore Casino and convinced an employee to remove and deliver \$250,000 in cash to a subject in San Jose. Prior to this incident, a nearly identical phone scam was perpetrated on an employee of the California Grand Casino resulting in the theft of \$500,000. The search warrant resulted in the recovery of incriminating money transfer receipts and the arrest of the suspect. Agents obtained a confession from the suspect who admitted to picking up the \$250,000 in cash from the Livermore Casino employee. Agents later identified the same suspect as being involved in the \$500,000 theft from California Grand Casino. The suspect was later deported unrelated to the BGC investigation. An arrest warrant is pending with the Alameda County District Attorney's Office

Investigating Cheating

Suspects Arrested in Nationwide Cheating Ring: In July 2023, BGC agents investigated a cheating incident in Gilroy, California that resulted in a loss of over \$100,000 to the Third-Party Provider of Proposition Player Services (TPPPS). Agents identified the method of cheating and from July 2023 to March 2024, BGC provided expertise to five state and tribal law enforcement entities regarding the group of Chinese nationals running a money laundering and cheating ring across multiple states. Agents obtained over 60 hours of video surveillance, and conducted numerous surveillance operations, ultimately identifying four suspects, their vehicles and at least two associated addresses. Once the individuals were identified, a be on the lookout (BOLO) was issued to gaming establishments throughout California. As a result of the BOLO, multiple gaming establishments contacted BGC, advising the group had attempted the same method, and were stopped, preventing any further financial losses. As a result of the investigation, one suspect has been arrested and a federal warrant has been issued for another. Agents continue to communicate with law enforcement partners to pursue federal charges against all involved parties.

Roulette Player Uses Unfair Advantage Against the House: In September of 2023, BGC conducted an operation to arrest a suspect with an outstanding arrest warrant stemming from an Agua Caliente and Morongo Casino and Resort criminal investigation. During the investigation, surveillance observed the suspect manually manipulating roulette wheels to stop on specific numbers while the dealer/attendant

was distracted. The Riverside County District Attorney's Office filed 70 felony counts for cheating and various other crimes were filed against the suspect. The suspect was taken into custody without incident and booked into the Riverside County Jail. Court proceedings are pending.

Working Undercover

Undercover Operation in Tribal Casino: In June 2023, BGC conducted a narcotic buy program at the Win River Casino located in Redding, California. During the undercover operation, BGC agents purchased approximately 6.5 grams of methamphetamine from two suspects. Upon search incident to arrest both suspects were found to be in possession of drug paraphernalia. Both suspects were subsequently arrested and received a citation for 11378 HS – Possession of Methamphetamine with Intent to Sell, 11379 HS – Sales of Methamphetamine, and 11364(a) HS – Possession of Drug Paraphernalia. One suspect was booked into the Shasta County Jail for an outstanding warrant.

Undercover Buy Program: In August 2023, BGC conducted a narcotic buy program at Red Hawk Casino located in Placerville, California. During the undercover operation, BGC agents purchased approximately 5.8 grams of methamphetamine from two suspects. Both suspects were subsequently arrested and received a citation for 11379 HS – Sales of Methamphetamine, and 182(a)(1) – Conspiracy.

Assisting with an Arson Investigation

Former Casino Employee Arrested for Arson: In December 2023, BGC was notified of a suspicious fire that had severely damaged the office building at the Desert Rose Casino in Alturas, California. BGC responded and provided the Modoc County Sheriff's Office with investigative expertise and assisted with the serving of search warrants for gaining access to numerous electronic devices which were seized from the arson suspect. BGC personnel specializing in the extraction of data from electronic devices pulled pertinent data and provided this information to the Modoc County Sheriff's Office. The information gained from the electronic devices has helped with building a case against the arson suspect who was found to be a former employee of the Desert Rose Casino.

Combating Fraud

Fraud Suspects Target Elderly Victims: In September of 2022, BGC investigated numerous suspicious cash advances at the Lake Elsinore Casino and identified four suspects as being directly involved. The investigation determined that two separate elderly victims had their bank accounts compromised and were the victims of fraud and grand theft. The suspects transferred approximately \$340,000.00 from the victims' bank accounts to unauthorized fraudulent accounts where funds were withdrawn primarily from tribal casinos and cardrooms in Southern and Northern California. This investigation was a collaborative effort between the Riverside Regional Office, Fresno Regional Office, Bank of America Fraud Team, and the Riverside County District Attorney's Office. In December 2023, the Riverside County District Attorney's Office filed felony charges and issued felony arrest warrants for all identified suspects. Charges include four counts of Grand Theft, four counts of Receiving Stolen Property, and 12 counts of burglary. Continued monitoring of these suspects identified additional acts providing probable cause to secure a residential search warrant.

Cracking Down on Gaming Regulation Violations

Blackstone Gaming, LLC: In December 2021, an accusation was filed against Blackstone Gaming, LLC (Blackstone) a Third-Party Provider of Proposition Player Services (TPPPS) for their failure to comply with applicable regulations. Blackstone operated in a manner that violated gaming regulations by assigning multiple tables and "player's banks" to a single player. As a result, TPPPS players left gambling tables unattended and chips unsecured and out of the players' possession, custody, or control, which violated the regulations. Blackstone's players also provided chips to the cardroom's dealers to pay

winning and collect losses from patrons. In November 2023, BGC determined Blackstone continued to violate gaming regulations, and in January 2024 amended the pending accusation. This matter will be heard by Office of Administrative Hearings unless a settlement is reached.

Bureau of Investigation

Overview

The Bureau of Investigation (BI) comprises 16 specialized programs staffed by approximately 250 employees statewide. Through leadership, innovative programs, and task force partnerships, BI enhances public safety by focusing law enforcement efforts on criminal organizations. Investigations conducted by BI center on, but are not limited to, organized retail crime, organized violent street gangs, criminal syndicates, human trafficking, white collar crime, major fentanyl trafficking, illicit cannabis cultivation, recycled materials fraud, consumer fraud, cybercrime, embezzlement, and public corruption. BI also oversees the statewide mandate of investigating all California police officer-involved shootings resulting in the death of an unarmed civilian. Additionally, BI enforces the United States (US) Hague Convention Child Abduction Treaty, in cases when a child or children are wrongfully removed or kept away from their home country. BI also provides criminal intelligence support, case analytics, and event de-confliction for law enforcement agencies.

Responding to the Fentanyl Crisis

The Fentanyl Enforcement Program (FEP): In response to the escalating fentanyl crisis, FEP was established in April 2021 and is a pivotal part of DOJ public safety strategy. The program aims to detect, disrupt, and dismantle fentanyl criminal enterprises, preventing fentanyl from infiltrating California neighborhoods and communities. FEP collaborates closely with allied task forces and local and federal law enforcement partners throughout the state. The program is structured with regional investigative teams in Sacramento, San Diego, Los Angeles, and Dublin, ensuring a comprehensive and coordinated approach to the fentanyl crisis.

Task Forces Collaboration: In October 2023, FEP joined the Fentanyl Abatement and Suppression Team (FAST), a joint effort by the US Attorney's Office and Homeland Security Investigations, as well as other law enforcement agencies, to target fentanyl being trafficked through the Southern Border and into San Diego County.

Significant Fentanyl Seizure: In February 2024, FEP concluded a joint operation in San Diego County that resulted in the felony arrest of a suspect and the seizure of 720,000 fentanyl pills. On February 9, 2024, the FAST Task Force, in collaboration with FEP, the US Border Patrol, and the San Diego County Sheriff's Department, arrested a suspect in Alpine, California after an investigation determined that the suspect was driving a vehicle containing a large quantity of fentanyl.

As of June 2024, FEP has seized 1,193,637 fentanyl pills, 232 pounds of fentanyl powder, 719 pounds of methamphetamine, \$256,779 in suspected criminal proceeds, and made and/or facilitated more than 100 felony arrests.

Responding to Retail Theft

Organized Retail Criminal Enterprises (ORCE): Organized Retail Crime is characterized by organized criminal rings that steal property intending to sell and distribute or return stolen merchandise for value. These crimes take many forms — from coordinated thefts of specific goods to orchestrated, brazen attacks on local retailers. Organized Retail Crime incidents are often part of sophisticated criminal networks that plan their attacks weeks or months before they are carried out and place the safety

and well-being of California consumers, workers, and businesses at risk. The Organized Retail Criminal Enterprise (ORCE) teams, strategically located in Los Angeles and Dublin, proactively investigate major retail theft. ORCE prioritizes resources to detect, investigate, and prosecute high-level Organized Retail Crime rings, offers local law enforcement agencies support with retail theft investigations, and encourages big box retailers to report theft early and invest in security and surveillance technology.

Retail Theft of Multinational Retail Corporations: In June 2023, a Target retail store investigator contacted the ORCE program and referred an investigation involving an organized retail theft group engaged in retail crimes throughout several states. A joint investigation by Target retail investigators and the Los Angeles County Sheriff's Department (LASD) revealed multiple suspects engaged in a retail theft scheme. The scheme consisted of suspects entering Walmart and Target retail stores and asking employees to unlock and access display cases containing video game consoles. Once employees unlocked the display cases, suspects would reach in, take video game consoles, and exit the store without paying. As the number of incidents increased, this organized criminal group began using physical force or threats of violence whenever employees provided any verbal or physical resistance. During the investigation, five suspects were identified. They were responsible for the theft of approximately \$150,000 worth of retail merchandise in California alone, including multiple thefts that elevated into crimes of robbery. Three of the five suspects have been arrested and sentenced, including the ringleader, who received a six-year state prison sentence; the second suspect received a four-year state prison sentence, and the third suspect received two years of formal probation.

Partnering with Local Law Enforcement Agencies on Retail Theft Investigation: In December 2023, the LASD Organized Retail Crime Task Force (ORCTF) contacted the ORCE program and requested assistance with the apprehension of an organized retail theft group operating in Compton, California. Previous surveillance conducted by the ORCTF showed multiple subjects delivering suspected stolen items to a location in the city of Compton, which operated as an illegal underground "fencing" business. The investigation identified three suspects as the operators: reselling the stolen merchandise. The subjects obtained merchandise from boosters who commit theft from legitimate retailers. The stolen items were then illegally resold in the underground market. A search warrant was served at the underground retail location, and representatives from Kroger, Ralphs, Rite Aid, Walgreens, Vons, Albertsons, CVS, and other companies assisted in identifying stolen merchandise. Three suspects were arrested, and approximately \$50,000 worth of stolen merchandise was recovered.

Investigating Officer Involved Shootings (OIS)

Assembly Bill 1506 (AB 1506): Effective July 1, 2021, AB 1506 (Ch. 326, statutes of 2020) required DOJ to investigate all Officer Involved Shooting (OIS) incidents in California that resulted in the death of an unarmed civilian. In response, DOJ created the BI California Police Shooting Investigation Team (CaPSIT) program. Special agents, criminalists, and professional staff were selected and are strategically located throughout the state.

CaPSIT Special Agents work closely with DOJ's Bureau of Forensic Services criminalists, who lead the forensic response in ballistics, latent prints, DNA, crime scene reconstructions, and more. Once CaPSIT Special Agents have performed a thorough and complete investigation, the CaPSIT program presents all the evidence, including reports and video and audio recordings, to the Criminal Law Division. The Office of the Attorney General, led by the Division of Criminal Law, reviews and analyzes the reports and evidence to determine if criminal charges should be sought against the involved law enforcement officer(s).

Since its inception on July 1, 2021, CaPSIT Special Agents have responded to 84 critical incidents for evaluation and initiated 60 independent AB 1506 investigations.

Supporting Attorney General's Office in the Protection of Public Officials

Criminal Threats to the Los Angeles County District Attorney and Family: The Special Investigations Teams (SIT) provide investigative resources that assist DOJ with investigating and prosecuting cases. In October 2022, DOJ, Criminal Law Division, Appeal, Writs & Trials Section, requested assistance from the SIT regarding a subject threatening the Los Angeles County District Attorney and his wife. The District Attorney and his wife were threatened via an anonymous letter mailed to their residence. SIT Special Agents investigated the matter, which included interviewing the District Attorney and his wife. During the investigation, it was determined that the same letter had been sent to the US Secretary of Homeland Security family members. The family received letters in Washington, D.C., and in Los Angeles and Beverly Hills, California. In December 2023, special agents obtained an arrest warrant for the suspect, alleging two felony counts of making criminal threats and one felony count of making threats to an elected public official. Special agents conducted surveillance and arrested the suspect at his residence. He was booked at the Los Angeles County Jail with a bail amount of \$1,100,000.

Solving a Cold Case Homicide

Oakland Cold Case Homicide: In 2007, the Oakland Police Department (OPD) identified two young adult females as victims of two separate homicide and sexual assault investigations. Semen was found on both victims and attributed to an unknown male. There were no other investigative leads, and the case went cold, leaving the crime unsolved. Both victims shared some commonalities: cuts to the head, bruising to the face, and ligature marks. In May 2023, after requesting a DNA Familial Search investigation, DOJ, Bureau of Forensic Services (BFS), and Familial Search Committee identified a potential first-degree relative of the contributor of the unknown forensic sample collected from both victims. Special agents worked with the OPD, Monticello, and Mississippi Police Departments, and the Mississippi Bureau of Investigation to conduct a follow-up investigation. In October 2023, law enforcement obtained a paraffin tissue sample from a subject (SIT identified as deceased in 2022) from the John Muir Hospital in Oakland, California. This sample was sent to the OPD forensic laboratory for analysis. In November 2023, the OPD lab confirmed the DNA profile matched the semen samples collected from the homicide/sexual assault victims. Although, law enforcement was unable to arrest the suspect, the OPD was able to close their case, and more importantly, the victims' families finally had closure after the cases went unsolved for 16 years.

Preventing Shootings and Gun-related Violence

Operation Broken Sword: The Special Operations Unit (SOU) is a collaborative investigative effort between DOJ and the California Highway Patrol (CHP) that provides statewide enforcement for combating violent career criminals, gangs, and organized crime groups. In February 2023, SOU partnered with the Yuba-Sutter Narcotic and Gang Enforcement Task Force, the Yuba City Police Department, and the Sutter County District Attorney's Office to conduct a joint investigation of rival East Indian criminal groups who were responsible for numerous violent crimes, shootings, and five attempted murders. During the investigation, SOU prevented multiple shootings, including a shooting between several subjects at the annual Sacramento Sikh parade. Two assault rifles and four handguns were seized, resulting in the arrest of four suspects. Two hours later, an associate of the target subjects was shot during an altercation at the temple. Another male returned fire and struck the first shooter. The preemptive enforcement efforts by the SOU at the parade prevented a much larger shooting from occurring that could have likely resulted in additional serious injuries, including innocent bystanders being struck by gunfire. The investigation culminated with search warrants at 19 locations in Sutter, San Joaquin, Sacramento, Solano, Merced, and Fresno counties, resulting in 41 firearms being seized, including 8 assault weapons, and a total of 23 arrests, including 12 arrests for attempted murder.

Homicide Investigation: In September of 2022, SOU was contacted by the Mariposa County Sheriff's Department (MCSD), who requested assistance with a murder investigation, where the victim went

missing on June 15, 2022. In the early stages of the investigation, a suspect was developed, who was a friend of the victim. The SOU assisted MCSD detectives with investigating the case. Ultimately, investigative efforts were successful and resulted in the arrest of the suspect. During subsequent interviews, the suspect gave a full confession and admitted to having brutally beaten the victim to death for their suspected role in the overdose death of the suspect's brother. The suspect further agreed to show investigators where he disposed of the victim's body to provide closure to the victim's family.

Investigating Labor and Sex Crimes:

Therapeutic Massage Clinic: The mission of the Human Trafficking / Sexual Predator Apprehension Team (HT/SPAT) is to disrupt and dismantle violent human trafficking and child exploitation organizations through a comprehensive, collaborative, and statewide response. In December 2023, HT/SPAT received information women were being forced or coerced to perform commercial sex acts at a Therapeutic Massage Clinic in Visalia, California. The HT/SPAT initiated an investigation and learned that in 2022, an alleged victim reported to Tulare County law enforcement that they were a victim of human trafficking by the proprietor (suspect) of the Therapeutic Massage Clinic. The victim stated they were forced to perform sexual acts on some customers, against their will, by the suspect. The HT/SPAT coordinated an undercover operation and, as a result, obtained probable cause to secure several search warrants. Special agents served the search warrants and gathered enough evidence to arrest the suspect for human trafficking violations. Two victims, present during the service of a search warrant, were identified. They were provided supportive services by a non-profit victim advocate and the Tulare County District Attorney's Office. The suspect was booked into the Tulare County Jail for human trafficking.

Forced Underage Sex Acts: In July 2023, HT/SPAT concluded an investigation into a suspect who was forcing a minor to commit sex acts throughout several California counties. The HT/SPAT conducted numerous surveillance operations and served search warrants related to mobile telephones and social media accounts. The data yielded evidence of pimping and pandering of not only the minor, but it also identified additional victims of human trafficking. Based on the investigation, the suspect was arrested and booked at the Sacramento County Jail for pimping a minor under age 16 and pandering a minor under age 16.

Returning Suspect Back to the United States to Face Murder Charges:

La Habra Police Department Homicide Suspect Fled to Mexico: The Foreign Prosecution and Law Enforcement Unit (FPLEU) provides international law enforcement liaison services to law enforcement agencies and is the Attorney General's lead contact for interactions with foreign governments. In February 2023, FPLEU was contacted by the La Habra Police Department (LPD) who requested assistance in locating a US citizen homicide suspect believed to be in Mexico. The suspect was wanted for a murder that occurred November 2, 2020. The suspect was a documented "Monos" La Habra street gang member with an extensive criminal and violent history. Working with LPD, FPLEU coordinated with Mexican authorities and the US Border Patrol to secure the arrest of the suspect at Friendship Park, in San Diego, approximately 10 to 15 yards from the US border. The US Border Patrol manages the Friendship Park area. FPLEU then facilitated the return of the suspect to the US.

Going After White Collar Crime:

Ocean Towers Money Laundering and Embezzlement: The White Collar Investigation Team (WCIT) investigates white collar crime and associated criminal activity. In 2021, WCIT investigated allegations of four family members who facilitated the embezzlement and theft of \$5.2 million from the Ocean Towers Housing Corporation (OTHC). The co-conspirators subcontracted the OTHC building maintenance, painting, construction, and valet services to legitimate companies. The co-conspirators replaced legitimate subcontracted invoices with the name of a fraudulent company and tripled/inflated the service costs. The fraudulent invoices were approved by the OTHC, then funds were paid

to the fraudulent company through 95 wire transfers, totaling \$5.2 million. The \$5.2 million was then laundered to seven businesses controlled by the four family members. In April 2023, the four family members were indicted by a Los Angeles County Superior Court Grand Jury on 119 criminal counts of grand theft, identity theft, and money laundering. In September 2023, WCIT authored a declaration under Penal Code section 186.11 to seize two properties and 11 bank accounts to fulfill their restitution obligations to the court for damages.

Money Mule Transnational Fraud Scheme: In March 2023, WCIT successfully identified several California elderly victims who had been scammed through social media. The suspect created fictitious social media profiles/personas through advanced social engineering to recruit and target potential victims. Cloning the victim's friend list on their social media account, the suspect deployed deceptive techniques to manipulate the victims into making upfront application fees/tax "cash only" payments toward fake US government grants. The suspect directed the victims to mail the cash to several Riverside County residences via Priority US Mail, FedEx, and UPS. The "Money Mules" who resided in the residences kept 10% of the money and deposited most of the victims' cash into local crypto ATMs, which were sent to international scammers. During the investigation, WCIT conducted numerous victim interviews, undercover controlled deliveries, surveillance operations, authored residential and social media search warrants, and confirmed the involvements of at least four money mules in this fraud scheme, who deposited over \$1 million of the victim's cash into local Crypto ATM's. The California Department of Justice is prosecuting this case.

Protecting California Residents Through Out-of-State Recycling Fraud Investigations:

Out-of-State Recycle Fraud Team (RFT) Program Operations: The Recycle Fraud Team (RFT) investigates and prosecutes organized fraud against the Beverage Container Recycling Fund on behalf of the California Department of Resources Recycling and Recovery. In July 2023, RFT concluded an investigation targeting several recycling centers in Riverside County. The investigation revealed that the recycling centers were acting in concert, importing ineligible out-of-state (OOS) empty beverage containers (EBC) from Arizona and illegally redeeming the OOS EBC material to defraud the California Recycling Fund. Over eight months, the recycling centers fraudulently received \$7,690,000 from the California Recycling Fund by claiming the ineligible OOS EBC material for California Redemption Value (CRV). The investigation culminated in the service of search warrants and arrest warrants at six locations, resulting in the arrest of eight suspects and the seizure of \$1,061,499 in criminal proceeds as well as over 20 bales of aluminum ineligible EBC material.

Recovering Funds from Tax Evaders:

Suppressing Software Investigation: The Tax Recovery in the Underground Economy (TRUE) Task Force is dedicated to investigating illegal business activities that deprive California of public funds and its citizens of public services. In 2019, the TRUE Task Force collaborated with both the Franchise Tax Board (FTB) and the California Department of Tax and Fee Administration (CDTFA), in a tax evasion case. The primary suspect used suppression software to delete and modify daily sales invoices to underreport sales and tax liability. Search warrants were executed at four restaurant locations, the Certified Public Accountant (CPA) office, financial institutions, and the information technician's residence. Business records, computers, databases, and point-of-sale machines were seized. In December 2023, the suspect surrendered and pled guilty to possessing sales suppression software, filing a false sales tax return, and filing a false income tax return. According to the Plea Agreement, the suspect agreed to pay \$1,854,542 in restitution.

Marketing Investigation: In 2022, TRUE Task Force began investigating a suspect for possible sales, income, and employment tax evasion associated with Marketing LLC, a mobile cannabis delivery business. The CDTFA and the City of Sacramento discovered the suspect failed to report at least \$400,000 in sales taxes to CDTFA. In March 2023, TRUE served search warrants at the suspect's

business, residence, accountants' offices, banks, and suppliers. Physical records and electronic devices such as computers, mobile phones, and electronic storage devices were seized during the search warrant. Also seized were 26 cryptocurrency paper wallets, which allowed task force agents to seize over \$1,000,000 in cryptocurrency from the suspect. Records from the suspect's point-of-sale system showed that he underreported his cannabis sales by at least \$17 million and corresponding sales taxes by more than \$1.5 million to CDTFA.

Impact of Bureau of Investigation Task Force Programs:

Supporting Federal Law Enforcement Partners: The Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (LA IMPACT) investigates major crime, with an emphasis on dismantling mid to major level drug trafficking organizations. Throughout 2023, LA IMPACT assisted an FBI investigation that targeted an expansive Mexico-based organized crime group that operated from Mexico throughout the US and Canada. This criminal organization provided transportation of illicit items, including drugs, for Italian organized crime groups, who purchased massive amounts of drugs wholesale from the Jalisco New Generation Cartel (CJNG). The targeted criminal organization utilized Canadian "handlers" and "dispatchers" who traveled down from Canada to Los Angeles to coordinate the pick-up and drop-off of large shipments of cocaine, methamphetamine, and fentanyl loaded on semi-trucks destined for Canada. The transportation cell was facilitated by a criminal ring of East Indian drivers who owned dozens of trucking companies. These trucking companies made numerous US–Canadian border crossings through the Detroit Windsor Tunnel, the Buffalo Peace Bridge, and the Blue Water Bridge. Based on intelligence gathered during this investigation, it is estimated this criminal organization moved thousands of kilograms of cocaine and methamphetamine per month through Los Angeles destined for Canada. The LA IMPACT assisted the FBI in the Los Angeles area's investigative, surveillance, and enforcement actions. The investigation resulted in the federal indictment of 19 key suspects and the seizure of approximately 1,860 pounds of methamphetamine, 951 kilograms of cocaine, 20 kilograms of fentanyl, and four kilograms of heroin.

Drug Trafficking Investigations:

Significant Criminal Proceeds Seizure: The Inland Crackdown Allied Task Force (INCA) investigates major narcotic trafficking, money laundering, and the associated violence. In January 2023, INCA investigated a Drug Trafficking Organization operating in Los Angeles County. During their investigation, INCA identified a vehicle suspected of transporting narcotic proceeds. INCA facilitated a traffic stop on the vehicle, resulting in the seizure of \$150,000 in criminal proceeds. Subsequent search warrants resulted in the discovery of a clandestine drug conversion lab and the seizure of 2,155 pounds of methamphetamine, 205 pounds of ecstasy (MDMA), and 37.92 pounds of cocaine. INCA arrested multiple suspects.

Significant Drug Seizure: Between May and July of 2023, INCA investigated a Riverside County criminal organization distributing large quantities of fentanyl throughout the Los Angeles area. During the investigation, INCA conducted an undercover operation, identifying suspects and seizing 130,000 fentanyl pills. A subsequent search warrant served at an associated residence led to an additional seizure of 7.08 pounds of fentanyl powder, 19.26 pounds of cocaine, and 54 pounds of methamphetamine.

Out-of-State Interstate Narcotics Seizure: The Merced Area Gang and Narcotic Enforcement Team (MAGNET) primarily investigates drug trafficking organizations, violent career criminals and gangs, in their geographical area. In July 2023, a California Highway Patrol (CHP) officer conducted a traffic stop on an Oregon license-plated vehicle traveling northbound on Interstate 5 in Merced County. The vehicle's driver fled the scene into a nearby almond orchard. MAGNET assistance was requested. Merced County Sheriff's Office, CHP, and MAGNET searched extensively for the driver but could not locate him. MAGNET took over the investigation, conducted interviews, identified the driver, obtained

warrants, and seized 162 pounds of fentanyl (700,000 pills), 133 pounds of methamphetamine, and 33 pounds of cocaine concealed in the vehicle.

Investigating Street Gangs:

Operation Broken Bonds: The High Impact Investigation Team (HIIT) mainly investigates drug trafficking organizations, violent career criminals, and gangs, in its region. In February 2023, HIIT partnered with the Fresno County Multi-Agency Gang Enforcement Consortium (MAGEC) Task Force, the Federal Bureau of Investigation, the Fresno County District Attorney's Office, and the US Attorney's Office to conduct a major investigation into the Varrio Colonia Parlier Norteños (VCPN) criminal street gang. VCPN was responsible for several homicides, drug trafficking, weapons trafficking, arson, and other violent crimes in Parlier, California. The investigation concluded with over 700 law enforcement personnel serving 55 search warrants (state and federal) and arresting 34 gang members and associates. Law enforcement seized 64 firearms, fentanyl, methamphetamine, cocaine, and \$26,000 in criminal proceeds. Additionally, the investigation prevented eight violent crimes, including a mass shooting. Suspects were charged with homicide, conspiracy to commit homicide, home invasion, armed robbery, carjacking, burglary, illegal weapons possession, narcotics sales, transportation of narcotics, extortion, and auto theft-related crimes.

Cracking Down on Drug Dealers:

Major Regional Fentanyl Trafficker Arrest and Seizure: The mission of the Placer Special Investigation Unit (PSIU) is to reduce illicit drugs and the associated crime in Placer County. In July of 2023, PSIU initiated an investigation targeting a major fentanyl trafficker with significant influence in the county. PSIU conducted undercover operations confirming that the suspect sold significant amounts of fentanyl, as well as identified residences for the suspect in Carmichael and Antelope, California. On August 8, 2023, PSIU facilitated the suspect's arrest. Subsequent search warrants were served, resulting in the arrest of additional suspects and the seizure of 9.8 pounds of fentanyl powder, ½ pound of cocaine, 8,000 fentanyl pills, 2.7 pounds of heroin, 16.3 pounds of methamphetamine, two firearms, and more than \$57,000 in criminal proceeds.

Investigating Human Trafficking:

Human Trafficking and Attempted Murder: The mission of the San Diego Human Trafficking Task Force (SD HTTF) is to rescue victims, hold their captors accountable, and promote community awareness. In December 2023, SD HTTF received a call from the National City Police Department regarding an attempted murder investigation. The suspect had been identified and may have also been the sex trafficker of the adult female victim in the attempted murder. SD HTTF interviewed the victim at the hospital. The victim said she and the suspect were from out of state and had arrived in San Diego about 10 days prior for her working as a prostitute. The suspect required her to give him 50% of her earnings if she made more than \$1,000 a day; however, if she made less than \$1,000 a day, the suspect kept all the money. Since coming to San Diego, the victim stated she had been working as a prostitute on the "blade" (an area of known prostitution activity). She said she used online websites to attract sex buyers. The victim stated the suspect not only physically beat her recently but has also done so in the past. The victim stated the suspect choked her and punched her in the face. The suspect told her he was going to kill her. When the victim attempted to flee, the suspect choked her a second time, and she lost consciousness. SD HTTF corroborated the victim's statements, and the suspect was later arrested for attempted murder, assault, and human trafficking crimes.

Illicit Cannabis Investigations:

Protecting the Environment and Eradicating Illicit Cannabis: The Eradication & Prevention of Illicit Cannabis (EPIC) program focuses on investigating illicit cannabis cultivation with an emphasis on environmental and economic harms, and labor exploitation. During the 2023 season, EPIC teams

operated between July 3, 2023, and September 29, 2023. The teams eradicated 904,140 cannabis plants at 855 illicit cannabis cultivation sites in 28 counties across California. In addition, teams seized 55.6 tons of processed cannabis from these illicit cultivation sites. The EPIC program also assisted with the arrest of 209 suspects and assisted in the seizure of 156 weapons during these eradication operations. Of these operations, 3.8 percent were located on public lands, designated forests, county parks, wildlife refuges, and conservation and/or preserve areas, accounting for 7.38 percent of the total cannabis plants seized. Notably, all the illegal cultivation operations on Public Land were determined to be controlled by individuals with ties to Transnational Criminal Organizations.

Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR):

Analytical Unit: The Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR) produces and provides intelligence products, enhanced information sharing and advanced system technology to local, state and federal law enforcement agencies to ensure officer safety and enhance operational efficiency and effectiveness. In 2023, a juvenile suspect shot and killed a man during a confrontation at a Los Angeles shopping center. Detectives arrested the suspect later that evening and seized the suspect's cell phone. Call detail records and forensic exports from the cell phone were provided to the LA CLEAR Analytical Unit for analysis and mapping. The case analyst mapped out the cell site and Timing Advance Record hits that displayed the phone traveling to and away from the incident location. The analyst also was able to interpret some significant activity from the forensic records. The analyst testified in the hearing, and subsequently the suspect was found guilty of the charges.

Special Operations Support Unit: A 35-year-old male, the son of a Hollywood executive, was accused of murdering his wife and her parents. He was also accused of discarding their dismembered body parts into a trash bin. In November 2023, the suspect allegedly hired four day-laborers to remove several heavy trash bags from his home. One of the laborers opened one of the bags and allegedly observed human body parts. They called 911 and reported the incident immediately. The same day, the suspect was caught on video dumping something in a nearby Encino, California dumpster. He was later arrested after someone rummaging through trash in the dumpster found a woman's torso and called 911. Under exigent circumstances, the Special Operations Support Unit (SOSU) within LA CLEAR assisted the Federal Bureau of Investigation (FBI), and Los Angeles Police Department (LAPD) in the investigation by hosting their electronic surveillance pen registers which helped locate the suspect.

LA CLEAR/LA HIDTA Training: The Los Angeles High Intensity Drug Trafficking Area (LA HIDTA) Training Initiative is a component of the LA HIDTA Intelligence Support System that includes LA CLEAR and Joint Regional Intelligence Center (JRIC). The LA HIDTA Training is designed to provide advanced law enforcement training courses to address the regional threat and training needs for federal, state, and local law enforcement. In 2023, LA HIDTA Training provided 171 in-house classes at the LA HIDTA Training Center/Studio. The LA HIDTA Training also partnered with INSTRUQ (a company that provides training) to provide live-streaming and video-on-demand classes for students. The LA HIDTA Training, JRIC and INSTRUQ provided training to 11,202 students, 83,173 student training hours, and presented over 750 classes, including the INSTRUQ video-on-demand classes. In 2023, the LA HIDTA partnered with other training companies and had 23 POST classes certified through the LA CLEAR/LA HIDTA. Those 23 LA HIDTA POST-certified classes issued 4,677 POST training certificates.

Law Enforcement Agency's Notification for Assembly Bill 1506 Incidents: Effective July 2021, LA CLEAR was designated as the central point of contact for law enforcement agencies notifying the California Department of Justice of an officer-involved shooting incident resulting in the death of an unarmed civilian, by their agency.

Western States Information Network (WSIN):

Watch Center: The WSIN is one of six Regional Information Sharing System (RISS) Centers. They

provide criminal intelligence information through organizational data systems containing more than 1.4 million records. Additionally, WSIN has a data search capacity that includes 28 other state and regional intelligence databases. All information available through WSIN is accessible to more than 1,657 law enforcement agencies, and 35,574 law enforcement officers, in Alaska, California, Hawaii, Oregon and Washington. WSIN also provides case analytical support and event de-confliction. In 2023, WSIN received 598,510 information inquiries from law enforcement officers, and posted 226,206 law enforcement operations. WSIN works in collaboration with other RISS Centers, such as LA CLEAR.



PUBLIC RIGHTS DIVISION

Overview

The Public Rights Division, through its 549 employees, serves Californians by protecting their civil rights, ensuring their access to effective and efficient healthcare, safeguarding the State's environment and natural resources, protecting state lands, maintaining competitive markets, preventing fraudulent business practices, protecting consumers against false advertising and other predatory practices, and preserving charitable assets.

The Public Rights Division consists of the following sections:

- Antitrust Law
- Charitable Trusts
- Civil Rights Enforcement
- Consumer Protection
- Corporate Fraud
- Environment Law
- Healthcare Rights and Access
- Land Use and Conservation
- Native American and Tribal Affairs
- Natural Resources Law
- Police Practices
- Worker Rights and Fair Labor

Antitrust Law Section

Overview

The Antitrust Law Section is responsible for civil and criminal enforcement of California's antitrust laws and has authority to file civil actions under federal antitrust law. The section works closely with other states and federal antitrust enforcement agencies to prevent anti-competitive and unfair business practices, such as price-fixing. The section also investigates potential antitrust violations, analyzes mergers and acquisitions, litigates cases in state and federal courts, and prosecutes criminal cases.

Major Accomplishments

Preventing Anti-Competitive Practices

California v. Vitol: In May 2020, the Attorney General filed a complaint charging two major gasoline trading companies with conspiracy to manipulate California gasoline markets between 2014 and 2016 by means of collusive and fraudulent trades on the spot market² to raise prices of larger transactions and the gasoline market as a whole. The lawsuit alleged that Vitol and SK took advantage of the market disruption following a February 2015 explosion at a gasoline refinery in Torrance, California, to engage in a scheme to drive up gas prices for their own profit. These alleged actions illegally suppressed competition within the gasoline market and forced California consumers to pay more for gasoline. The investigation leading to this complaint included information from the proceedings of the Petroleum

² A Spot Market is a financial market wherein financial instruments and commodities are traded for instantaneous delivery.

Marketing Advisory Committee of the California Energy Commission and its 2017 final report. We agreed to settlement terms for our lawsuit in 2023, and on July 9, 2024, we filed a motion for preliminary approval of our settlement. The \$50 million settlement reflects Attorney General Bonta's larger effort of holding Big Oil accountable for unlawful price increases and anticompetitive behavior.

US et al. v. American Airlines, Jet Blue: California joined the U.S. Department of Justice and six other states in this challenge to the Northeast Alliance codeshare agreement between these two airlines. The terms comprehensively governed routes, slots, and scheduling in a manner that eliminated true competition between them. The trial took place from September to November of 2022. In May 2023, we secured a complete victory as the court permanently enjoined American and JetBlue from continuing the Northeast Alliance. JetBlue announcement in July 2023 that it was terminating the Northeast Alliance and would not appeal the court's ruling. After American Airlines appealed the judgment, oral argument was held in June 2024.

US et al. v. Google (Search): In December 2020, California joined a U.S. Department of Justice complaint against Google for monopolization in online search and search advertising, along with 16 other states. The 10 week bench trial commenced on September 12, 2023, and concluded on November 16, 2023. Post-trial briefing was filed in February and March 2024. Closing arguments were held on May 2-3, 2024. A decision is expected in late summer or fall 2024.

US et al. v. Google (AdTech): In January 2023, California joined an action by the U.S. Department of Justice and other states against Google concerning the technology products that facilitate web display advertising ("AdTech"). The case was filed in the "rocket docket" in the Eastern District of Virginia. Fact discovery concluded in 2023, and expert discovery concluded in 2024. The court denied Google's motion for summary judgment in June 2024, and trial is set for September 2024.

Utah et al. v. Google (Play Store): In July 2021, California and other states sued Google for anticompetitive conduct in the distribution of apps and in-app purchases via the Google Play Store. The plaintiff states, which included all 50 states, the District of Columbia, and several territories, reached a tentative settlement with Google in September 2023 for \$700 million in monetary relief and injunctive terms to open the Play Store to competition. The multistate moved for preliminary settlement approval in December 2023, which included a plan to distribute automatically most of the settlement proceeds to affected consumers. The preliminary approval hearing was held February 26, 2024. As lead counsel for the multistate group, we responded to the court's request for further briefing on scope of release and distribution of settlement funds to consumers. On March 20, 2024, the court granted our administrative motion and ordered Google to deposit settlement funds into escrow while the court's decision is pending. Google transferred \$700 million in settlement funds on May 1, 2024.

California v. Amazon.com.: In September 2022, California filed suit against Amazon alleging that it enters agreements with third party sellers and vendors that prohibit them from allowing their products to be priced lower on a non-Amazon site in violation of California's Cartwright Act (Bus. & Prof. Code, §§ 16700-16770) and Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.). The court denied Amazon's demurrer in March 2023, and discovery is currently underway. Trial is scheduled in state court in August 2026.

Wisconsin et al. v. Invidior Inc. et al. (In Re Suboxone): In June 2023, California, along with 42 states, settled this litigation against the manufacturer of opioid addiction treatment drugs. The total amount of the settlement was over \$100 million, with over \$7 million going to California. The complaint was originally filed in 2016, alleging that Invidior engaged in "product hopping" to block competition. This settlement was in addition to an April 2021 nationwide settlement for \$300 million against Invidior, which resolved claims that Invidior falsely and aggressively marketed Suboxone, resulting in improper use of state Medicaid funds.

US et al. v. Agri Stats: In November 2023, California and four states joined a lawsuit by the U.S. Department of Justice seeking to enjoin Agri Stats from facilitating the exchange of competitively sensitive information regarding prices, output, and costs with its co-conspirators: broiler chicken, pork, and turkey meat processors. The complaint alleges these agreements stabilized and increased prices and reduced output in violation of Section 1 of the Sherman Act. The motion to dismiss was denied in May 2024 and trial is set for October 2025, with fact discovery through January 2025 and expert discovery through May 2025.

FTC et al. v Kroger: In February 2024, California and eight states joined an action filed by the Federal Trade Commission (FTC) to block the proposed merger between nationwide grocery chains Albertson's and Kroger. The complaint seeks a preliminary injunction to enjoin the parties from closing while an FTC administrative proceeding takes place. Kroger and Albertsons are the two largest national supermarket chains in the country and this merger presents a significant risk of reduced competition and higher food prices nationwide. In California specifically, Kroger's \$24.6 billion purchase of Albertsons is expected to further consolidate the highly concentrated retail grocery market in Southern California, leading consumers to face fewer choices and higher prices. The merger is also expected to reduce the ability of unions to negotiate working conditions at these stores, impacting thousands of employees in California. Trial is set for August 2024.

US et al. v. Apple: In March 2024, California joined the U.S. Department of Justice and 16 states in filing a complaint against Apple regarding anticompetitive conduct in the "performance smartphone" market. The case alleges that Apple has engaged in "moat building" monopolization with its high-end smartphones in order to make it harder to switch smartphone brands, including by deliberately interfering with third party apps and products to make interoperability more difficult. The complaint alleges that Apple's conduct has resulted both in higher prices for phones themselves as well as in the loss of innovation in the smartphone ecosystem.

U.S. et al. v. Live Nation Entertainment, Inc. and Ticketmaster: California and 30 states joined a lawsuit by the U.S. Department of Justice over Live Nation Entertainment and its subsidiary Ticketmaster continued failure to adhere to a consent decree entered in 2010 (and amended in 2020). The 2010 consent decree allowed Live Nation and Ticketmaster to merge subject to conditions. The conditions required Ticketmaster to license ticket software and divest ticketing assets, but the complaint alleges that Live Nation has impeded competition by using long term agreements and tying arrangements, along with threats that arenas that do not agree to use Live Nation's ticketing services will not have Live Nation's concert promotion clients tour those arenas and venues.

US et al., v. JetBlue Airways Corp. and Spirit Airlines: In March 2023, California and six states joined the U.S. Department of Justice in a complaint to block this merger. The merger would have eliminated Spirit, which is the largest ultra-low-cost carrier in the market and would have allowed JetBlue to raise its prices on routes where there were former overlaps with Spirit. California has two nonstop routes (LAX/Miami, LAX/ Cabo San Lucas) and two connecting routes (LAX/Haiti, and LAX/Aguadilla, Puerto Rico) that would have been significantly affected. Following the trial from October through December 2023, in January 2024 the court permanently enjoined the merger. JetBlue and Spirit initially appealed the injunction, but then terminated the proposed merger agreement and dismissed their appeal.

Amicus Brief for Epic v. Apple Appeal (Ninth Circuit): The Attorney General submitted an amicus brief in the Ninth Circuit appeal of the *Epic v. Apple* decision, seeking to provide guidance on California's Unfair Competition Law. The underlying *Epic v. Apple* decision found against the plaintiff on all the federal and state antitrust claims but held that California's Unfair Competition Law was not coterminous with those antitrust claims. Our brief was filed in March 2022, and we participated in oral argument in October 2022. On April 24, 2023, the Ninth Circuit issued a published opinion affirming the judgment and confirmed the independence of California's Unfair Competition Law, even where

a plaintiff does not prevail on a federal antitrust claim. The opinion reflects many of our arguments, themes, and key case citations. The decision preserves and enhances the Unfair Competition Law's status as an important source of protection for consumers and competition.

Expansion of Section and Resumption of Criminal Prosecution

The Antitrust Law Section is in the process of expanding its headcount after the Legislature granted it 20 new positions in July 2023. These include the addition of attorney and paralegal positions, as well as new classifications for economists, analysts, and a dedicated special investigator. The section has also stated an intention to resume criminal investigation and prosecution of antitrust law violations, utilizing the existing authority within the Cartwright Act.

Charitable Trusts Section

Overview

The Charitable Trusts Section exercises the Attorney General's authority over charities, charitable trustees, and for-profit professional fundraisers, including charitable fundraising platforms that operate in California. The section is responsible for:

- Identifying, registering, collecting, and maintaining records for public viewing of charities and professional fundraisers operating in California through the Registry of Charities and Fundraisers.
- Prosecuting charity fiscal abuse, including fraud, diversion, and mismanagement of charitable assets, and gross mismanagement of charity by directors and officers in charge.
- Prosecuting fraudulent or misleading charitable solicitation and reporting.
- Reviewing transactions that have a significant impact on the charity and its assets, including mergers, sale of assets, conversion to another corporate form, disposition of assets at dissolution, and requests to modify or terminate restrictions placed on charitable gifts.
- Representing the People, as the beneficiaries, in probate proceedings involving gifts to unnamed charities contained in trusts and wills.
- Prosecuting, through administrative proceedings, cease and desist orders and other legal actions arising out of the Registry of Charities and Fundraisers for failures to register and report by charities and fundraisers, including raffle violations.
- Representing the State Controller's Office in escheat proceedings.
- Maintaining the Registry of International Student Exchange Visitor Placement Organizations.

Major Accomplishments

Managing Reporting

Registry of Charities and Fundraisers: The Registry of Charities and Fundraisers manages the registration and annual reporting requirements for charities, charitable trustees, and charitable fundraisers, including charitable fundraising platforms, and provides these reports for public viewing on the DOJ webpage. The Registry receives and processes initial registration and annual renewal reports for charities and professional fundraisers. Currently, over 108,000 registered charities are required to

file annual reports with the Registry. In the past two years, the Registry also responded to over 454,467 requests for information and made over 446,457 documents available to the public. Total documents available to the public now exceed 3.3 million.

The following table reflects some of the Registry’s core metrics:

Registry of Charities and Fundraisers Statistics	2022-2024 Biennial Volume
Initial Charity Registration Forms Processed	12,989
Annual Charity Renewal Reports Processed	139,071
Charity Delinquency Notices Issued	78,175
Charity Dissolution Requests Processed	3,742
Charity Dissolution Waivers Issued	3,442
Raffle Registration Forms Processed	13,323
Raffle Report Forms Processed	9,258
Professional Fundraiser Registration Forms Processed	1,857
Professional Fundraiser Financial Reports Processed	3,349
Professional Fundraiser Notice of Intent Forms Processed	5,972
Complaints Processed	2,692

Operational Notes: This reporting period reflected the transition from the COVID-19 pandemic and natural disaster restrictions and constraints to a more normalized and open economy. Charities worked to reestablish operations and reconstitute staff and funding. With that, Charities was able to resume standard in-person fundraising events and services. The Registry resumed its enhanced notice communication strategies using standardized letters, postcards, and emails. The combined results elevated submission volumes and overall compliance results such as requests for information, the number of delinquency notices issued, annual charity renewal reports processed, and the initial charity registration forms processed. In late 2023, the Registry hit a new plateau of charity compliance, with 72 percent of registered charities current in their registration and renewal filings, 26 percent delinquent in their filings, and 2 percent classified as other. Although this accomplishment only reflects a point in time, the goal of the Registry is to maintain and enhance this much improved and outstanding standard from years prior.

With Assembly Bill 488, new statutes (Gov. Code, section 12599.9, 12599.10, discussed in more detail below) and implementing regulations went into effect to address charitable fundraising occurring over the internet. Regulations implementing sections 12599.9 and 12599.10, with registration and reporting forms, went into effect on June 12, 2024. These new laws require online charitable fundraising platforms and platform charities to register with the Attorney General’s Registry of Charities and Fundraisers prior to engaging in any online solicitations, and to report on the fundraising activities. The laws and regulations addressing charitable fundraising on platforms were needed to address the growing emergence of fundraising on internet platforms and the need for updated laws to adequately govern fundraising platforms. It is anticipated that these new laws will provide valuable assistance towards the Registry’s registration and reporting compliance objectives because, in addition to registration and reporting, the charitable fundraising platforms must verify and ensure that only charities in good standing with the Registry may be selected to receive and be sent, donated funds.

Modernizing Processes

Emerging Trends and Strategic Priorities: The Registry continues to broaden the use of technology in support of the availability of expedited payment options, alternate document submission methods, and the delivery of expanded and accessible content to the public. Technology is used to create greater operational efficiencies and enhanced communication strategies to ensure public awareness and improved charity compliance.

During this reporting period, the Registry initiated a major technology project entitled “Business Modernization,” which is to be completed in two phases. This project commenced in July of 2023 and will conclude in July 2025. The first phase went live on July 5, 2024, to allow for electronic registration of charitable fundraising platforms and their partnering organizations. We set the requirements for Phase 1, which includes defining the functionality of the registration and reporting forms for charitable fundraising platforms and platform charities in the online filing service and back-end systems. We also procured and are working with the Criminal Justice Information Services Division and vendors to build the online filing service. Phase 2 involves migrating the Registry’s other registration categories to the service. We continue to manage the development of the registration and reporting forms and the online filing service for Phase 1 maintenance and Phase 2 development. The goal of this project is to automate workflows, allow for electronic form and payment submission, and replace the database. The key benefits will be overall enhanced time efficiency, greater ease of use, and enhanced data analytics.

Online Charity Fundraising and Submission of Nonprofit Transaction Notices

Charitable Fundraising on Internet Platforms: The Attorney General’s Office was instrumental in drafting legislation that modernized the Supervision of Trustees and Fundraisers for Charitable Purposes Act through enactment of statutes to regulate charitable fundraising on internet platforms. Newly enacted Government Code sections 12599.9 and 12599.10 require charitable fundraising platforms to register and report to the Attorney General. Their partnering platform charities will also be subject to reporting requirements. This is the first statutory framework of this kind in the country. On March 26, 2024, the Office of Administrative law approved the regulations and corresponding registration and reporting forms, (PL-1, PL-2, PL-3, and PL-4) implementing Government Code section 12599.9 and 12599.10. The new statutes and regulations protect donors and recipient charities from deception and other wrongdoing that may occur through the soliciting, handling, and distribution of donations made through the platforms and platform charities. The online registration of charitable fundraising platforms officially began on June 12, 2024.

Nonprofit Transactions: Nonprofit organizations are statutorily mandated to provide notice to and/or obtain approval from the Attorney General for transactions such as sale of assets, mergers with other entities, conversions of their nonprofit status, loans, and dissolutions. Such notices were traditionally submitted in paper form, by mail. Changes were made to the Attorney General’s webpage to allow for notices to be submitted online.

Raising Donors’ Awareness

Resource Information and Public Outreach: The Registry provides resource materials such as the *Attorney General’s Guide for Charities* and *Guide to Charitable Giving for Donors*. The Registry also publishes the Attorney General’s Annual Commercial Fundraising Report, which contains a summary of charitable solicitation campaigns conducted by commercial fundraisers. The report assists the public in making informed decisions on spending charitable dollars. In addition, the Registry posts informational webinars on initial registration, registration renewal, delinquency, raffles, professional fundraisers, and dissolution/withdrawal from registration. The Registry also prepared and posted a webinar on Best Practices for Charities During Pandemics and Disasters. On average, these webinars are viewed 2,000 times per month.

Public Outreach and Education: During this reporting period, the Charitable Trusts Section engaged in 24 public outreach and education efforts through presentations, in person and virtually, to the National Association of State Charity Officials, Western Conference of Tax Exempt Organizations, Georgetown Law Conference, various Bar Associations — including the California Lawyers Association — Nonprofit Organizations Committee, to law students at UCLA and master’s degree students at University of San Francisco and San Francisco State University, to California Association of Nonprofits, and to Parent Teacher Associations, to name a few.

New Regulations and Forms, and Updates to Forms

For this reporting period, updates for new regulations and new and updated registration and reporting forms include: the renumbering of all regulations related to the supervision of charities and fundraisers for ease of use and logical placement in one chapter of the Code of Regulations; updating all forms to reflect the Registry’s new name from Registry of Charitable Trusts to Registry of Charities and Fundraisers; introducing new forms/applications for verification of postsecondary educational institutions that converted to a nonprofit corporation from a for-profit; new regulations on the sale of all or substantially all assets by charitable trusts; new regulations containing definitions and other information to assist with the asset sales by nonprofit corporations and charitable trusts; and the new regulations and forms for charitable fundraising platforms and platform charities. The new regulations and forms are meant to improve notices required to be filed with our office and improve reporting accountability and data transparency reported by nonprofit corporations, trusts, and fundraisers. The Registry’s name was changed due to public confusion and countless inquiries as to whether only trusts need to register with the Registry.

Auditing the Selling, Transferring, and Disposing of Charitable Assets

During this reporting period, the Charitable Trusts Section conducted financial reviews of 451 transactions. Public benefit corporations, mutual benefit corporations (that have assets held in charitable trust), religious corporations, and charitable trusts that sell, transfer, or dispose of all or substantially all of their assets are required to give the Attorney General 20-day advance notice of the proposed transaction. The auditors and attorneys in the section review these notices to evaluate whether the board approves the transaction, whether the charitable organization is receiving fair market value, whether the transfer is in the best interest of the charity, how the proceeds of the sale will be used, and to ensure that the property is not being transferred to a charity insider. The auditors and attorneys also review conversion and merger transactions. A public benefit corporation cannot convert into a mutual benefit corporation, religious corporation, business corporation, social purpose corporation, or cooperative corporation unless the Attorney General provides written consent. Conversion and merger transactions are reviewed to ensure that charitable assets are properly being transferred to another charity, and any restrictions on the assets remain in place. The section also reviews dissolution requests. All California nonprofit corporations seeking to dissolve must obtain the Attorney General’s written waiver, without which the Secretary of State will not grant the dissolution request.

Registry of International Student Exchange Visitor Placement Organizations

During this reporting period, the Charitable Trusts Section reviewed and processed 133 applications from the international student exchange visitor placement organizations.

Investigations of Charities and Fundraisers, Review of Probate, and Other Court Notices

During the last two years, the Charitable Trusts Section opened 62 audit investigations, filed 10 enforcement actions, settled 13 cases, and attended 30 mediations. In addition, the section reviewed 4,922 notices of matters involving a gift to charity, assets held in charitable trust, disposition, or gifts of

assets to an unmade charitable beneficiary or property that may escheat to the State of California.

A sample of significant cases, settlements, appellate decision, and statutory enactment include:

Protecting Charities

Turner v. Victoria: On August 3, 2023, the California Supreme Court issued its opinion in *Turner v. Victoria*, holding that a director of a charity, suing on behalf of a nonprofit corporation, does not need to have continuous directorship throughout the litigation to maintain standing to sue. The Charitable Trusts Section and the Office of the Solicitor General filed an amicus brief arguing that the relevant statutes' text, context, history, and purpose support the view that nonprofit directors do not lose standing to sue if they are ousted from the board, or their terms end, after they file suit. The Supreme Court overturned a contrary decision from the Fourth District Court of Appeal, resolving a conflict with the Second District. The opinion quotes, and refers to, our amicus brief and confirms that by giving directors standing to sue to enforce laws governing nonprofit corporations, the Legislature intended to supplement the Attorney General's role in protecting charities.

Investigating and Prosecuting Fraudulent Charities and Fundraisers

African-American Male Achievers Network: In 2017, African-American Male Achievers Network (A-MAN), a nonprofit public benefit corporation, paid \$2,401,100 to Bettye Walker and Hildreth Walker, Jr., as "retroactive compensation" for their 25 years of service to the charity. Under the Corporations Code, a charity may compensate its directors and officers, but the compensation must be just and reasonable, the amount must be authorized at the time of the hiring, and during any renewal or extensions of the employment agreement, memorialized in board meeting minutes, approved by disinterested board of directors, and supported by evidence such as compensation studies. The board of directors of A-MAN did not follow proper procedures and lacked supporting documents. In addition, the payment was funded by the sale of A-MAN's primary asset, a building in Inglewood. A-MAN failed to give the Attorney General notice of the sale as required by Corporations Code section 5913. The matter was resolved through a settlement agreement, with the Walkers returning \$1.7 million of the funds received back to the charity.

AIDS Healthcare Foundation, Linn Trust: Lawrence Linn, a UCLA professor, donated property to AIDS Healthcare Foundation (AHF) for AIDS hospice use. The donation included the condition that when the property was no longer needed for hospice it should be transferred to a charity serving the gay and lesbian community for affordable senior housing. As a result of the significant improvements in AIDS treatment, AHF has not used the property for hospice since at least 2008. However, rather than transferring the property to another charity, it entered into an agreement to sell it to a for-profit company and filed a petition to have the court authorize the sale. The Attorney General's Office opposed the petition and eventually negotiated a revised order that will allow AHF to operate the Connie Norman Transgender Empowerment Center at Linn House to provide services to the transgender community, but will continue to prohibit the sale of the property without prior approval from the Attorney General.

Mickey Barreto and Mickey Barreto Missions: Mickey Barreto founded Mickey Barreto Missions and attempted to take over a church, both by submitting fraudulent records to the California Secretary of State and to the Attorney General's Registry of Charities and Fundraisers. The Charitable Trusts Section issued a cease and desist order and a notice that the Attorney General's Registry was revoking the registration of Mickey Barreto Missions. Barreto appealed and a contested evidentiary hearing followed, with preliminary decision by the hearing officer. On January 31, 2024, the Attorney General issued a decision upholding the cease and desist order and revoking the charity's registration.

Estate of Beatrice Zitter: Beatrice Zitter's son petitioned the court to transfer property (the decedent's

home) from her charitable foundation to Beatrice Zitter's estate. Both the will and trust bequeathed the property to the Human Eyes Help the Blind and Partially Sight however, there was no evidence the charitable foundation was ever active. Based on our objection, the court agreed that the property should be distributed through cy pres (as near as possible) to a charity with a similar charitable purpose. A successor trustee was appointed to sell the house, marshal the assets, and prepare an accounting. A Petition for Final Accounting and Distribution was granted in March 2024. This order resulted in the distribution of over \$600,000 to charities (Blindness Support Services, the Society for the Blind, the Lighthouse for the Blind and Visually Impaired, and the Vista Center for the Blind and Visually Impaired).

In re Saghafi Living Trust: The case involved \$5 million in real estate, multiple claimants, a handwritten amendment, a special-needs family member, and an unnamed charity to be selected by the settlor's longtime attorney. The Attorney General's Office received notice of the mediation and, assisted in facilitating a settlement that provides for the special-needs beneficiary and netted the charity approximately \$1.3 million.

In the Matter of Neal Zeavy, Raffle Administration Corp, NZ Consulting: In violation of Penal Code section 320.5, Neal Zeavy and his companies Raffle Administration Corp. and NZ Consulting contracted with charities to conduct "Dream House" raffles in California. Under the agreements with charities, Zeavy received ten percent of the proceeds of the raffles, resulting in more than \$20 million in unlawful payments to him and his companies. A settlement was reached wherein Zeavy agreed to pay \$5.5 million and agreed to injunctive terms including an assurance of voluntary compliance

People v. AERO Institute: AERO Institute received funding from NASA to promote STEM in local schools. In June 2017, the Los Angeles County District Attorney filed charges against the mayor of Palmdale and two of AERO's officers/directors for embezzlement, misappropriation of public funds, and grand theft resulting in guilty pleas. In June 2021, the District Attorney filed related charges against AERO's executive director. The Attorney General's Office filed a complaint in the Los Angeles County Superior Court to involuntarily dissolve AERO. On June 3, 2024, the court entered judgment involuntarily dissolving AERO and distributing more than \$1 million in its remaining assets to other charities to fulfill its charitable purpose.

People v. Newton Center et al.: The Attorney General's Office filed a complaint against Newton Center, a nonprofit, its directors and officers, and its related for-profit corporations alleging self-dealing, various breaches of fiduciary duty, and other charitable trust allegations. The nonprofit itself performs no services but outsourced all exempt activities to its founders' for-profit corporation. The case proceeded to trial in 2023 and was completed in early 2024. A final statement of decision has not yet been rendered.

College and University Transactions

Holy Names University: To protect Holy Names University's (HNU) nonprofit assets after its closure, the Charitable Trusts Section has been working with HNU, which still holds a large endowment fund, and approximately 86 other endowment funds worth approximately \$12 million, to modify restrictions contained in the gift instruments. This resulted in a successful petition to the court to allow HNU to issue scholarships to transferring graduate and undergraduate students with GPAs of 3.0 and above to assist those students in completing their degrees at another college or university. As HNU pivots its mission from operating an educational institution to that of a grant giving nonprofit, the section will continue to work with HNU on the use of the remaining endowment funds.

Mills College: Upon review of Mills College's notice of its intent to merge with Northeastern University, the Charitable Trusts Section issued a notice of non-opposition after it determined that Mills students

could pursue their intended majors and minors through Mills College at Northeastern University and that the unique legacy of Mills would be preserved by the Mills Institute. A related breach-of-fiduciary-duty lawsuit filed against Mills by its alumnae association was ultimately dismissed.

Civil Rights Enforcement Section

Overview

The Civil Rights Enforcement Section enforces civil rights laws on behalf of the State of California, bringing cases on behalf of the Attorney General in his independent capacity as well as representing various state agencies in litigation.

The section acts to redress significant violations of civil rights laws or where an important or unsettled issue of law is presented. The section houses several bureaus:

- The Bureau of Children’s Justice works to protect the civil rights of children and youth and hold institutions that fail to uphold these rights accountable.
- The Disability Rights Bureau is focused on protecting and advancing the rights of all people with disabilities in California.
- The Racial Justice Bureau focuses on the sections and the office’s efforts to address racial and social justice issues and combat unlawful race and ancestry-based discrimination in a variety of different areas, including voting rights, immigration, law enforcement, and hate crimes.

Major Accomplishments

Documenting the History of Slavery and Developing Reparation Proposals

Supporting the California Reparations Task Force: Pursuant to Assembly Bill 3121, the Department of Justice provided legal, administrative, and technical support to the California Task Force to Study and Develop Reparation Proposals for African Americans. The Reparations Task Force was the first of its kind by a state government, and over the course of its two-year life span, held numerous hearings to document the history of enslavement in the United States and California, the enduring effects of systemic racism in California, and potential approaches for implementing a system of reparations in California. The [final report](#), released in June 2023, created an historical record of the atrocities perpetrated against Black Americans in California and across the nation and recommended a comprehensive approach for the Legislature to consider in implementing reparations, including providing methodologies for calculating reparation payments as well as setting out numerous policy proposals for the Legislature to consider to redress atrocities.

Combatting Hate Crimes

Issuing Law Enforcement Bulletins, Legal Alerts, and Guidance regarding Hate Crimes and/or Hate-related Acts: In June 2023, the Department of Justice (DOJ) published a regarding laws prohibiting hate crimes and providing for enhanced penalties for hate-related acts. The bulletin updated prior law enforcement bulletins on this topic to include relevant changes in California law, aiming to ensure that state and local law enforcement officials across California have the necessary information and tools to continue to respond appropriately and swiftly to hate crime activity. Specifically, the bulletin was updated to include Assembly Bill 2282 (AB 2282) and Assembly Bill 557 (AB 557). AB 2282 brought parity to penalties for burning crosses and using swastikas and nooses in current hate crimes law, codifying that individuals who use any of these three symbols of hate will be subject to the strongest criminal penalties. AB 557 requires DOJ to establish a grant program for the purpose of

creating, supporting, or expanding vertical prosecution units for the prosecutions of hate crimes by authorizing the department to provide one-time grants to selected prosecutorial agencies in a manner and in an amount determined by the department. This complemented the office's prior issuance of a guidance for prosecutors, and was followed by alerts to law enforcement regarding protecting various communities in California against potential threats of violence relating to world events. More information is available on the DOJ's webpage regarding Hate Crimes, located here: <https://oag.ca.gov/hatecrimes>.

Countering Racial Bias in Policing

Continuing Implementation of the Racial and Identity Profiling Act (RIPA) of 2015: The Racial and Identity Profiling Advisory Board established by the Attorney General pursuant to RIPA is statutorily mandated to release an annual report focusing on the analysis of stop data submitted by California law enforcement agencies and policy recommendations for eliminating unlawful racial and identity profiling. During this biennial period, the RIPA Board released the annual reports. The 2023 report analyzed RIPA stop data from January 1, 2021 through December 31, 2021, collected and reported by 58 law enforcement agencies, including the 23 largest law enforcement agencies in California, which totaled approximately 3.1 million stops. The 2024 report analyzed more than 4.5 million stops by 535 California law enforcement agencies from January 1, 2022 to December 31, 2022. The annual reports also examined civilian complaint data, accountability systems, racial and identity profiling trainings, youth interactions with law enforcement, and pretext stops. Through these reports, the RIPA Board made recommendations for law enforcement agencies to enhance and improve their policies, procedures, and trainings in order to eliminate bias and profiling.

Independent Public Review Process for the Torrance Police Department: The Attorney General initiated a first-of-its-kind public independent review of the Torrance Police Department (TPD) and its systems, policies, and practices. The review follows allegations that a group of TPD employees were involved in exchanging bigoted text messages, which was discovered in the criminal investigation of two now-former TPD officers facing charges for allegedly vandalizing a vehicle with a swastika. The Department of Justice will issue findings and recommendations for improvements that TPD will be required to adopt and implement. As set forth in a memorandum of understanding with TPD and the City of Torrance, the goals of this effort are "to increase public trust, address and eliminate bias, and support effective, informed, contemporary, and innovative policing practices." The review is ongoing as of the time of publication of this report.

Successfully Combating Discrimination in Education

People of the State of California v. Chino Valley Unified School District: In August 2023, the Attorney General sued the Chino Valley Unified School District to enjoin its "forced outing" policy requiring schools to disclose students' gender identity to parents without the student's consent, risking harm. The San Bernardino Superior Court issued a temporary restraining order against the policy in September 2023, followed by a preliminary injunction in October 2023. Following these rulings, in January 2024, Attorney General Bonta issued a legal alert reminding all California schools that policies mandating disclosure of students' gender identity to parents without the students' consent, which could result in physical, emotional or psychological harm, violate state law. The Civil Rights Enforcement Section also filed an amicus brief supporting private plaintiffs in a lawsuit challenging a similar restrictive policy, along with curriculum restrictions, in another California school district. The Attorney General also worked with a coalition of other state attorneys general from around the country to advocate for the privacy rights of transgender students through numerous amicus curiae briefs filed in courts across the country.

Successfully Redressing Discrimination Through Mojave Unified School District Judgment: In May 2024, following the Mojave Unified School District's substantial compliance with a four-year stipulated

judgment, the judgment expired. The judgment aimed to protect students and improve the district's handling of discrimination and retaliation complaints, alternative education programs, and staff training. The district also agreed to implement a two-year plan to reduce disproportionalities for African American students and students with disabilities.

Issuing Guidance Regarding K-12 School Closures and Mergers: In April 2023, the Attorney General issued statewide guidance outlining legal obligations and best practices for school districts considering school closures, mergers, and consolidations. The guidance supports local education agencies in carrying out their duty to provide equal educational opportunity and remedy segregation harms, while improving community trust, parent engagement, and reducing legal risks throughout the process.

Issuing Guidance Regarding Freedom of Expression and Anti-Harassment: In November 2023, the Attorney General issued guidance reminding K-12 schools, colleges, and universities of students' freedom of expression rights and the obligation to protect all students from discrimination, including preventing and combating discriminatory hostile environments.

Issuing Guidance Regarding State-Mandated Inclusive Curricula: In January 2024, the Attorney General issued a legal alert to all California county education offices, school districts, and charter schools emphasizing their obligation to provide inclusive curricula in public K-12 schools per recently enacted laws Assembly Bill 1078 (AB 1078) and Assembly Bill 101 (AB 101). AB 1078 expands inclusive curricula rights, while AB 101 mandates completion of an ethnic studies course for high school graduation starting with the class of 2023.

Working to Ensure Equity in Admission in Higher Education: The Attorney General joined multistate amicus briefs in two cases, *Coalition for TJ v. Fairfax County* (4th Cir.) and *Boston Parent Coalition v. School Committee of the City of Boston* (1st Cir.), supporting school boards' race-neutral policies designed to increase diversity and access for underrepresented students. The briefs argue that strict scrutiny should not apply to such policies, which have been endorsed by the Supreme Court and used in states like California. Similarly, the Attorney General joined a multistate amicus brief filed in the U.S. Supreme Court in *Students for Fair Admissions v. President and Fellows of Harvard*, advocating for the protection of diversity in higher education admissions. The brief argues for the use of "holistic race-conscious admissions policies" when necessary to achieve a constitutionally permissible and substantial purpose.

Pursuing Fair Housing and Justice for the Unhoused

Supporting Access to Housing Through Crime-free Housing Guidance: In April 2023, the Civil Rights Enforcement Section guidance to California cities and counties directing them to review and modify, or repeal, their crime-free housing policies to ensure compliance with federal and state civil rights laws. In February 2024, DOJ updated guidance outlining cities' and counties' obligations under the recently enacted (AB 1418). Authored by Assemblymember Tina McKinnor (D-Inglewood), AB 1418 prohibits local governments from, among other things, enacting ordinances, regulations, and rules that impose penalties on tenants and landlords solely for contacts with law enforcement. It is the first law in the nation that regulates crime-free housing programs.

Providing Feedback to the Federal Government in Support of the Community Reinvestment Act: In August 2022, the Attorney General led a coalition of 19 attorneys general in a comment letter in support of a federal regulators' proposal to revise and strengthen regulations under the Community Reinvestment Act (CRA). The CRA is a critical civil rights law enacted by Congress to prevent racially discriminatory redlining in housing and encourage banks to help meet the credit needs of all segments of their communities, including low- and moderate-income neighborhoods and individuals. In the comment letter, the coalition expressed support for the federal agencies' proposed rule and urged

them to go even further in implementing reforms to help tackle persistent racial and economic disparities exacerbated by the COVID-19 pandemic.

Providing Feedback to the Federal Government in Support of Reducing Barriers to HUD-Assisted Housing: In June 2024, the Civil Rights Enforcement Section submitted a comment letter in support of a proposed rule by the U.S. Department of Housing and Urban Development (HUD) that would reduce barriers to HUD-assisted housing for justice-involved individuals, or those with past involvement in the criminal legal system. The comment letter provides general support for the proposed rule and offers several suggestions to strengthen the proposed rule's effectiveness and to more effectively reach its articulated goals of promoting second chances and minimizing the unnecessary exclusion of justice-involved individuals from HUD's programs.

Advocating for Access to Housing for Unhoused Persons with Disabilities: In October 2022, the Attorney General submitted a friend-of-the-court brief to the Marin County Superior Court in *S. Eliseo Neighborhood Alliance, et al. v. Marin County Development Agency, et al.*, urging the court to deny the writ petition aimed at halting a development for formerly homeless individuals in Marin County. In this case, the Marin County Board of Supervisors voted to acquire and rehabilitate a former skilled nursing facility in Larkspur and, using funds provided by the State's Homekey Program, convert it into permanent supportive housing for people with disabilities who experience homelessness. A neighborhood association filed suit challenging the development, arguing that it did not qualify for exemptions from California Environmental Quality Act (CEQA) review or a local referendum under Article 34 of the California Constitution. The Attorney General filed an amicus brief in support of Marin County and the project's non-profit developer, arguing that the development should not be subject to CEQA or Article 34 because the Legislature created express statutory exemptions for Homekey Program developments. The court cited this amicus brief in its ruling denying the writ petition.

Protecting Voters' Rights

Protecting Access to Voting for Eligible Persons With a Criminal History or Who are Incarcerated: On October 11, 2022, in advance of the November 2022 elections, the Attorney General issued an information bulletin providing necessary information to local law enforcement agencies to protect the right to vote of individuals who have a criminal history or who are currently incarcerated but are nonetheless eligible to vote.

Protecting Free Speech

Combatting Viewpoint Discrimination through Stipulated Judgment Against Kern County: On December 8, 2023, the Attorney General obtained a stipulated judgment against Kern County regarding the County's policies and practices related to free-speech rights guaranteed under the California Constitution and the First Amendment of the U.S. Constitution. The stipulated judgment addressed the County's violation of the free-speech rights of a coalition of community-based organizations and a small business when it refused to enter into contracts with the coalition because they had engaged in constitutionally protected free-speech activities—specifically, participating in the public debate about “defunding the police,” and expressing support for defunding particular police agencies. As part of the stipulated judgment, the County will engage in a comprehensive set of actions to protect the rights of contractors, employees, and employment applicants to freedom of speech, to freely associate and assemble, to petition the government for redress of grievances, and to instruct representatives. The Civil Rights Enforcement Section is now monitoring the County's compliance with the judgment.

Issuing Guidance Regarding the Legal Rights of the Public During Protests, Demonstrations, and Gatherings: In October 2023, our office issued an information bulletin to provide guidance to California state and local law enforcement agencies regarding the legal rights of the public at protests, marches, demonstrations, rallies, and similar gatherings under the United States and California Constitutions, and

state and federal statutory law. In the bulletin, the Attorney General urged all law enforcement agencies to adopt policies and practices consistent with these laws, and to train their personnel accordingly.

Defending Immigrants' Rights

Continuing Implementation of Immigration Detention Facility Review Initiative: In July 2022, the Attorney General issued our third report under Assembly Bill 103 (AB 103), Government Code section 12532. Pursuant to AB 103, the Civil Rights Enforcement Section will continue to conduct site inspections and issue reports on the conditions of confinement in immigration detention facilities in California through July 1, 2027. The 2022 report provided a focused review of how the immigration detention facilities operating in California responded to the COVID-19 pandemic in the latter half of 2021, helping shed light on conditions of confinement and the facilities' level of compliance with public health and safety measures.

Supporting Immigrant Victims of Crime Through Continued Updates to U Visa Law Enforcement Bulletin: In April 2023, the Attorney General issued a law enforcement bulletin regarding the Immigrant Rights Act, Assembly Bill 1261 (AB 1261). AB 1261 provides additional affirmative obligations when California law enforcement officials respond to requests for U non-immigrant visa certifications, building on existing requirements codified in the Immigrant Victims of Crime Equity Act (2016) and Assembly Bill 917 (2020). U visas are a temporary immigration benefit for qualified applicants who are victims of qualifying crimes. To obtain the visa, the applicant must submit a certification completed by a law enforcement or government official confirming their helpfulness or cooperation in the investigation or prosecution of the qualifying crime. As described in the law enforcement bulletin, AB 1261 added new requirements for certifying officials, including that they: (1) must complete U visa certifications, upon request, for direct victims, indirect victims, and bystander or witness victims; (2) must complete the certification within 7 days if the individual asserts their qualifying family member will lose eligibility to apply for a U visa within 60 days; and (3) cannot refuse a certification based on certain irrelevant factors such as the applicant's criminal or immigration history.

Continued Leadership in Supporting Deferred Action for Childhood Arrivals (DACA): In February 2024, the Attorney General co-led a coalition of 22 attorneys general in filing an amicus brief opposing the ongoing, misguided efforts by other states to force the termination of the Obama-era DACA program. Since the program was created in 2012, nearly 800,000 young immigrants who were brought to this country as children have been granted DACA after paying application fees, submitting to and passing background checks, and applying for work permits. The brief emphasized that DACA is a lawful exercise of Executive Branch authority; DACA recipients are vital to amici states' communities, public universities, and economies; DACA enhances public safety and reduces the strain on social safety net programs; amici states have structured their laws and regulations in reliance on DACA and the benefits it confers; and abrupt termination of DACA would disrupt and harm DACA recipients and amici states.

Standing up for Immigrant Children in the Flores Litigation: In December 2023, the Attorney General led a 19-state coalition commenting on the U.S. Department of Health and Human Services' (HHS) proposed Unaccompanied Children Program Foundational Rule. In the letter, the states supported enhanced protections aligned with the Flores Settlement Agreement, but raised concerns about unlicensed facility placements. The letter urged HHS to require state licensing or compliance with state regulations for all facilities housing children, plus comprehensive federal oversight. This comment letter is in furtherance of California's litigation against the Trump Administration's Departments of Homeland Security and Health and Human Services' attempts to roll back critical protections for children in immigration detention facilities provided by the class action settlement in *Flores*, would have permitted prolonged indefinite detention of children and their families, and undermined the states' power to license children's residential facilities. Much of the final rule was permanently enjoined by the Ninth Circuit in a related challenge in the *Flores* class action. On July 20, 2023, the court approved the parties'

stipulated dismissal as to DHS, without prejudice, and addressing the treatment of immigrant children detained in U.S. Customs and Border Patrol custody. In July 2024, the plaintiff states filed a request to dismiss their claims against HHS after HHS issued final regulations that replaced the Trump era regulations.

Weighing in on Proposed Changes to Asylum Procedures: In March 2023, the Attorney General led a coalition of 11 states and the District of Columbia in a comment letter expressing concerns regarding a proposed rule that would impose additional conditions on migrants seeking asylum at the southern border. The proposed rule would require (1) most asylum seekers who enter between ports of entry to have applied for asylum in a country they transited through as a condition of receiving asylum in the United States, and (2) asylum seekers who present at a port of entry to sign up for an appointment through the CBP One online application. In the comment letter, the coalition expressed support for the federal government's goal of ensuring lawful, safe, and orderly mechanisms for migrants to seek asylum in the United States, but argued that the proposed rule is inconsistent with the Immigration and Nationality Act and could potentially harm already vulnerable asylum seekers and the coalition states.

Combating Discrimination and Exclusion on the Basis of Gender Identity

Advocating for Equal Access to Participation Under Title IX: In May 2023, the Attorney General co-lead a multistate comment letter in response to the U.S. Department of Education's proposed rulemaking interpreting Title IX of the Education Amendments of 1972, and its application to transgender student-athletes. The letter supports the proposed rule's prohibition on blanket laws banning transgender student-athlete participation. It also recommends strengthening provisions of the proposed rule to further protect against discrimination. The Civil Rights Enforcement Section continued to join with other state attorneys general throughout this biennial period in numerous amicus curiae briefs addressing a variety of issues pertaining to the right to participate for transgender athletes, including challenges to blanket bans in Arizona, bathroom access in Wisconsin and Idaho, and in support of a supportive policy in Massachusetts.

Protecting Disability Rights and Supporting Persons with Disabilities

Supporting Individuals and Advocates Through the Publication of Disability Rights Handbook Updates: During this biennial period, as part of an ongoing effort to update DOJ's Disability Rights Handbook, the Attorney General released the first six in a series of new publications that will comprehensively cover disability rights and obligations in a variety of contexts. The six publications provide an overview of laws protecting the rights of people with disabilities in businesses and places of public accommodation, employment, housing, K-12 education, and healthcare.

Providing Local Jurisdictions Guidance and Direction Regarding Legal Protections for Persons with Disabilities: The Attorney General issued four separate letters on June 14, 2022 to remind local officials across the state of their responsibility to secure key legal protections under California law for people with disabilities. In the letters, the Attorney General urges local leaders to renew their commitment to combatting discrimination and enforcing the state's disability access laws and regulations so that people with disabilities have equal access to services, facilities, housing, governmental proceedings, and all other spaces that are open to the public.

Supporting Law Enforcement and Communities with Guidance Regarding Senior and Disability Victimization: In September 2023, the Attorney General issued guidance to advise law enforcement agencies in California regarding Senate Bill 338 (SB 338) (2019). SB 338 required agencies that adopt or revise a policy regarding elder and dependent adult abuse or senior or disability victimization on or after April 13, 2021, to satisfy specific statutory requirements set forth in Penal Code section 368.6, subdivision (c). Based on policies then in effect, this clarifying guidance, like the initial legislation, was necessary to support seniors and persons with disabilities.

Supporting Employees with Disabilities in the Courts: The Attorney General filed an amicus brief on October 6, 2022, in the California Supreme Court in *Raines v. U.S. Healthworks Medical Group*, pushing back on efforts to undercut the application of the California Fair Employment and Housing Act's (FEHA) anti-discrimination protections to entities acting on behalf of employers. The underlying lawsuit in the case alleges that U.S. Healthworks Medical Group — one of the largest providers of occupational health services in California — unlawfully required job applicants to answer highly intrusive, non-job-related, and discriminatory health questions on behalf of prospective employers, including questions on disability status, menstrual health, and hair loss. In the friend-of-the-court brief, the Attorney General urged the California Supreme Court, in its response to a question certified to it by the Ninth Circuit, to make it clear that FEHA applies to entities acting on behalf of an employer that undertake activities FEHA regulates, and reiterates the potential harms to all Californians, and particularly those with disabilities, if FEHA's strong anti-discrimination provisions are undermined.

Securing Appropriate Practices in Juvenile Justice

Achieving Meaningful Reforms through Successful Implementation of Stockton Unified School District Judgment: In April 2024, the Attorney General announced the successful conclusion of its five-year monitoring of the Stockton Unified School District and its Department of Public Safety. The stipulated judgment, which addressed system-wide violations of the civil and constitutional rights of Black and Latino students and students with disabilities, led to markedly improved outcomes for students. Total arrests dropped significantly, calls for service decreased, and the district committed to implementing a plan to further reduce disproportionalities in law enforcement referrals. The Community Advisory Group and Transformative Justice subcommittee will continue to meet regularly to ensure the progress made under the judgment is maintained and built upon.

Continued Judgment Enforcement to Reform the Los Angeles County Juvenile Halls: In May 2023, the Los Angeles Superior Court granted the Attorney General Justice's motion to enforce a 2021 judgment requiring Los Angeles County to improve conditions like medical care and education at its juvenile halls. The County failed to fully comply, prompting this enforcement action. The court ordered the County comply with the judgment and additional judgement terms; failure to meet the new timelines could result in sanctions for the County and further enforcement by the Department of Justice.

Supporting Best Practices in State-Level Juvenile Justice Regulations: In March 2023, the Attorney General advocated with the California Board of State and Community Corrections, urging the Board to strengthen protections for youth in juvenile detention. The proposed reforms aim to ensure safe, supportive conditions that uphold detained youths' rights and promote rehabilitation. Key areas for improvement include limiting room confinement, restricting the use of force, enhancing staff training, and strengthening abuse reporting and grievance procedures. Implementing these changes would enhance the well-being and rehabilitation of detained youth, promote transparency and accountability, while ensuring the juvenile justice system fulfills its intended purpose.

Providing Direction to Local Law Enforcement Regarding Mandatory Consultation with Counsel Prior to Custodial Interrogations of Youth Under 18: The Attorney General issued a law enforcement bulletin (2023-DLE-02) in March 2023 to provide needed clarity to law enforcement agencies across California regarding the rights of youth under the age of 18 subject to custodial interrogations, as set forth by Senate Bill 203. As of January 1, 2021, any youth 18 years of age or younger must consult with counsel prior to a custodial interrogation and before the waiver of any Miranda rights; this consultation may not be waived.

Defending the Rights of Native Americans

Helping to Defend the Rights of Native American Children and Tribes under Federal Law: In a 7-2 decision in June 2023, the U.S. Supreme Court upheld the federal Indian Child Welfare Act (ICWA),

rejecting a challenge to its protections for Native American children, families, and tribal communities. The Attorney General led a large, bipartisan coalition of states in filing amicus briefs in support of the ICWA's protections through this matter in trial, appellate, and Supreme Court litigation, arguing that ICWA is a valid exercise of Congress' powers and does not violate the anti-commandeering doctrine or equal protection. Notably, at oral argument, Justice Gorsuch mentioned our amicus brief. In its opinion, the Supreme Court agreed that Congress did not exceed its Article I power and that ICWA's provisions do not violate the anti-commandeering doctrine. This decision affirmed Congress' authority to legislate on tribal affairs, ensures the continuity of ICWA's protections, and underscores the importance of safeguarding the rights and well-being of Native American children while respecting tribal sovereignty.

Combating Discrimination Against Those Perceived to Be Native American by Businesses in and Around Siskiyou County: The Attorney General concluded that two Siskiyou-area hotels had denied individuals accommodations based on their actual or perceived tribal affiliation. In November 2022, the hotels agreed to execute enforceable agreements with our office requiring each hotel to adopt comprehensive nondiscrimination policies with the Attorney General approval and conduct ongoing nondiscrimination training under the Attorney General monitoring. They also issued apologies for their discriminatory actions.

Protecting Students Against Sexual Harassment and Assault, and Promoting Student Health

Achieving Long-Needed Reforms for Students in the Redlands Unified School District: In June 2024, the Los Angeles Superior Court entered a stipulated judgment against the Redlands Unified School District to address systemic failures in responding to student sexual harassment and abuse, and violations of Title IX, the California Child Abuse and Neglect Reporting Act, and the Education Code. The judgment mandates comprehensive reforms, compensatory services for victims, and court oversight to ensure a prompt, effective response to misconduct allegations and a safe learning environment for students. This case underscores the importance of robust policies protecting students' well-being and educational rights, and the responsibilities of adults who engage with juveniles to comply with reporting requirements designed to stop abuse and enable the prevention of future abuse through appropriate law enforcement responses.

Advocating for Children's Access to Healthy Food: In May 2023, the Attorney General joined in a multistate letter to the U.S. Department of Agriculture (USDA) applauding the proposed guidelines for federal nutrition standards for school meals aimed at aligning the new standards to the goals of federal dietary guidelines. In the comment letter, the multistate coalition supported the USDA's goal of establishing nutritious school meal standards, but urged the USDA to expand and strengthen the guidance to encourage healthier and medically sensitive standards for children's meals in schools. The letter recommended further aligning the sodium content in school meals with dietary guidelines and improving access to milk substitution for children with dairy allergies and lactose intolerance.

Advocating for Effective Implementation of Title IX: In mid-2024, the Attorney General co-led the drafting and filing of multi-state amicus briefs in numerous courts, defending enhanced protections for LGBTQ students against sexual harassment. The briefs argue that protecting students from sex-based discrimination dramatically improves their economic, psychological, health, employment, and educational outcomes, yielding broad benefits without imposing significant costs on schools or compromising student privacy or safety. The outcomes of these cases will shape the future of Title IX enforcement and its impact on ensuring a safe and discrimination-free educational environment.

Consumer Protection Section

Overview

The Consumer Protection Section protects California consumers by combatting unlawful, unfair and deceptive conduct, false advertising, and other illegal trade practices. It generally does so by conducting investigations and prosecuting complex civil enforcement actions in the name of the People of the State of California to obtain restitution for victims as well as injunctions and civil penalties that reform industry behavior and deter future misconduct. The section, which includes the office's Privacy Unit, also has the capability to conduct criminal investigations and prosecutions and bring challenges under the Administrative Procedures Act to federal actions that harm consumers, and it has a robust appellate amicus practice that supports local prosecutors and protects the effectiveness of state and federal consumer protection laws. In addition, the section provides the office and our sister agencies with subject matter expertise, training, and technical support on issues related to consumer protection.

Major Accomplishments

People v. Adir International dba Curacao, et al.: In April 2023, after a multi-week trial, the Consumer Protection Section obtained a nearly \$8 million judgment against a retail store chain and its CEO that targeted immigrant communities with illegal credit insurance sales and other unlawful business acts. The trial court found that the defendants' sales of credit insurance were illegal, but that their sales of credit protection and associated charging of fees were not illegal. Both parties have appealed the order.

People v. Azul: The Consumer Protection Section successfully prosecuted a felony case against an individual who impersonated a U.S. Army Staff Sergeant as part of a scheme to defraud veterans' families. Azul misled the families about their eligibility for veterans' educational benefits and defrauded the University of California and California State University systems by forging approval letters. The defendant pled guilty and was sentenced in September 2023 to three years and four months in state prison. The defendant was also ordered to pay over \$450,000 in restitution. The University of California, California State University, California Department of Veterans Affairs, and the Los Angeles County Department of Military and Veterans Affairs assisted in the investigation.

People v. Ashford University, et al.: In February 2024, the Consumer Protection Section successfully defended a judgment that was obtained at trial against an online for-profit school and its operator for misleading prospective students about their career prospects, financial aid, ability to transfer credits, and degree pace in order to persuade them to enroll. The Court of Appeal affirmed the judgment and made a modest reduction of the People's civil penalty from \$22.4 million to \$21.4 million.

People v. Blackhawk Manufacturing Group, et al.: In June 2024, the Consumer Protection Section and the San Francisco District Attorney obtained a \$675,000 settlement resolving litigation against companies manufacturing and selling ghost-gun kits. The settlement prohibits the defendants from manufacturing or selling unserialized ghost-gun kits and firearm precursor parts in California.

People v. Google: In September 2023, the Consumer Protection Section obtained a \$93 million settlement against Google for deceiving users by collecting, storing, and using their location data for consumer profiling and advertising purposes without obtaining consent.

People v. Invitation Homes: In January 2024, the Consumer Protection Section obtained a settlement against a large corporate landlord for its unlawful rent increases in violation of the Tenant Protection Act and state price gouging laws. The settlement required the company to pay \$2.04 million in civil penalties and full restitution plus 5 percent interest, amounting to \$1.68 million, to affected tenants.

People v. Johnson & Johnson: In June 2024, the Consumer Protection Section obtained a \$700 million

multistate settlement for Johnson & Johnson's deceptive marketing of its talc-based products.

People v. Martin: The Consumer Protection Section successfully prosecuted a registered seller of travel who embezzled travel funds paid by more than 150 families for eighth-grade school trips after the trips were canceled due to the COVID-19 pandemic. The defendant pled guilty in January 2024, was sentenced to six months of home confinement and six months of felony probation and was ordered to pay \$257,000 in restitution to the victims.

People v. Paul Blanco's Good Car Company, et al.: In November 2023, after four years of litigation, the Consumer Protection Section obtained a settlement against a network of used-car dealerships and its principal executives for using false advertising to lure vulnerable consumers, misrepresenting vehicle values and consumers' ability to repay loans, and engaging in other unlawful business practices. The defendant corporations, which are insolvent, are permanently banned from the auto sales industry and subject to a \$20 million judgment; the principal executives are banned from the industry for 10 years and subject to a \$7.5 million judgment.

People v. Service Corporation International (Neptune Society): In May 2024, the Attorney General and District Attorneys of Alameda, Marin, and San Francisco obtained a settlement resolving litigation with Service Corporation International, which did business as the Neptune Society, for its unlawful sale of pre-need cremation service plans. The settlement required the defendants to pay \$23 million in civil penalties and full restitution to consumers who canceled their plan but did not receive a full refund.

Moten v. Transworld Systems: In May 2023, the Consumer Protection Section successfully argued in an amicus brief filed with the Court of Appeal that the litigation privilege does not apply to an action brought by a debtor against a debt collector under California's Rosenthal Fair Debt Collection Practices Act and the Unfair Competition Law where the debt collector allegedly manufactured evidence against the debtor.

Enforcing California's Consumer Privacy Act

Conducting Investigative Sweeps: The Consumer Protection Section has continued to conduct investigative sweeps of businesses regarding their compliance with the California Consumer Privacy Act (CCPA), including an investigative sweep of businesses offering loyalty programs regarding their compliance with the CCPA's financial incentive provisions, an investigative sweep of large businesses regarding their compliance with the CCPA's privacy requirements for employees and applicants, and an investigative sweep of businesses with popular streaming apps and devices regarding their compliance with the CCPA's opt-out requirements.

People v. Sephora USA, Inc.: In August 2022, the Consumer Protection Section obtained a \$1.2 million settlement against Sephora for violations of the CCPA.

Protecting Children's Data: In June 2024, the Consumer Protection Section obtained a \$500,000 settlement against Tilting Point Media for violations of the CCPA and the federal Children's Online Privacy Protection Act.

Assisting Federal, State, and Local Agencies

Providing Subject Matter Expertise, Training, and Technical Support: The Consumer Protection Section continued to provide subject matter expertise, training, and technical support on substantive consumer protection law, investigations, and enforcement as well as mutual aid and assistance to other Department programs and agencies, and to federal, state, and local partner agencies, including through the National Association of Attorneys General and the California District Attorneys Association.

Corporate Fraud Section

Overview

The Corporate Fraud Section investigates and prosecutes cases concerning securities and commodities fraud, market manipulation arising out of California's energy crisis, and financial wrongdoing perpetrated against the state under California's False Claims Act. The section also advances legislation to promote antifraud goals, files formal comments regarding federal investor protection regulations, and collaborates with other states and federal agencies on securities fraud and false claims.

Major Accomplishments

Public Utilities Commission v. Sellers of Long-Term Contracts: In December 2023, the Federal Energy Regulatory Commission (FERC) issued a decision in favor of the Attorney General and the Public Utilities Commission, finding that Shell fraudulently induced the State to enter into a \$2.85 billion 12-year energy contract at inflated prices. This decision may result in refunds of up to \$1 billion for the benefit of California ratepayers. FERC appointed a settlement judge, and settlement discussions are ongoing. If the parties cannot reach a settlement, further litigation at FERC over the amount of refunds will begin.

People v. ClubCorp: The Attorney General sued ClubCorp, owner of dozens of California golf clubs, for retaining millions of dollars of initiation fees which it was contractually required to refund to members after 30 years. The Attorney General obtained a settlement with ClubCorp for \$31.25 million paid to the State of California and full restitution (plus 10 percent annual compound interest) paid to affected members, and a process to satisfy the Controller with respect to escheatment obligations on funds that cannot be returned. ClubCorp is also paying for a third-party administrator to ensure the return of initiation fees. The Attorney General also obtained a stipulated injunction obligating ClubCorp to comply with California escheat and consumer protection laws in the future.

People v. AwesomeCalls: The Attorney General sued a digital day trading chat room whose moderator claims to be "clairvoyant" about the stock market for failing to register as an investment adviser and for making false and misleading statements. The court granted the Attorney General's summary adjudication motion, and found defendants are investment advisers who must register with the State and that they concealed information about prior disciplinary action against the chat room owner. The court will resolve the remaining causes of action before determining the amount of civil penalties and other appropriate relief.

Environment Law Section

Overview

The Environment Section enforces state and federal environmental laws that affect California's natural resources and public health. Attorneys in the section investigate and litigate matters to:

- Ensure that environmental laws are enforced fairly, so that all Californians enjoy the benefits of a clean environment.
- Protect all Californians from toxic chemicals, reduce emissions of greenhouse gases that contribute to global warming, and prohibit air and water pollution. This includes carrying out the Attorney General's statutory role to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), which prohibits discharge of carcinogens and reproductive toxins into sources of drinking water and requires businesses to provide warnings if they expose individuals to carcinogens and reproductive toxins. As part of this work, the section also defends the Office of Environmental Health Hazard Assessment's identification of harmful chemicals under Proposition 65.
- Exercise the Attorney General's broad independent authority under a variety of state and federal laws to protect California's natural resources from pollution, impairment, and destruction.
- Support, as appropriate, the U.S. Environmental Protection Agency (U.S. EPA) and other federal regulatory and land management agencies in their efforts to strengthen and enforce progressive environmental laws, policies, and programs.
- Represent the Department of Toxic Substances Control (DTSC) in its enforcement of federal and state hazardous waste control laws, including enforcement of the "Superfund Law" created to protect people and communities from heavily contaminated toxic waste sites and California's Hazardous Waste Control Law.

The Environment Section's Bureau of Environmental Justice:

The Bureau of Environmental Justice resides in the Environment Section. The Bureau's mission is to protect low-income people and communities of color that endure a disproportionate share of environmental pollution. The Bureau pursues a broad variety of enforcement cases and investigations, including but not limited to: providing full consideration of the potential for cumulative impacts to vulnerable communities under the California Environmental Quality Act (CEQA); eliminating or reducing exposures to lead and other contaminants in the environment and in consumer products; penalizing and preventing illegal discharges of pollution from facilities and activities located in disadvantaged communities; and appearing as amicus curiae to advocate for legal principles that advance environmental justice.

Major Accomplishments: The Environment Section

Protecting Californians and Our Environment from Climate Change Impacts

Holding Big Oil Accountable for Decades-long Campaign of Deception: On September 15, 2023, the Attorney General, on behalf of the People of the State of California, filed a lawsuit against five of the largest oil and gas companies in the world — ExxonMobil, Shell, Chevron, ConocoPhillips, and BP — and the American Petroleum Institute (API) for allegedly engaging in a decades-long campaign of deception

and creating statewide climate change-related harms in California. Filed in San Francisco County Superior Court, the complaint asserts that, although the companies have known since at least the 1960s that the burning of fossil fuels would warm the planet and change our climate, they denied or downplayed climate change in public statements and marketing. As detailed in the complaint, California has spent tens of billions of dollars to adapt to climate change and address the damages climate change has caused so far, and the state will need to spend multiples of that in the years to come.

Supporting the District of Columbia’s in Holding Big Oil Companies Accountable: In April 2023, as part of the broader commitment to hold Big Oil accountable for its misleading actions harming California consumers and the environment, the Attorney General joined a coalition of 18 attorneys general in filing an amicus brief in support of the District of Columbia’s efforts to hold major fossil fuel-producing companies accountable for their misleading actions that have worsened the climate crisis. In *District of Columbia v. Exxon Mobil*, D.C. alleges ExxonMobil, Shell, BP, and Chevron engaged in unfair and deceptive trade practices in violation of D.C.’s Consumer Protection Procedures Act and have misled the public about their harmful contributions to the climate crisis.

Supporting the City of Oakland and the City and County of San Francisco: In May 2023, the Attorney General, leading a coalition of 16 attorneys general, filed an amicus brief in the Ninth Circuit Court of Appeals supporting the City of Oakland and the City and County of San Francisco’s efforts to hold major fossil fuel-producing companies accountable for their misleading actions that have worsened the climate crisis.

Supporting U.S. EPA’s Efforts to Regulate Greenhouse Gas Emissions from Fossil Fuel-Fired Power Plants: In August 2023, the Attorney General joined a coalition of 20 attorneys general and six cities in filing a comment letter supporting a proposed rule by U.S. EPA that would regulate greenhouse gas (GHG) emissions from fossil fuel-fired power plants. Fossil fuel-fired power plants — especially coal- and gas-fired plants — are one of the nation’s leading sources of GHG emissions. In the comment letter, the attorneys general underscored that the proposed rule is based on cost-effective and adequately demonstrated pollution control technologies and would advance the states’ ongoing interest in addressing climate change. The attorneys general also recommend several ways that the proposed rule could be strengthened.

Protecting Californians from “Forever” PFAS Toxic Chemicals

Supporting U.S. EPA’s Efforts to Protect Americans’ Drinking Water Supply: The Attorney General’s Office has committed significant resources to addressing past contamination from toxic PFAS chemicals and preventing future contamination. PFAS — per- and polyfluoroalkyl substances, commonly referred to “forever chemicals” because they are highly persistent — pose serious risks to public health and the environment. In May 2023, the Attorney General joined a multistate comment letter supporting U.S. EPA’s historic effort to set limits on the amounts of certain PFAS compounds allowed in Americans’ drinking water supply.

Enforcing the People’s Claims Against PFAS Manufacturers: In November 2022, the Attorney General filed a landmark lawsuit against 18 named PFAS manufacturers for endangering public health, causing irreparable harm to the state’s natural resources, and engaging in a widespread campaign to deceive the public. That lawsuit is now a part of multi-district litigation in a South Carolina federal court, where it proceeds alongside thousands of other cases, including those prosecuted by public water systems, personal injury plaintiffs, property owners, and other states. In the litigation, the Attorney General is working closely with a large and bipartisan coalition of other states, which in March 2024 elected California to serve as one of its co-chairs.

Successfully Advocating for Changes to Class Action Settlement Between Public Water Systems and 3M: In July 2023, leading a bipartisan coalition of 23 attorneys general, the Attorney General filed California's opposition to a proposed class action settlement that failed to adequately hold accountable the 3M Company (3M) for contaminating Americans' drinking water supply. Under the settlement as originally proposed, public water systems across the country would have been required to release their claims against 3M over its use of PFAS in a wide range of consumer products and firefighting foams; in exchange, they would have received a total of between \$10.5 to \$12.5 billion to water providers, though the amount was worth far less because of certain provisions that could have ultimately forced water providers to reimburse 3M for many costs. Due to the Attorney General's efforts, 3M and the public water systems revised the settlement to address the most troublesome terms.

Issuing Enforcement Advisory to Manufacturers, Distributors, and Sellers of Food Packaging and Cookware: In October 2023, the Attorney General issued an enforcement advisory letter to manufacturers, distributors, and sellers of food packaging and cookware, alerting them to newly effective restrictions under Assembly Bill 1200 on the use of PFAS in food packaging and cookware. The Attorney General also issued a consumer alert with tips for reducing exposures to PFAS, which have been widely used in consumer products—including food packaging, cookware, clothing, carpets, shoes, fabrics, polishes, waxes, paints, and cleaning products.

Protecting Water Quality Standards

Intervening to Protect Water Quality Standards: In January 2024, the Attorney General co-led a coalition of 18 states and filed a motion to intervene in a lawsuit that challenges the Biden Administration's regulation implementing Section 401 of the Clean Water Act (2023 Rule). The rule was issued by the U.S. EPA in September 2023 and went into effect in November 2023. The 2023 Rule replaced a 2020 regulation issued by the Trump Administration, which significantly restricted states' authority to protect their water resources under Section 401. The 2023 Rule, consistent with the text of the Clean Water Act, Congressional intent, and Supreme Court precedent reestablished broad state and tribal authority to protect waterways and wetlands that may be impacted by projects requiring federal permits, including oil and gas pipelines and hydropower projects.

Supporting U.S. EPA's Efforts to Improve Effluent Standards under the Clean Water Act: In March 2024, the Attorney General led a coalition of six attorneys general and submitted a comment letter supporting the U.S. EPA's proposed rule that would revise the outdated effluent limitations guidelines and standards for the meat and poultry products (MPP) industry under the Clean Water Act, which apply to wastewater from MPP facilities. For the first time in 20 years, U.S. EPA proposed updating its standards for the MPP industry to reduce nutrient pollutant loads to surface waters by tightening nitrogen limits and regulating phosphorus from some MPP facilities. In the comment letter, the coalition generally commend the rule, recommend that the U.S. EPA should adopt stronger standards that apply to more facilities to protect water resources and environmental justice communities, and encouraged U.S. EPA to provide funding to assist facilities in complying with stricter standards.

Protecting Air Quality by Restricting Harmful Pollutants

Supporting the U.S. Bureau of Land Management's New Waste Prevention Rule: In January 2023, the Attorney General, with New Mexico Attorney General Raul Torrez, led a multistate coalition in submitting comments in support of the U.S. Bureau of Land Management's (BLM) new proposed Waste Prevention Rule, which aims to reduce the waste of natural gas through improved regulatory requirements regarding methane venting, flaring, and leaks. The rule would require oil and natural gas producers to take cost-effective measures to cut the wasteful leakage of natural gas, which is primarily comprised of methane, a super pollutant up to 87 times more potent than carbon dioxide in its ability to trap heat over a 20-year timeframe, on federal and tribal lands managed by BLM. The 2022 Proposed Rule is BLM's third attempt to update regulations regarding waste prevention from federal oil and gas

activities. California, in partnership with New Mexico and the California Air Resources Board (CARB), has been leading efforts to support the adoption of a strong Waste Prevention Rule since 2016.

Defending U.S. EPA's Oil and Gas Methane Rule: In March 2024, the Attorney General led a multistate coalition of 20 attorneys general to intervene on behalf of the State of California and CARB in the U.S. Court of Appeals for the D.C. Circuit to defend U.S. EPA's Oil and Gas Methane Rule. Earlier in February 2023, the Attorney General and New York Attorney General Letitia James led a multistate coalition in submitting comments in support of U.S. EPA's supplemental proposal to strengthen regulation of emissions from new, modified, and reconstructed facilities in the oil and natural gas sector, and to, for the first time, regulate methane emissions from existing facilities, which comprise most of the emissions in this sector. U.S. EPA's final Rule strengthens regulation of methane emissions from new, modified, and reconstructed facilities in the oil and natural gas sector, and for the first time, regulates emissions from existing facilities in this sector. The rule is being challenged by 26 states led by the States of Texas and Oklahoma, which aim to set back these critical methane emissions standards for the oil and natural gas industry.

Defending U.S. EPA's Final "Particulate Matter" (PM) Standards: In April 2024, the Attorney General, leading a multistate coalition of 17 attorneys general and the City of New York, moved to intervene on behalf of the State of California and CARB in the U.S. Court of Appeals for the D.C. Circuit to defend the U.S. EPA's final PM standards rule. In March 2023, the Attorney General had led a coalition of state attorneys general and New York City in submitting a comment letter urging U.S. EPA to adopt stringent standards under the Clean Air Act that protect public health against PM pollution. EPA finalized this rule in March 2024 to strengthen National Ambient Air Quality Standards for fine particulate matter (PM_{2.5}), also known as soot. The rule is being challenged by a coalition of 24 states, led by Kentucky and West Virginia; separate challenges have also been filed by the U.S. Chamber of Commerce and industry associations, the State of Texas, and the Arizona Chamber of Commerce. These challenges aim to weaken the new PM_{2.5} standards and, if successful, would curtail the many health, environmental, and economic benefits of the rule and disproportionately harm low-income communities and communities of color.

Improving Vehicle Emission Standards

Intervening to Defend U.S. EPA's Clean Air Act Final Greenhouse Gas Emission Standards for Heavy-Duty Vehicles: In May 2024, on behalf of California and leading a multistate coalition of 23 attorneys general and four cities, the Attorney General and CARB filed a motion to intervene in the U.S. Court of Appeals for the D.C. Circuit to help defend U.S. EPA's final greenhouse gas (GHG) emission standards for heavy-duty vehicles. Earlier in June 2023, the Attorney General led a coalition of attorneys general and cities in submitting a comment letter to EPA supporting its proposed GHG standards for heavy duty vehicles. These vehicles include freight trucks, delivery trucks, buses, shuttles, and vocational vehicles such as street sweepers and refuse haulers. The rule will reduce 1 billion tons of greenhouse gas emissions and result in \$10 billion annual climate benefits, \$300 million in annual non-greenhouse gas public health benefits, and \$3.5 billion in annual operational savings for the trucking industry over the lifetime of these vehicles. The rule is being challenged by 25 Republican-led states, which seek to stop emissions standards for heavy-duty vehicles from taking effect. This intervention continues California's support for the Biden Administration's efforts to reduce emissions across the country.

Intervening to Defend U.S. EPA's Clean Air Act Final Rule for Light and Medium-Duty Vehicles: In April 2024, on behalf of California and leading a multistate coalition of 23 attorneys general and four cities, the Attorney General, Governor Gavin Newsom, and CARB filed a motion to intervene in the U.S. Court of Appeals for the D.C. Circuit to help defend U.S. EPA's final rule for light- and medium-duty vehicles emissions standards for model years 2027-2032 (Final Rule). Earlier in July 2023, the Attorney General led a coalition of 26 states and cities urging U.S. EPA to move forward with more stringent greenhouse

gas (GHG) and criteria pollutant standards. U.S. EPA's final rule sets stricter tailpipe emissions standards for light- and medium-duty vehicles for harmful air pollutants, including GHG, nitrogen oxides, and particulate matter. The rule is being challenged by 25 Republican-led states seeking to curb the agency's efforts to reduce emissions from the transportation sector. This intervention continues California's support for the Biden Administration's efforts to reduce emissions from light- and medium-duty vehicles and U.S. EPA's authority to set stringent vehicle emissions standards. In 2022, a similar coalition of Republican-led states attacked EPA's light- and medium-duty vehicles emissions standards for model years 2023-2026 and EPA's authority to set these standards, and California, leading a coalition of 27 states and cities, intervened in support of EPA.

Supporting the National Highway Traffic Safety Administration's Proposal to Strengthen CAFE

Standards for Passenger Cars and Light Trucks: In October 2023, the Attorney General led a coalition of 21 attorneys general and 4 local governments in submitting a comment letter to the National Highway Traffic Safety Administration (NHTSA) in support of its proposal to strengthen corporate average fuel economy (CAFE) standards for passenger cars and light trucks for model years 2027-2032. NHTSA is part of the U.S. Department of Transportation and, pursuant to the Energy Policy Conservation Act (EPCA), is responsible for improving the fuel economy of new vehicles that run on gas and diesel. In the comment letter, the coalition commends NHTSA's proposal to adopt CAFE standards for upcoming model years that are more stringent than current standards, which could result in vehicles averaging 58 miles per gallon by 2032. The coalition also urged NHTSA to consider adopting standards that are even more stringent than those proposed to better effectuate the purpose of EPCA to conserve energy and NHTSA's statutory mandate to establish "maximum feasible" fuel economy standards.

Securing Over \$400 Million in Settlements for California: In January 2024, the Attorney General and CARB announced a settlement with engine manufacturer Cummins, Inc. of Indiana (Cummins) for using illegal defeat devices to bypass vehicle emissions control equipment in diesel engines. The settlement includes approximately \$164 million in penalties paid to CARB and \$33 million to the California Attorney General's office for the company's environmental violations and unfair business practices; and a payment of about \$175 million to CARB for mitigation programs to reduce excess nitrogen oxide emissions caused by vehicles with Cummins engines. In an additional settlement agreement with the federal government, Cummins will pay a \$1.642 billion federal penalty to U.S. EPA, the largest ever for a Clean Air Act case. The state's share of both settlements is over \$372 million. In March 2024, the Attorney General and CARB announced a second settlement of \$46 million with Cummins. This second settlement resolves the Attorney General's and CARB's claims for violations of California engine emission control and certification requirements. Under the settlement, approximately \$42 million will be paid to CARB, of which about \$32 million is for penalties, and about \$9.8 million is for mitigation of the full amount of excess nitrogen oxide emissions created by the non-compliant engines. The settlement monies will go to the Air Pollution Control Fund to support CARB's mobile source emissions control program and other CARB activities related to the control of air pollution. The settlement also requires Cummins to pay \$4 million for unfair business practices and public nuisance claims and includes injunctive relief prohibiting Cummins from engaging in similar violations in the future.

Protecting Endangered Species and Habitats

Supporting More Stringent Federal Endangered Species Act Regulations: In August 2023, leading a coalition of 15 attorneys general, the Attorney General filed a comment letter regarding the Biden Administration's proposed rules that would strengthen regulations implementing the federal Endangered Species Act.

Protecting Consumers from Greenwashing Claims

Urging the Federal Trade Commission (FTC) to Strengthen its Guides for the Use of Environmental Marketing Claims: In April 2023, the Attorney General led a multistate coalition in urging the FTC to

strengthen its Guides for the Use of Environmental Marketing Claims, or “Green Guides,” which states like California use to hold marketers accountable and protect consumers. The comment letter calls for updates to bolster consumer protection laws against advertising that overstates environmental benefits, often called “greenwashing.” The multistate coalition also recommended the FTC expand the scope of the Green Guides to consider how the standards for each environmental marketing claim could be clarified and strengthened to better ensure they are supported by real environmental benefits. Additionally, the states argue that the Green Guides should not preclude states and localities from enacting stronger standards.

Securing Settlement with SoCalGas Addressing Greenwashing Claims: In August 2023, the Attorney General announced a settlement against Southern California Gas Company (SoCalGas) in connection with numerous misleading environmental marketing claims the company made in 2019 that natural gas is “renewable.” Most natural gas — including a vast majority of the gas distributed by SoCalGas — is not renewable, but rather is derived from fossil fuels. The settlement resolves allegations that SoCalGas violated California’s consumer protection laws, including the Unfair Competition Law and the False Advertising Law. Under the settlement SoCalGas will: be prohibited from making similar unqualified statements that natural gas is “renewable,” pay \$175,000 in penalties, 50 percent (\$87,500) of which will be directed to the California Environmental Protection Agency’s Environmental Justice Small Grants Program and publish a corrective statement on its website.

Restoring and Enforcing State and Federal Environmental Review Processes

Supporting Biden Administration’s Decision to Strengthen Guidance for Environmental Reviews of Federal Projects: In April 2023, the Attorney General joined a multistate comment letter applauding the Biden Administration’s decision to strengthen guidance for environmental reviews of federal projects under the National Environmental Policy Act (NEPA). The new guidance has significant and immediate implications for energy and infrastructure projects, influencing all newly proposed actions as well as some ongoing NEPA reviews. In the comments, the coalition expresses its support and urges the Administration to consider strengthening the guidance to better address the needs of communities that bear a disproportionate burden of GHG pollution, encourage federal agencies to consider state climate policies and goals, and facilitate the efficient review and approval of projects with low or negative emissions, such as green energy projects.

Supporting U.S. Council on Environmental Quality’s Proposal to Restore and Strengthen its Regulations: In October 2023, the Attorney General joined a coalition of 18 attorneys general in filing a comment letter in support of the U.S. Council on Environmental Quality’s (CEQ) proposal to restore and strengthen its regulations implementing NEPA. Enacted in 1970, NEPA is one of the nation’s foremost environmental statutes. A wide range of federal actions — including the approval of significant energy and infrastructure projects and key decisions concerning the management of federal public lands — require compliance with NEPA. In 2020, under the Trump Administration, CEQ unlawfully rolled back its longstanding NEPA regulations. Specifically, CEQ improperly narrowed NEPA’s statutory provisions, threatened meaningful public participation, and sought to restrict judicial review of agency actions. The Biden Administration’s CEQ is now proposing to restore portions of its pre-2020 NEPA regulations and require NEPA reviews to include consideration of environmental justice and climate change effects.

Urging the U.S. Bureau of Land Management to Consider the Full Social and Environmental Costs of the Federal Coal Leasing Program: In June 2023, the Attorney General led a multistate coalition in submitting a comment letter to the U.S. Bureau of Land Management (BLM), urging it to consider the full social and environmental costs of the federal coal leasing program. Due to litigation brought by the

California Attorney General's office — along with the Attorneys General of Washington, New York, and New Mexico, as well as various environmental organizations — a moratorium is in place on new coal leases. In May 2023, BLM asked for public comment that will help inform its forthcoming environmental impact statement under NEPA about whether, and to what extent, to resume the program and issue new leases. The comment letter responds to that request.

Addressing Wildfire Ignition Risks and Greenhouse Gas Impacts: In January 2023, the Attorney General announced a settlement addressing wildfire ignition risks and greenhouse gas impacts from the Guenoc Valley development project. The project, as originally proposed, would have been a low-density, luxury development located in a very high-risk fire hazard severity zone in Southeast Lake County. The settlement, which requires a revised smaller and higher-density footprint to reduce wildfire risk and additional measures to reduce greenhouse gas emissions, is designed to minimize the risk to current and future Lake County residents and the environment.

Improving Energy Efficiency Standards

Urging the Department of Energy to Tighten Energy Conservation Standards: In April 2023, the Attorney General joined a multistate coalition in a comment letter urging the U.S. Department of Energy (DOE) to adopt a new proposal that would significantly increase energy conservation standards for residential electric and gas stoves, ranges, and ovens. If adopted, the proposed rule would, for the first time, set performance standards for new gas and electric stoves and strengthen design standards for ovens. Nearly half of the gas stove models on the market today already meet the proposed efficiency level. According to DOE, the projected benefits of the proposal would result in numerous economic, health, and environmental benefits, including cumulative emissions reductions of 21.9 million metric tons of carbon dioxide, 2.2 thousand tons of sulfur dioxide, 51.8 thousand tons of nitrogen oxide, 244.9 thousand tons of methane, 0.1 thousand tons of nitrous oxide, and 0.01 tons of mercury.

Enforcing California's Laws Regulating Hazardous Substances and Medical Wastes

Securing Settlement for Underground Storage Tank Violations: In March 2023, the Attorney General, along with the District Attorneys of Alameda, Lake, Mendocino, Santa Clara, and Sonoma, announced a \$1.7 million settlement with several owners and operators of gas stations, resolving allegations that the defendants violated state environmental laws while operating above ground and underground storage tank systems at 14 gas stations. The five defendants, Bay Area/Diablo Petroleum, Co. (dba Golden Gate Petroleum), Westgate Petroleum Co., Westgate Petroleum Company, Inc., Eastgate Petroleum LLC (dba Golden Gate Petroleum), and Dennis O'Keefe, owned or operated gas stations around Northern California. An investigation found a recurring failure to properly maintain, install, implement, and operate various spill prevention and safety measures since at least 2013. The settlement includes robust injunctive terms to improve the defendants' operational safety and compliance with state laws to avoid potential contamination of soil and groundwater.

Securing a \$49 Million Settlement for Hazardous Waste, Medical Waste, and Consumer Privacy Violations: In September 2023, in partnership with six district attorneys, the Attorney General announced a settlement with Kaiser Foundation Health Plan, Inc., and Kaiser Foundation Hospitals (collectively Kaiser), resolving allegations that the healthcare provider unlawfully disposed of hazardous waste, medical waste, and protected health information at Kaiser facilities statewide. As part of the settlement, Kaiser is liable for a total of \$49 million and must take significant steps to prevent future unlawful disposals.

Securing a \$5 Million Settlement with Quest Diagnostics, Inc.: In February 2024, the Attorney General announced a settlement with Quest Diagnostics, Inc., resolving allegations that the diagnostic laboratory company unlawfully disposed of hazardous waste, medical waste, and protected health

information at its facilities statewide. The settlement requires Quest Diagnostics to pay \$3,999,500 in civil penalties, \$700,000 in costs, and \$300,000 for a Supplemental Environmental Project to support environmental training and enforcement in California. The settlement also imposes injunctive terms, including requirements that Quest Diagnostics maintain an environmental compliance program, hire a third-party waste auditor, and report annually on its progress.

Protecting Infants from Toxic Substances

Supporting U.S. Food and Drug Administration (FDA)’s Proposed Guidance Aimed at Reducing Lead in Processed Food Products: In March 2023, the Attorney General joined a multistate comment letter to the FDA welcoming the release of its new proposed guidance aimed at reducing lead in processed food products for babies and young children. In the comments, the multistate coalition supported the FDA’s goal of reducing levels of lead in these products, but urged the FDA to expand and strengthen the guidance to protect more children from the serious, long-term health risks of lead exposure from store-bought foods marketed for babies and toddlers.

Successfully Defending the California Department of Toxic Substances Control

Lincoln Heights Community Coalition v. DTSC et al.: In October 2023, the Attorney General secured a final trial court judgment in favor of our client agency, the California Department of Toxic Substances Control (DTSC), and against petitioner Lincoln Heights Community Coalition (LHCC). LHCC filed a writ petition under the California Environmental Quality Act (CEQA) against DTSC and the City of Los Angeles, challenging DTSC’s Notice of Determination and addendum under CEQA and approval of a removal action workplan under the Hazardous Substances Account Act for the redevelopment of contaminated land for residential and commercial use in the Lincoln Heights neighborhood of Los Angeles (Site). LHCC alleged that contamination and historic illegal dumping at the Site were first revealed to the public in 2021 and were not adequately accounted for in the redevelopment environmental workplan that DTSC approved. LHCC also alleged that it was improper for DTSC to use a CEQA addendum to address the contamination. In finding for DTSC, the court held that the removal action workplan sufficiently studied and addressed the contamination, and that the CEQA addendum that DTSC prepared and approved for the Site was appropriate.

Safety Kleen Newark, Inc. v. DTSC: In March 2024, the Attorney General secured a favorable published decision from the First Appellate District of the California Court of Appeal affirming the trial court’s denial of Safety Kleen’s challenge to DTSC’s application and determinations under the Violation Scoring Procedure (VSP). VSP is a recently created regulatory program that sets forth a process for scoring past health and safety violations at hazardous waste facilities for permitting purposes. In rejecting Safety Kleen’s arguments, the court explained that the definition of a Class I violation under Health and Safety Code section 25110.8.5 sets forth two independent bases for categorizing a violation as a Class I violation. The court further rejected Safety Kleen’s argument that DTSC abused its discretion when it reclassified certain violations as Class I violations, concluding that nothing in the regulations limited DTSC’s discretion to reclassify a violation.

Major Accomplishments: The Bureau of Environmental Justice

Defending California’s Frontline Communities against Pollution and Climate Change

Supporting U.S. EPA’s Proposed Endangerment Determination from Combustion of Leaded Aviation Gasoline: In January 2023, the Attorney General, leading a multistate coalition of 12 attorneys general, submitted a comment letter to U.S. EPA supporting its proposed finding that emissions from the combustion of leaded aviation gasoline in piston-engine planes cause or contribute to air pollution endangering public health and welfare. This long-overdue finding, which was finalized in October 2023, requires U.S. EPA to promulgate lead emission standards and regulations for piston-

engine planes under the Clean Air Act, and requires the Federal Aviation Administration to establish aircraft fuel standards that are consistent with these aircraft lead emission standards. In the comment letter, the attorneys general urged U.S. EPA to swiftly finalize its proposed finding and commence its rulemaking process to protect the public — especially environmental justice communities situated near airports for piston-engine planes — from exposure to lead air pollution. In the comment letter, the attorneys general supported U.S. EPA’s proposed finding and urged the agency to swiftly issue a final endangerment determination and initiate a rulemaking to regulate lead emissions from avgas.

Protecting Workers Against Extreme Heat: In February 2023, the Attorney General joined a multistate coalition of attorneys general in a petition urging the U.S. Occupational Safety and Health Administration (OSHA) to take emergency regulatory action to protect workers against extreme heat. As climate change results in higher temperatures around the world, workers across the United States face increased risk of heat-related illness and death. In the petition, the attorneys general specifically request that OSHA act immediately in line with its statutory authority to protect vulnerable workers across the country from extreme heat events and highlight the effectiveness of existing standards in California and other states. While a rulemaking for a permanent heat regulation standard was already underway, the process is lengthy, and leaves millions of workers exposed to dangerous levels of heat in the interim. An emergency temporary standard would fill this regulatory void.

Calling for Nationwide Restrictions on the Use of Chemical Pesticide Sulfoxaflor: In March 2023, the Attorney General led a multistate coalition in calling for nationwide restrictions on the use of sulfoxaflor, a chemical pesticide that is extremely toxic to bees and other pollinators. The coalition, comprising some of the states with the largest agricultural sectors, depend on pollinators to sustain their crops and natural ecosystems. For example, California — the nation’s top agricultural state — relies heavily on bees for its almond industry, which contributes over \$20 billion in annual economic output, sustains over 100,000 jobs, and supplies about 80 percent of the world’s almonds. In a letter to U.S. EPA, the coalition of 13 states warned that the unrestricted use of sulfoxaflor could have devastating effects on pollinators, and ultimately harm their states’ economies and endanger the nation’s food security. The coalition urged U.S. EPA to adopt reasonable restrictions on sulfoxaflor’s use and support further research into the pesticide’s potential impacts on human health and the environment.

Protecting Farmworkers and Nearby Communities from Exposure to Harmful Pesticides: In May 2023, the Attorney General joined a multistate comment letter supporting U.S. EPA’s effort to protect farmworkers and nearby communities from exposure to harmful pesticides. In their comments, the attorneys general emphasize that a new rule proposed by U.S. EPA, which would roll back attempts by the Trump Administration to weaken worker protections, helps fulfill U.S. EPA’s obligations to protect human health and the environment.

Voicing Serious Concerns with Proposed Airport Gateway Specific Plan: In June 2023, the Attorney General filed a comment letter that identifies serious legal issues concerning the proposed Airport Gateway Specific Plan in the Inland Empire Cities of Highland and San Bernardino. The Airport Gateway Specific Plan would streamline future development of up to 9.2 million square feet of new warehouses just north of the San Bernardino Airport. In his comment letter, the Attorney General raised several problems with the Airport Gateway Specific Plan, primarily that it would displace approximately 2,600 residents in a majority-Latino community that already suffers from extreme socioeconomic disadvantages and a shortage of affordable housing. The Plan would also bring over 3,000 new heavy-duty diesel truck trips per day into the Highland and San Bernardino communities, these communities already experience some of the worst air pollution in the state.

Supporting the Biden Administration’s Development of a National Ocean Justice Strategy: In July

2023, leading a coalition of 6 attorneys general, the Attorney General filed a comment letter in support of the Biden Administration's development of a national Ocean Justice Strategy. Certain communities have been historically excluded from ocean policy decisions — including Black, Indigenous, people of color (BIPOC) communities as well as people with disabilities, low-income communities, and the youth and elderly — and ocean justice aims to address those disparities.

Issuing Comprehensive Guidance to Local Governments on Effectively Addressing Environmental Justice Land Use Planning: In September 2023, the Attorney General issued comprehensive guidance to local governments on effectively addressing environmental justice issues in their land use planning, as required by Senate Bill 1000 (SB 1000). Historically, California's most vulnerable populations have borne the brunt of pollution from industrial development — breathing in the worst air, drinking the worst water, and developing cancer at higher rates. The guidance provides cities and counties with the information they need to comply with SB 1000 and to develop land use plans that address these inequities, decrease the pollution exposure of their communities, and improve the overall health of residents. It also includes a chart with more than 120 real-world example policies that have been adopted by local governments across the state.

Securing a Settlement with Port of Oakland (Port) and Eagle Rock Aggregates, Inc.: In September 2023, the Attorney General announced a settlement with the Port of Oakland (Port) and Eagle Rock Aggregates, Inc. (Eagle Rock) regarding the planned construction of a new 18-acre marine terminal less than one mile from the West Oakland community. Known as the Eagle Rock Aggregates Terminal project (Eagle Rock project), the marine terminal would be used for aggregate stockpiling and distribution. Aggregates are the raw materials used for construction projects, such as sand and gravel. In August 2022, the Attorney General intervened in a lawsuit filed by the West Oakland Environmental Indicators Project (WOEIP), a local environmental justice organization, alleging that the Port's approval of the Eagle Rock project on February 24, 2022 violated the California Environmental Quality Act in several ways. Through settlement negotiations alongside WOEIP, the Attorney General secured binding commitments to mitigate the Eagle Rock project's air quality impacts and provide other benefits for West Oakland residents.

Protecting Children from Lead-Contaminated Dust: In October 2023, the Attorney General joined a coalition of 13 attorneys general supporting the U.S. EPA's proposed rule to protect children from lead-contaminated dust, a hazard created by the use of lead-based paint. Lead exposure has been found to be extremely harmful to young children and to cause a host of health issues, including brain damage, impaired hearing and speech, and seizures. The comment letter urges the agency to adopt the most health-protective standards possible to limit the presence of lead-contaminated dust in older homes and childcare facilities, which are common sources of lead exposure for young children. Because the particles of lead dust are so small, they are harder to see and remove, making exposure more likely, especially for young children who spend a lot of time on floors.

Supporting the Koi Nation of Northern California's CEQA Lawsuit against the City of Clearlake: In October 2023, the Attorney General announced that the Lake County Superior Court had granted the Department of Justice's application to file an amicus brief in support of the Koi Nation of Northern California's lawsuit against the City of Clearlake. The Koi Nation contends that the site of a proposed 75-room hotel — known as the Airport Hotel and 18th Avenue Extension — contains tribal cultural resources and that the city did not adequately conduct consultation with the Koi Nation or consider the project's impacts on tribal cultural resources, in violation of CEQA's tribal consultation requirements added by Assembly Bill 52 (AB 52). The amicus brief supports the Koi Nation's position, providing information on the legislative history and intent of AB 52's requirements and argues that meaningful consultation under CEQA requires more than the city's cursory approach and agencies must consider tribal expertise in determining tribal cultural resources, significant impacts to those resources, and mitigation measures under CEQA.

Addressing the City of Calexico’s Violations under the Water Shutoff Protection Act and the Water Arrearages Program: In June 2024, the Attorney General and the State Water Resources Control Board filed a motion asking the court to enter a stipulated judgment with the City of Calexico, resolving alleged violations of the Water Shutoff Protection Act and the Water Arrearages Program. As part of the settlement, the City of Calexico is required to implement injunctive terms and to pay up to \$150,000 in restitution to customers impacted by the city’s violations. In addition, the City of Calexico and the State Water Board would separately resolve the city’s liability for administrative penalties. An investigation revealed the city had violated laws designed to provide uninterrupted utility services and water debt relief to customers who suffered economic hardship as a result of the COVID-19 pandemic. The settlement would resolve the alleged violations of 1,090 water shutoffs, require the City of Calexico to pay or credit the accounts of 484 customers who had their water illegally shutoff, and require the city return improperly collected fees to customers. The settlement would also impose injunctive terms, which require the city to implement a compliant water shutoff policy and remove its punitive billing policies, including by reducing the amount and frequency of late fees, providing customers with more options to enter into payment plans, giving customers more time to pay their bills, and lowering the barriers for customers who do experience a shutoff to restart service. Under the settlement, the City of Calexico also submitted a corrected application to the Water Arrearages Program, which will result in approximately \$267,000 in state-provided funding being disbursed to eligible city residential customers in compliance with the Water Arrearages Program.

Healthcare Rights and Access Section

Overview

The Healthcare Rights and Access Section serves as the lead in affirmative healthcare work, representing the Attorney General in his independent capacity and coordinating this work with other sections in the Department, stakeholders, and other state and federal agencies. The Healthcare Rights and Access Section has comprehensive authority to work on investigations, litigation, and legislation, that will increase and protect the affordability, accessibility, and quality of healthcare in the State of California. The section is responsible for overseeing and leading all work in the areas of consumer healthcare rights, tobacco litigation and enforcement, anticompetitive consolidation and conduct in the healthcare market, anticompetitive drug pricing, nonprofit healthcare transactions, healthcare privacy issues, and healthcare civil rights, such as reproductive rights and LGBTQ+ healthcare-related rights. Through the Tobacco Unit, the Healthcare Rights and Access section also protects and enforces California's rights under the nationwide Tobacco Master Settlement Agreement, which limits the marketing of certain tobacco products and entitles California to settlement payments for ongoing cigarette sales. The Tobacco Unit also facilitates the distribution of Proposition 56 tobacco tax funds to local agencies to enforce state and local tobacco laws. Currently, the section is working on expanding healthcare access, increasing affordability, enforcing tobacco laws, and protecting rights and consumers.

Major Accomplishments

Upholding Non-Discrimination Protections

Section 1557 Rulemaking: In October 2022, California, with New York and Massachusetts, led a coalition of 22 attorneys general in a comment letter supporting the U.S. Department of Health and Human Services' proposed rule strengthening anti-discrimination protections under the Affordable Care Act. The proposed rule would implement Section 1557 of the Affordable Care Act, which prohibits discrimination in federal healthcare programs, benefits, and services, and strengthen protections for women, LGBTQ+ individuals, people with limited English proficiency, and those with disabilities.

BAGLY *et al.* v. US HHS: In March 2024, California led 19 attorneys general in filing an amicus brief in support of the plaintiffs' motion to vacate the Trump Administration's 2020 federal rule, which strips nondiscrimination protections in Section 1557 of the ACA. The plaintiffs, a group of civil rights and reproductive health advocacy organizations, challenged the Rule as arbitrary and capricious, and contrary to law under the Administrative Procedure Act, stressing the serious health and social harms that it imposes on underserved populations. In the amicus brief, California stressed the importance of upholding the nondiscrimination protections of Section 1557 in ensuring equitable access to health care.

Maintaining Immigrants' Right to Public Assistance

Texas v. Mayorkus (Public Charge Rule): In October 2023, California, with New York, led a coalition of 17 states in support of the Biden Administration's defense of its revised "public charge" regulations, which determine who can obtain or keep legal immigration status. The revised regulations reject harmful Trump-era changes, opposed by California, which caused hardworking immigrants and their families to avoid or refuse critical health, nutrition, and housing programs for which they qualified. The revised public charge regulations are a significant benefit to California, which is home to over 10 million immigrants. Half of all children in California have a parent who is an immigrant. The Texas case is still pending, but the revised regulations remain in effect.

Advocating for LGBTQ+ Americans

Our Watch v. Bonta: The Healthcare Rights and Access Section successfully obtained dismissal of a lawsuit challenging the constitutionality of Senate Bill 107 (SB 107), sometimes referred to as California's Transgender Sanctuary State Law. SB 107 provides legal protections for families who come to California to obtain gender-affirming care that is inaccessible where they live, as well as doctors and staff providing such care in California. The court granted the Attorney General's motion to dismiss on Article III standing grounds and entered judgment in our favor.

Brandt v. Rutledge: California led a coalition of 21 state attorneys general in support of a challenge to an unconstitutional Arkansas law that prohibits healthcare professionals from providing transgender teenagers with medically necessary care. The coalition filed an amicus brief in the U.S. Court of Appeals for the Eighth Circuit urging the court to affirm a district court judgment that blocked enforcement of Arkansas Act 626, the "Save Adolescents from Experimentation" or SAFE Act.

Eknes-Tucker v. Governor of the State of Alabama: California led a coalition of 21 attorneys general in filing an amicus brief in the U.S. Court of Appeals for the Eleventh Circuit opposing an Alabama law, Senate Bill 184, that criminalized evidence-based and medically accepted gender-affirming care for transgender minors.

Poe v. Drummond: California led 21 attorneys general in an amicus brief in the U.S. Court of Appeals for the Tenth Circuit opposing a state law in Oklahoma that severely blocked the ability of transgender youth to access critical, lifesaving, and gender-affirming care.

K.C. v. Individual Members of the Medical Licensing Board of Indiana: California led a multistate coalition of 20 attorneys general in filing an amicus brief in the U.S. Court of Appeals for the Seventh Circuit opposing a state law in Indiana that severely blocks the ability of transgender youth to access critical, lifesaving, and gender-affirming care.

L.W. v. Skrmetti: California led a multistate coalition in filing an amicus brief in the U.S. Court of Appeals for the Sixth Circuit opposing state laws in Kentucky and Tennessee restricting transgender minors' access to critical and lifesaving healthcare.

Dekker v. Weida: California led a multistate coalition in supporting a federal district court challenge to a Florida rule restricting access to gender-affirming care.

In re Transgender American Veterans Association: California joined 19 attorneys general in a multistate amicus brief in support of the Transgender American Veterans Association's petition for increased access to gender-affirming care for transgender veterans.

Poe v. Labrador: California led 21 attorneys general in filing a multistate amicus brief in the U.S. Court of Appeals for the Ninth Circuit opposing a state law in Idaho that blocks the ability of transgender youth to access critical, lifesaving, and gender-affirming care.

Kadel v. Folwell: California joined a coalition of 18 attorneys general in filing an amicus brief in the U.S. Court of Appeals for the Fourth Circuit in support of transgender individuals who were unlawfully denied coverage for gender-affirming care under the North Carolina State Health Plan for Teachers and State Employees.

Fighting for Reproductive Rights

ACA Contraception Coverage Mandate rulemaking: In March 2023, California co-led a coalition of 22 states in urging the Biden Administration to scrap dangerous Trump-era rules that allow employers to

interfere in the reproductive health decisions of their employees. These dangerous rules took away contraceptive coverage from women who should have been entitled to complete coverage under the Affordable Care Act. However, the new rules, issued in 2017 and 2018, added broad, unreasonable exemptions that allowed nearly all types of employers to deny birth control coverage to their employees based on religious or moral objections. The coalition of attorneys general highlights that expanding access to birth control would help people live healthy, happy, and empowered lives.

Deanda v. Becerra: California co-led a multistate amicus brief in support of the Title X federal family planning program regarding the importance of the program to adolescent health and how vital confidentiality is in protecting adolescents' access to preventing teen pregnancies and lower rates of sexually transmitted infections. The U.S. Court of Appeals for the Fifth Circuit found in favor of plaintiff Deanda, but the complicated order did not impact California and its robust protections for minors' medical care. The mandate has been issued, and the case has been returned to the district court.

Supporting Over-the-Counter Birth Control: California led a multistate coalition of 21 attorneys general urging the U.S. Food and Drug Administration (FDA) to approve over-the-counter (OTC) birth control pills that meet applicable safety and efficacy standards, including a pending application for the nation's first OTC pill. We asserted that OTC access would reduce barriers to obtaining birth control faced by many, and access was even more critical in light of *Dobbs v. Jackson Women's Health*. The FDA approved OTC birth control, and it has been available since February 2024.

Reminding Pharmacies of Obligations to Ensure Minors' Access to Emergency Contraception: In February 2024, the Attorney General, along with Governor Gavin Newsom, California State Board of Pharmacy President Seung Oh, and California Department of Managed Health Care Director Mary Watanabe, took action to ensure that all Californians were informed of their right to access contraception. The statewide efforts included reminding pharmacists, major pharmaceutical companies, health plans, and Californians that current California law requires contraception access, including for minors.

Letter to Walgreens, CVS Stores in Support of Medication Abortion: California co-led a coalition of 23 attorneys general in welcoming a decision by CVS and Walgreens to start offering mifepristone and misoprostol, often referred to as medication abortion, in their stores. The decision, announced by the two companies in January 2023, will enable their pharmacies to dispense and mail the pills to customers after receiving certification from the FDA. Mifepristone and misoprostol are used widely not just for abortions but also to treat other health issues such as miscarriages and even gastric ulcers. They have been approved for use by the FDA for over 20 years. In a letter to CVS and Walgreens, the attorneys general wrote that making the medications available at their pharmacies would enable millions of individuals to access critical, and sometimes lifesaving, reproductive care more easily.

Supporting HIPAA and Reproductive Health Care Privacy NPRM: California and New York co-led a coalition of 24 states in a comment letter supporting stronger protections for patients' reproductive health information. The Biden Administration considered adding amendments to the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, the federal law that governs the disclosure of protected health information (PHI). The changes made it illegal to share a patient's PHI if the PHI is being sought for specific criminal, civil, and administrative investigations and proceedings against a patient in connection with a legal abortion or other reproductive care. The federal government implemented most of our suggested changes in the final rule.

Supporting Improving Access to Abortion and Abortion Counseling for Veterans and CHAMPVA

Beneficiaries: California led a multistate coalition of 23 attorneys general in filing a comment letter supporting the U.S. Department of Veterans Affairs (VA) interim final rule that removes exclusions on abortion counseling and establishes broader access to abortion care for veterans and their beneficiaries. The VA's new interim final rule, "Improving Access to Abortion and Abortion Counseling for Veterans and Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) Beneficiaries," will permit veterans and their families to access abortion counseling for all pregnancies and access abortion services in situations where the patient's life or health is threatened, as well as in cases of self-reported rape or incest. In the comment letter, the attorneys general support the VA's efforts to increase reproductive freedom by removing barriers to essential medical care.

Supporting Yelp's Efforts to Provide Consumers Accurate Information about Crisis Pregnancy Centers: California led a coalition of 16 attorneys general in an open letter supporting Yelp's efforts to ensure that consumers are provided with clear and accurate information about the limitations of services and staffing offered by Crisis Pregnancy Centers (CPCs). Yelp has provided notices on CPCs' Yelp pages notifying consumers that CPCs do not provide comprehensive reproductive healthcare. In the letter, the coalition supports Yelp's efforts to provide accurate information to consumers who utilize the platform to find reproductive healthcare providers.

Defending Workplace Protections for Pregnant Employees: In May 2024, the Attorney General joined a coalition of 24 attorneys general in an amicus brief defending the Equal Employment Opportunity Commission's (EEOC) rule to implement the Pregnant Workers Fairness Act of 2022 (PWFA). The PWFA is a piece of landmark federal legislation that requires employers to provide reasonable accommodations for pregnant and postpartum employees, including accommodations for abortion care. Currently, the rule is being challenged by a coalition of 17 states, led by Tennessee, seeking to stop the EEOC's rule from taking effect.

PC 187 Legal Alert: In 2022, the Attorney General issued a legal alert clarifying that the Attorney General's Office interprets that Penal Code section 187 cannot be used to prosecute pregnant persons for pregnancy loss.

Educating Consumers and Law Enforcement: The Healthcare Rights and Access section issued several bulletins warning consumers about misinformation from crisis pregnancy centers that do not offer reproductive healthcare services. The alerts explain to consumers their rights to abortion and contraceptive care in California and remind health apps of their legal obligations to protect consumer data. They also direct law enforcement officers on how to comply with state and federal laws in dealing with protesters at abortion clinics.

Strengthening Protections for People Seeking Abortion Care: In June 2022, the Attorney General sponsored Assembly Bill 1242 (Bauer-Kahan). This bill prevents peace officers from arresting individuals or cooperating with other states against individuals performing, aiding, abetting, or obtaining an abortion in California.

Reducing Black Maternal Mortality Through Investigation and Legislation: In February 2024, the Attorney General, Assemblymembers Lori Wilson and Dr. Akilah Weber, and members of the California Legislative Black Caucus introduced Assembly Bill 2319, which aims to reduce the alarming and disproportionate maternal mortality rate of Black women and other pregnant persons of color by ensuring successful implementation of Senate Bill 464 (SB 464) (Mitchell), the California Dignity in Pregnancy and Childbirth Act of 2019 (Act). The legislation builds on the DOJ's investigation to ensure and better equip healthcare facilities to comply fully with the Act, the findings of which were announced in DOJ's Report on Healthcare Facilities and the California Dignity in Pregnancy and Childbirth Act. After DOJ began its investigation, providers' compliance rate improved dramatically from below 17 percent to over 81 percent.

Issuing First-Ever Reproductive Healthcare in Jails Report: In August 2023, the Attorney General announced the results of DOJ’s investigation into reproductive healthcare access in county jails. Specifically, DOJ investigated whether sheriffs and administrators overseeing each county jail in California had put in place policies required by law to protect the reproductive rights of incarcerated individuals. As a result of the investigation and DOJ’s subsequent work with the counties, the rate of compliant policy manuals in county jails has improved dramatically — from below 2 percent to over 96 percent. These results have been detailed in DOJ’s first-ever Reproductive Healthcare in Jails Report, a significant step forward in the Attorney General’s efforts to protect the reproductive rights of all Californians and reform the criminal justice system.

Demanding Modesto Public Schools Comply with Sexual Health Education Laws: In April 2024, the Attorney General sent a letter to Modesto Pregnancy Center (the Center), also known as Personal Health Now, demanding that the entity substantiate its claims that it provides medically accurate and unbiased sexual education to public school students. The Center offers a sexual education curriculum to the Modesto City Schools District. It advertises that its program meets the California Healthy Youth Act requirements, which require sexual education in California’s public schools to be comprehensive and medically accurate and prohibit the promotion of religious doctrine. However, DOJ has received parent complaints indicating that the Center’s sexual education curriculum does not appear to comply with state law. Following the Attorney General’s letter, Modesto selected a different vendor for sexual health education.

California v. Azar (Refusal Rule Litigation): The Trump Administration proposed a “Refusal Rule” that would permit healthcare providers to refuse service on religious or moral grounds. After California’s litigation, the district court held the rule at issue unenforceable and issued a judgment in favor of California. California subsequently filed a comment letter supporting rescission of the Refusal Rule by the Biden Administration. Upon finalization of the rescission, the Department of Health and Human Services dismissed its appeal of California’s judgment.

Fund Texas Choice v. Paxton: In September 2022, California led a multistate coalition of attorneys general supporting plaintiff abortion funds and providers seeking to protect the rights of individuals to leave the State of Texas to obtain an abortion. The brief addressed novel “right to travel” constitutional law issues arising post-*Dobbs* that could impact the ability of Californians temporarily in Texas for school, work, or vacation, to seek access to legal abortions in pro-reproductive rights states.

People v. Heartbeat International: In September 2023, California sued Heartbeat International (HBI), a national anti-abortion group, and RealOptions Obria (RealOptions), a chain of five crisis pregnancy centers in Northern California, alleging that the two organizations used fraudulent and misleading claims to advertise an unproven and largely experimental procedure called “abortion pill reversal (APR).” The procedure is touted by HBI and RealOptions as a safe and effective way to “reverse” a medication abortion — in reality, it has no credible scientific backing and has potential risks for patients who undergo it. Given the lack of credible scientific evidence supporting APR’s safety and efficacy, pregnant patients must be provided with accurate information before deciding whether to undergo this experimental procedure. The lawsuit seeks to block HBI and RealOptions from falsely advertising APR as safe and effective.

Challenging State Reason and Abortion Bans

Idaho v. U.S.: California co-led with New York a multistate amicus brief in the district court, U.S. Court of Appeals for the Ninth Circuit, and U.S. Supreme Court, supporting the federal government’s arguments that Idaho’s abortion ban conflicts with the protections of the Emergency Medical Treatment and Active Labor Act (EMTALA). The U.S. Supreme Court heard oral argument on April 24, 2024. We are awaiting a decision from the U.S. Supreme Court.

Texas v. Becerra.: California co-led with New York a multistate amicus brief in the district court and the U.S. Court of Appeals for the Fifth Circuit, supporting the federal government in defending against Texas’s lawsuit alleging that its abortion ban supersedes the protections of EMTALA.

Alliance for Hippocratic Medicine v. FDA (medication abortion challenge): California joined a coalition of 24 states in filing an amicus brief at the district court, U.S. Court of Appeals for the Fifth Circuit, and the U.S. Supreme Court in defense of nationwide access to medication abortion. The Biden Administration appealed a Texas district court’s decision to suspend the FDA’s approval of mifepristone, a medication widely used for abortions and miscarriage management. In June 2024, the Supreme Court remanded the case, concluding that the plaintiffs lacked standing to bring their claims. Three states have intervened at the district court and are poised to continue the litigation.

Reproductive Health Svs. v. Parsons: California co-led with Illinois a multistate amicus brief supporting plaintiffs’ challenge to Missouri’s “Abortion Ban” and “Reason Ban.”

Little Rock Family Planning Svs. v. Rutledge: California led a multistate amicus brief supporting plaintiffs’ challenge to Arkansas’s “Abortion Ban” and “Reason Ban.”

Paul Isaacson, et al v. Mark Brnovich, et al.: California led a multistate amicus brief supporting plaintiffs’ challenge to Arizona’s Reason Ban in the U.S. Court of Appeals for the Ninth Circuit.

Adora Perez v. People: The Attorney General filed an amicus and supplemental briefs supporting Ms. Perez against a wrongful charge under Penal Code sections 187, and 192 for her pregnancy loss. Ms. Perez’s case was dismissed, and she was released.

Chelsea Becker v. People: Defendant Chelsea Becker was charged with murder after her pregnancy ended in stillbirth. The Attorney General filed an amicus brief and two letters of support in the California Supreme Court, arguing that the murder charge against Ms. Becker under Penal Code section 187 should be dismissed. The case was eventually dismissed in May 2021.

Ensuring Healthcare Technologies Do Not Increase Healthcare Disparities

Rulemaking on Artificial Intelligence, Automated Decision-Making Healthcare Tools: Drawing on expertise developed through confidential ongoing investigations, California filed comment letters seeking to strengthen healthcare consumer protections in the context of artificial intelligence and other forms of automated decision-making. These included a November 2022 letter to the Federal Trade Commission (led by the Consumer Section), a November 2022 multistate comment letter to the U.S. Department of Health and Human Services Office of Civil Rights, and a June 2023 letter to the Office of the National Coordinator for Health Information Technology. In these comments, California emphasized the risks that emerging technologies could entrench or exacerbate existing healthcare disparities on the basis of race and other protected characteristics and the need for greater transparency and other actions to prevent this form of discrimination.

Racial Bias in Pulse Oximeters: On November 1, 2023, California led 25 attorneys general in a letter to the U. S. Food and Drug Administration (FDA) urging quick action on harmful bias issues using pulse oximeters. Pulse oximeters are routinely used to measure blood oxygen levels, but they have a significant flaw: The devices are less accurate for patients with darker skin. On November 1, 2022, the FDA’s Medical Devices Advisory Committee convened to address concerns about the pulse oximeter’s race and color bias. In the letter, California urged the FDA to address the negative impacts of this device on patients of color and issue guidance to healthcare providers about the reduced efficacy on individuals with darker skin.

Safeguarding our Elders

The People v. Brookdale: On March 15, 2021, the Health Care Rights and Access Section and the Consumer Protection Section, along with several other district attorney and city attorney offices, filed a lawsuit against Brookdale Senior Living, Inc., one of the nation's largest nursing home care providers. The lawsuit alleged that Brookdale violated the False Advertising Law and Unfair Competition Law by providing false data to the Centers for Medicare and Medicaid Services (CMS) which CMS relied on to "rate" skilled nursing facilities. Brookdale would then advertise the increased ratings it received from CMS to attract new residents. Brookdale also provided inadequate notices to patient residents that it involuntarily discharged from its facilities. On March 11, 2022, the court approved settlement by the parties which called for Brookdale to pay \$3.25 million and an injunction whereby the parties agreed to a quality compliance specialist who will monitor Brookdale's compliance with the injunction. The monitoring is ongoing, and the injunction has been extended several times due to Brookdale's repeated violations of the injunction.

Supporting the Proposed Minimum Staffing Rule for Long-Term Care Facilities: In November 2023, the Attorney General led a coalition of 15 states supporting CMS' proposed rule to set minimum staffing standards for long-term care facilities. In addition to offering support, the Attorney General described the positive correlation between staffing levels and resident health and offered suggestions, such as increasing the minimum staffing hours and reducing the number of exemptions, to improve the proposed rule.

Fighting to Reduce Extreme Medication Costs

The People v. Supernus Pharmaceuticals, Inc.: The Healthcare Rights and Access Section, on behalf of the Department of Health Care Access and Information (HCAI), filed suit against Supernus Pharmaceuticals, Inc., to enforce a \$2.8 million penalty issued by HCAI against Supernus for failing to provide certain data to HCAI regarding the wholesale acquisition cost increase of 11 of Supernus's drug products as required under Health and Safety Code section 127679. The matter is ongoing.

The People v. Eli Lilly and Co., et al.: The Healthcare Rights and Access Section filed a lawsuit about the high price of analog insulin. The lawsuit alleges manufacturers Eli Lilly, Novo Nordisk, and Sanofi, as well as pharmacy benefit managers (PBMs) CVS Caremark, Express Scripts, and OptumRx, have leveraged their market power to overcharge patients. The lawsuit asserts that manufacturers and PBMs are complicit in overcharging for insulin. Manufacturers set the drug's list price, and PBMs then negotiate for rebates on behalf of health plans. Because rebates are based on a percentage of the list price, manufacturers raise their list prices to provide the largest rebates they can offer PBMs. PBMs are often paid for their services with a portion of the rebate they have negotiated. This creates an incentive to negotiate a drug with a higher rebate, not necessarily the lowest price for consumers. As a result, the drug becomes unaffordable for uninsured or underinsured patients, who must pay the full price of insulin. High list prices also make insulin unaffordable for other patients, including those with high deductible health plans or coverage gaps. These out-of-pocket costs have severe consequences on the lives of patients. According to national data, as many as 1 in 4 diabetics cannot afford their insulin and thus ration or stop taking insulin altogether. This rationing is extremely dangerous and can lead to serious health consequences, including death. The litigation is ongoing.

Pharmaceutical Care Management Association v. Mulready: In October 2022, the Attorney General joined 35 attorneys general in a multistate brief in the U.S. Court of Appeals for the Tenth Circuit supporting Oklahoma's right to regulate PBMs. In the brief, the coalition of attorneys generally argues that regulation of PBMs protects consumers and curbs abuses by the multi-billion-dollar pharmaceutical industry and that federal law does not preempt state laws governing PBMs and pharmacies. In June 2024, the Attorney General joined 32 attorneys general in a multistate brief to the U.S. Supreme Court, asking the Court to grant Oklahoma's request to review a decision from the

U.S. Court of Appeals for the Tenth Circuit, which held that federal laws preempt Oklahoma laws that regulate PBMs.

Protecting Consumers' Healthcare Privacy Rights

The People v. Blackbaud Inc.: The Healthcare Rights and Access Section, along with the Consumer Protection Section and its Privacy Unit, entered into a settlement with Blackbaud following a years-long investigation for violating the Unfair Competition Law (UCL) and the False Advertising Law (FAL) related to its unlawful data security practices. Blackbaud is a software company that provides products and services to non-profit organizations. In connection with their use of Blackbaud's products and services, these non-profit organizations store, among other things, names, Social Security numbers, bank account information, and medical information of California residents in Blackbaud's databases. Blackbaud's failure to implement reasonable data security led to a data breach in 2020. Blackbaud then made misleading statements regarding the sufficiency of its data security efforts before the breach and about the extent of the breach to its non-profit customers and the public. These practices violated the Reasonable Data Security Law, FAL, and UCL. Under the stipulated judgment, Blackbaud will pay a \$6.75 million civil penalty and must comply with robust injunctive terms, including requirements that Blackbaud improve its security to safeguard personal and protected health information.

The People v. Adventist Health Hanford: On June 18, 2024, the Healthcare Rights and Access Section announced a settlement with Adventist Health Hanford (Adventist) for violating the Confidentiality of Medical Information Act (CMIA), the federal Health Insurance Portability and Accountability Act (HIPAA), and the Unfair Competition Law (UCL) related to its unlawful disclosure to law enforcement of the protected health information of two patients suffering stillbirths while receiving emergency care at Adventist. Adventist is a California nonprofit corporation and hospital located in Hanford, California. Our settlement stemmed from the cases of *People of the State of California v. Adora Danyel Perez* (Cal. Ct. App., Mar. 26, 2019, No. F077851) 2019 WL 1349709, and *Chelsea Becker v. Superior Court of Kings County* (Cal.App.5th, Oct. 15, 2020, No. F081341) [nonpub. opn.]. In these cases, the pregnant women went to Adventist seeking medical assistance. Both people suffered stillbirths at the hospital, and Adventist Health Hanford personnel promptly disclosed details about the women's medical records to local police. Following investigation by the police into the circumstances of the stillbirths and the women's drug use during pregnancy, the district attorney charged each woman with murder under Penal Code section 187. Adventist's disclosures to law enforcement were not supported by any of the statutory exceptions in CMIA and HIPAA, and thus these disclosures violated CMIA, HIPAA, and the UCL. Under the terms of the stipulated judgment, Adventist will pay a civil penalty and will be required to comply with injunctive terms, including requirements that Adventist improve its trainings, policies, and procedures to safeguard personal and protected health information from unlawful disclosures to law enforcement.

Addressing the Opioids Public Health Crisis

The People v. CVS Pharmacy, Inc.: The Healthcare Rights and Access Section, alongside its multistate Executive Committee partners, negotiated a nationwide settlement requiring CVS to pay up to \$5 billion to resolve allegations that the company contributed to the opioids pandemic by failing to properly oversee the dispensing of opioids at its pharmacies. The judgment, which was entered in Sacramento Superior Court in January 2024, will provide up to approximately \$470 million to California and its cities and counties; the vast majority of the funds will be used to combat the opioid crisis. The agreement also provides comprehensive injunctive relief designed to ensure best dispensing practices; the Healthcare Rights and Access Section sits on the settlement's Injunctive Relief Subcommittee.

The People v. Walgreens Co.: The Healthcare Rights and Access Section, alongside its multistate Executive Committee partners, negotiated a nationwide settlement requiring Walgreens to pay up to \$5.7 billion to resolve allegations that the company contributed to the opioids pandemic by failing

to properly oversee the dispensing of opioids at its pharmacies. The judgment, which was entered in Sacramento Superior Court in January 2024, will provide up to approximately \$510 million to California and its cities and counties; the vast majority of funds will be used to combat the opioid crisis. The agreement also provides comprehensive injunctive relief designed to ensure best dispensing practices; the Healthcare Rights and Access Section sits on the settlement's Injunctive Relief Subcommittee.

The People v. Walmart Inc.: The Healthcare Rights and Access Section, alongside its multistate Executive Committee partners, negotiated a nationwide settlement requiring Walmart to pay up to approximately \$3.1 billion to resolve allegations that the company contributed to the opioids pandemic by failing to properly oversee the dispensing of opioids at its pharmacies. The judgment, which was entered in Sacramento Superior Court in January 2024, will provide up to approximately \$265 million to California and its cities and counties; the vast majority of funds will be used to combat the opioid crisis. The agreement also provides comprehensive injunctive relief designed to ensure best dispensing practices; the Healthcare Rights and Access Section sits on the settlement's Injunctive Relief Subcommittee.

Proposed Opioid Settlement with Kroger Co.: In the fall of 2023, the Healthcare Rights and Access Section, alongside its multistate Executive Committee partners, completed negotiations on a proposed \$1.37 billion nationwide settlement with Kroger to resolve allegations that the company contributed to the opioids pandemic by failing to properly oversee the dispensing of opioids at its pharmacies. If the states and Kroger move forward with the proposed agreement, the settlement will bring up to approximately \$122 million to California and its cities and counties; the vast majority of funds would be used to combat the opioid crisis. The proposed settlement also provides comprehensive injunctive relief designed to ensure best dispensing practices.

Opioids Agreement in Principle on Monetary Terms with Hikma Pharmaceuticals.: In the winter of 2024, the Healthcare Rights and Access Section, alongside its multistate Executive Committee partners, completed negotiations on the monetary terms of a proposed \$150 million nationwide settlement with Hikma Pharmaceuticals, a generic drug manufacturer, to resolve allegations that the company contributed to the opioids pandemic by failing to monitor and report suspicious opioid orders. If completed, the settlement will bring up to approximately \$10 million to California and its cities and counties; the vast majority of funds would be used to combat the opioid crisis. The proposed settlement also provides comprehensive injunctive relief.

Opioids Agreement in Principle on Monetary Terms with Amneal Pharmaceuticals.: In the spring of 2024, the Healthcare Rights and Access Section, alongside its multistate Executive Committee partners, completed negotiations on the monetary terms of a proposed \$272.5 million nationwide settlement with Amneal Pharmaceuticals, a generic drug manufacturer, to resolve allegations that the company contributed to the opioids pandemic by failing to monitor and report suspicious opioid orders. If completed, the settlement will bring up to approximately \$11 million to California and its cities and counties; the vast majority of funds would be used to combat the opioid crisis. The proposed settlement also provides comprehensive injunctive relief.

Prohibiting Anticompetitive Healthcare Practices

Tackling a Systemic, Drug Price Fixing Conspiracy: California and 52 states and territories seek to hold over 20 corporate defendants and tens of individual defendants accountable for a broad, coordinated, and systematic conspiracy to fix prices, allocate markets, and rig bids on hundreds of generic drugs over at least five years. The States brought three separate, highly detailed complaints alleging interlocking conspiracies previously consolidated with other related private plaintiff actions in multi-district litigation (MDL) proceedings in U.S. District Court for the Eastern District of Pennsylvania. Among these is a 650-page complaint in which the States allege certain manufacturers and individual executives at

those companies engaged in a broad, coordinated, and systematic conspiracy to fix prices, allocate markets, and rig bids for upwards of 80 different generic drugs, most of which are topical drugs. This complaint (commonly referred to as the *Dermatology* Complaint) was designated as the bellwether, or lead, case for purposes of pretrial proceedings (and effectively trial). In September 2021, California joined the *Dermatology* case, alleging federal and state antitrust claims for injunctive relief, damages/disgorgement, and civil penalties. The district court sustained California's claims for injunctive relief and its standing to bring those claims. However, the court also dismissed California's federal disgorgement claims. Since then, all three of the states' cases were remanded to the District of Connecticut from the MDL proceedings. With the bulk of offensive and defensive factual discovery complete in the *Dermatology* case, the parties are now engaged in expert discovery. The States also recently filed a motion to amend a second complaint, known as the *Teva* Complaint, to add claims for California, New York, and a new defendant, Novartis.

Monitoring Mergers in Healthcare

Plum-Providence Merger: In May 2021, the Attorney General reviewed the merger of Providence Group, Inc. with Plum Healthcare. Providence and Plum separately own several dozen skilled nursing facilities (SNF) throughout California, including two in rural Lake County. In September 2021, following a joint investigation of the merger with the Federal Trade Commission (FTC), we determined that a consent decree with the companies would help prevent an SNF monopoly in the area and address concerns about the merger's anticompetitive impact, especially on vulnerable senior, rural, and indigent consumers. As part of the decree, Providence divested Rocky Point Care Center (Rocky Point), one of the two SNFs the company owns in the area. The parties agreed to appoint a monitoring trustee to oversee compliance by all parties with the consent decree's terms.

Horizon-Amgen Merger: California led a coalition of six states (California, Illinois, New York, Washington, Wisconsin, and Minnesota) in joining the FTC's challenge of the \$28 billion acquisition of Amgen by Horizon filed in May 2023. Amgen, based in Thousand Oaks, California, is one of the largest pharmaceutical companies in the world and has a large portfolio of blockbuster drugs. A few weeks before trial in September 2023, a settlement was reached that provided unprecedented remedies in a pharmaceutical merger, including an unprecedented role for the plaintiff states to have a formal role in enforcing the consent decree. The settlement included a 15-year prohibition on cross-market rebate bundles between Amgen's blockbuster pharmacy benefit drugs and Horizon's medical benefit drugs, pre-approval from the FTC prior to 2033 before Amgen acquires any pharmaceutical product or interest in any business engaged in the development, manufacture, or sale of any products that treat the same conditions as Horizon's two rare disease drugs, an independent monitor to oversee compliance with the consent decree, and plaintiff state access to Amgen's periodic compliance reports, the monitor's reports, and additional requests for information.

John-Muir San Ramon Regional Center Merger: In November 2023, the Attorney General joined the FTC's challenge to John Muir Health's acquisition of Tenet Healthcare Corporation's (Tenet) 51 percent controlling interest in for-profit San Ramon Regional Medical Center, located in San Ramon in Contra Costa County. This action was the culmination of a nearly year-long joint investigation with the FTC that began in January 2023, shortly after this transaction was announced. The FTC and HRA concluded that in this merger between horizontal competitors, San Ramon Regional Medical Center is the only lower-priced, quality hospital option for health plans to meet network adequacy in the I-680 corridor stretching from central Contra Costa County into Alameda County. As such, the hospital is one of the only competitive constraints on pricing for John Muir Health's higher-priced hospitals in that corridor, which are only a twenty-minute drive from San Ramon Regional Medical Center. The Attorney General alleged that the transaction would lead to higher insurance premiums, co-pays, deductibles, and other out-of-pocket costs or reduced benefits for commercial health insurance enrollees. The parties abandoned the deal one month after the action was filed in December 2023.

UFCW Employers Benefit Trust v. Sutter Health et al.: In August 2021, the court granted final approval of a landmark \$575 million settlement with Sutter Health (Sutter). The settlement agreement was reached in 2019, and resolves allegations by the Attorney General’s office, the United Food and Commercial Workers and Employers Benefit Trust, and class action plaintiffs that Sutter’s anticompetitive practices led to higher healthcare costs for consumers in Northern California compared to other places in the state. The settlement requires Sutter to pay \$575 million in compensation, prohibits anticompetitive conduct, and requires Sutter to follow certain practices to restore competition in California’s healthcare markets. The Attorney General continues to monitor and enforce the settlement agreement.

Association for Accessible Medicines (AAM) v. Becerra (AB 824 Litigation): In the face of skyrocketing prescription drug prices, the California Legislature enacted Assembly Bill 824 (AB 824), sponsored by the Attorney General, to strengthen preexisting California antitrust law by creating an evidentiary burden-shifting framework and deeming pay-for-delay agreements presumptively anticompetitive. AAM previously challenged AB 824, but its first lawsuit was dismissed due to a lack of standing. In light of the Ninth Circuit decision, AAM filed a new complaint, asserting that AB 824 violates the dormant Commerce Clause, the Excessive Fines Clause, and the Due Process Clause. They also claimed that AB 824 was preempted. On December 9, 2021, the district court granted AAM’s preliminary injunction, concluding that AAM was likely to succeed on its dormant Commerce Clause claim. The court subsequently amended its order, limiting the injunction to cover only pay-for-delay agreements negotiated, executed, or entered outside of California. It found that AAM was unlikely to prevail on any of its other causes of action. On September 15, 2023, the Attorney General and AAM filed cross-motions for summary judgment. While AAM largely reprised the same arguments made in its motion for a preliminary injunction, the Attorney General argued that a subsequent change in the law — specifically, the U.S. Supreme Court’s decision in *National Pork Producers Council v. Ross* — had fundamentally upended the reasoning behind the district court’s original opinion. AAM argued that AB 824 violated the dormant Commerce Clause exclusively because it regulated conduct outside of California; under prior law, such a statute was arguably a “per se” violation of the dormant Commerce Clause. In *Ross*, however, the Supreme Court ruled that the dormant Commerce Clause prohibited only those statutes that deliberately discriminated against out-of-state commerce or interests and that there was no per se prohibition on extraterritorial regulation. With the legal basis for the injunction fundamentally upended, the Attorney General argued that the preliminary injunction should be dissolved, and the case dismissed on summary judgment. The Attorney General also argued that AAM lacked associational standing because discovery had shown that many of its members had ties to California. The parties’ cross-motions for summary judgment are fully briefed, and we await the district court’s opinion.

Amicus in Federal Trade Commission v. Hackensack Meridian Health, Inc. et al.: California co-sponsored an appellate multistate amicus brief drafted by Pennsylvania and joined by 24 other states supporting a district court decision enjoining a merger between a high-quality hospital and a competing hospital system in Bergen County, New Jersey. The merging parties appealed the decision to the U.S. Court of Appeals for the Third Circuit and the Third Circuit ruled in favor of the district court’s decision, noting the importance of taking into account states’ views on these transactions as expressed through their application of charitable trusts law.

Amicus in Sutter v. Sidibe: In October 2022, California led and filed a multistate amicus brief supporting the plaintiffs’ appeal of a defense jury verdict entered in favor of Sutter Health. Our amicus brief argued that the district court misapplied California’s Cartwright Act and wrongfully excluded highly relevant evidence. In its June 4, 2024 decision, the U.S. Court of Appeals for the Ninth Circuit reversed the district court’s jury instruction on the plaintiffs’ unreasonable course of conduct claim, holding that the district court wrongfully excluded Sutter Health’s anticompetitive purpose as a relevant factor for the jury to consider. The Ninth Circuit also reversed the district court’s exclusion of all evidence generated

before 2006, holding that evidence pertaining to the history of Sutter Health's restraints and Sutter Health's anticompetitive purpose was highly relevant to plaintiffs' Cartwright Act claims under Federal Rule of Evidence 403.

California Nevada Methodist Homes and Pacifica Companies LLC Transaction: In September 2022, the Attorney General conditionally approved the sale of California Nevada Methodist Homes, a nonprofit that owns and operates two continuing care retirement communities in California. The conditional approval would allow the retirement communities in Oakland in Alameda County, and Pacific Grove in Monterey County, to come under Pacifica Companies LLC ownership. The Attorney General imposed conditions for the sale, which would require Pacifica to, among other things, appoint a monitor to ensure resident safety; report semi-annually on safety; preserve access to skilled nursing facility services for the community; consult with a Community Advisory Board on a quarterly basis; honor residents' contracts; and ensure that outstanding entrance fee obligations to current residents are paid.

Windsor and Ararat Home of Los Angeles, Inc. Transaction: In January 2023, the Attorney General conditionally approved the sale of the residential care facility for the elderly known as "Windsor" to Ararat Home of Los Angeles, Inc. (Ararat), a California nonprofit public benefit corporation. Windsor consists of 141 apartments, including 74 residential living apartments, 39 assisted living apartments, and a 28-bed health center licensed as a skilled nursing facility. The conditions of approval will ensure Ararat continues providing high-quality housing and care for its senior residents, many of whom are part of the Armenian American community that makes up a considerable percentage of the population in the surrounding area of Glendale, and require Ararat to, among other things, maintain skilled nursing beds, Medicare and Medi-Cal participation, and charity care.

Retirement Housing Foundation and Pacifica Companies, LLC Transaction: In May 2023, the Attorney General conditionally approved the sale of four continuing care retirement communities (CCRCs) by the Retirement Housing Foundation, a nonprofit public benefit corporation, to Pacifica Companies, LLC (Pacifica). The CCRCs are located in Auburn, Long Beach, Placerville, and Sacramento. The expert report identified safety issues at other Pacifica facilities. Therefore, as part of his conditional approval, the Attorney General imposed conditions requiring, among other things, the appointment of a monitor to ensure resident safety, semi-annual safety reporting, and consultation with a Community Advisory Board at each facility on a quarterly basis.

Beverly Hospital and White Memorial Medical Center Transaction: In August 2023, the Attorney General conditionally approved the sale of Beverly Hospital (Beverly) to White Memorial Medical Center d/b/a Adventist Health White Memorial (AHWM). Beverly filed for bankruptcy on April 20, 2023. Under the Attorney General's conditions, which were approved by the bankruptcy court, AHWM shall, for five years, use commercially reasonable efforts to operate an emergency department and a medical/surgical unit supporting such emergency department and meet the growth targets to add further services, including cardiac and electrophysiology services and surgeries, Computed Tomography scan, Magnetic Resonance Imaging, mammography imaging services, and surgical capacity and surgery suites, among others; extend graduate medical education resources to Beverly; and maintain Medicare and Medi-Cal participation, charity care, and a Community Advisory Board.

Eskaton Properties, Inc. and International Equity Partners, Inc. Transaction: In September 2023, the Attorney General conditionally approved the sale of three Sacramento County skilled nursing facilities owned by Eskaton Properties, Inc. to International Equity Partners, Inc. (IEP). As part of his approval, the Attorney General imposed conditions for the proposed sale, which will require IEP to, among other things: maintain the same type and level of services being provided to residents; honor and abide by all resident admission agreements, leases, and other occupancy agreements; maintain and continue to employ staff who are in good standing; and ensure continued participation in Medi-Cal and Medicare for eligible patients.

ProMedica Health System and Providence Group, Inc. Transaction: In November 2023, the Attorney General conditionally approved the change in control of seven skilled nursing facilities from ProMedica Health System, an Ohio nonprofit corporation, to Providence Group, Inc. (Providence Group), a California for-profit corporation. The Attorney General imposed conditions for the transfer, which require Providence Group to, among other things, keep the same type and level of services being provided to residents, maintain and continue to employ staff who are in good standing, ensure continued participation in Medi-Cal and Medicare for eligible patients, and maintain a Community Advisory Board at each facility for at least five years.

St. John of God Health Care Services and San Bernardino County Transaction: In December 2023, the Attorney General conditionally approved the sale of St. John of God Health Care Services' Victorville facility to San Bernardino County. The facility is the only one offering substance use disorder treatment and recovery services in the High Desert region in Southern California. The conditional approval also approves Phoenix House Orange County, Inc. as the new operator of the property as of January 1, 2024. The Attorney General imposed conditions for the proposed sale, including maintaining, at a minimum, the same type and level of services being provided to residents, certification to provide services to Medi-Cal patients, maintaining and continuing to employ staff who are in good standing, and complying with nondiscrimination rules in the provision of services.

Mercy Retirement and Care Center: In December 2023, the Attorney General conditionally approved the change in control and governance of Mercy Retirement and Care Center owned and operated by Elder Care Alliance, a nonprofit public benefit corporation to Transforming Age, a Washington nonprofit corporation. As part of his conditional approval, the Attorney General imposed conditions for the transfer, including maintaining the same type and level of services being provided to residents; continuing to employ staff who are in good standing; ensuring continued participation in Medi-Cal and Medicare for eligible patients; and honoring all residents' contracts.

Twilight Haven and Bayshire Central Valley, LLC Transaction: In February 2024, the Attorney General conditionally approved the sale of Twilight Haven, a California nonprofit that owns and operates an assisted living facility, an independent living facility, and a skilled nursing facility (SNF) in Fresno to Bayshire Central Valley, LLC. In June 2023, the nonprofit corporation filed for bankruptcy after the closure of its SNF, causing a disruption of its services, as well as the dislocation of residents. This sale will allow the SNF to reopen. Under the Attorney General's conditions, which were approved by the bankruptcy court, Bayshire Central Valley, LLC has committed to reopening the SNF and maintaining services for at least five years, maintaining and continuing to employ staff who are in good standing, ensuring participation in Medi-Cal and Medicare for eligible patients, honoring all residents' contracts, and establishing a Community Advisory Board.

Madera Community Hospital and American Advanced Management, Inc. Transaction: In February 2024, the Attorney General conditionally approved the management service agreement and sale of Madera Community Hospital (Madera) to American Advanced Management, Inc. (AAM). Madera filed for bankruptcy on March 13, 2023, shortly after shuttering the hospital in January 2023. As part of his approval, the Attorney General imposed conditions for the transfer that require AAM to use commercially reasonable efforts to reopen and maintain the hospital, starting with its emergency room, medical/surgical unit, and intensive care unit; to reopen the rural health clinics; to meet growth targets to add further services, including catheterization lab, orthopedics, podiatry, gastroenterology service line, general surgery, and bariatric services, among others; and to maintain Medicare and Medi-Cal participation, charity care, and a Community Advisory Board.

Supporting the Federal Trade Commission's Proposed Rule on Non-competes: In April 2023, California co-led a multistate coalition in submitting comments supporting the Federal Trade Commission's proposed rule to eliminate non-compete clauses in most employment contracts. The states argued that

low and middle-wage workers would benefit the most from this proposed rule due to potential wage increases and better job mobility. The states also argued that the proposed rule would promote gender and racial equity. Because non-compete clauses were widely used in the healthcare sector, the states argued that the proposed rule would help reduce nationwide shortages of physicians and nurses.

Bringing Equity into Merger Enforcement and Draft Merger Guidelines: The Healthcare Rights and Access and Antitrust Sections have been involved in multiple rounds of multistate comments on merger enforcement and draft Merger Guidelines, which California joined or co-led, wherein the Healthcare Rights and Access Section has been particularly involved in ensuring the comments discussed healthcare competition and related equity issues. In particular, in April of 2022, California co-led multistate comments in response to a request for information from the federal antitrust authorities on merger enforcement in which we addressed consolidation in labor markets and the need to address the effects of mergers on rural communities, senior citizens, low-income communities, and people of color. In December of 2023, the federal antitrust authorities issued new Merger Guidelines.

Multistate Comments on Request for Information Regarding Private Equity Groups: In response to a joint request for comment by the U.S. Department of Justice, the Federal Trade Commission (FTC), and the Department of Health and Human Services (HHS), the Attorney General co-led a comment by eleven attorneys general illustrating how consolidation and involvement of private equity in healthcare markets can lead to substantial harm. The comment argues that private equity actors have different incentives and risk tolerance than other entities in healthcare and that these can often lead to harm. It collects economic scholarship as well as real-world case studies showing there are substantial impacts on patients, doctors, and communities as a result of private equity actions. Finally, the comment recommends actions that can be taken by the agencies to address these harms, and specifically that: (1) to increase transparency, HHS can expand its collection of information on ownership of healthcare entities by private equity and make it available to state enforcers; (2) the FTC and HHS should finalize rules prohibiting anticompetitive contracting in federal programs, such as anti-steering and anti-tiering provisions; and (3) there should be more coordination among federal and state enforcers since each has a different toolbox for addressing the harms caused by private equity actors in healthcare.

Multistate Letter to FTC and Congress on Pharmaceutical Benefits Managers (PBMs): In February of 2024, California joined a multistate letter to the FTC and Congress to address issues raised by the actions of PBMs, including how they have made the pharmaceutical market more opaque and have contributed to rising drug prices. The letter advocated for greater transparency and measures to combat higher healthcare costs, referencing various bills before Congress. The letter also lauded state reforms, but pointed out that state laws were challenged by federal preemption.

Prosecuting and Protecting Consumers from Healthcare Scams

The People v. Alier Companies et. al.: In January 2022, the Attorney General sued the Alier Companies (Alier) and the Moses family — the family that founded Sharity Ministries, Inc. (formerly called Trinity Healthshare, Inc.), a nonprofit corporation that purported to be a health care sharing ministry. Alier, a for-profit corporation, created, operated, and sold unauthorized health plans and insurance through Sharity/Trinity, collecting hundreds of millions of dollars in monthly premiums from thousands of Californians and others throughout the country. However, rather than paying its members' healthcare costs, the company declined claims and retained nearly 84 percent of its members' contributions — leaving many crushed by the burden of impossible medical debt. Since filing, both Sharity and Alier have liquidated through bankruptcy proceedings in which we were active participants. Our litigation continues against the Moses family, and is currently scheduled for trial on October 14, 2024.

The People v. Shared Health Alliance: In March of 2023, our office filed a complaint and stipulated judgment against two companies, Shared Health Alliance, Inc. (SHA) and Alliance for Shared Health (ASH), to resolve allegations that they offered and deceptively advertised sham health insurance and violated insurance regulations that protect consumers, under the false guise of a health care sharing ministry program (HCSM). ASH, a nonprofit corporation that purported to be a HCSM, created, operated, and sold unauthorized health insurance through its for-profit administrative vendor, SHA. The judgment included restitution for every California member, just over \$1.74 million, and civil penalties, just over \$350,000, against both entities. In addition, it prohibits ASH, SHA, and its executives, seven individuals in total, from conducting future business related to HCSMs in the state.

The People v. Biora Therapeutics, Inc.: In September of 2023, the Healthcare Rights and Access Section entered into a stipulated judgment with Biora Therapeutics, Inc. to resolve allegations that the San Diego-based company made misleading claims regarding the costs of its genetic testing services when advertising to healthcare providers and patients in violation of California's Unfair Competition Law and False Advertising Law. The judgment required Biora to pay \$200,000 in penalties and waive all outstanding debts of California consumers for its genetic testing services, approximately \$577,763. The judgment also restricts the company's marketing and advertising for three years.

The People v. Center for Covid Control, et al.: The Healthcare Rights and Access Section executed stipulated judgments against the Center for Covid Control (CCC) and United Diagnostic Labs (UDL) and their founders for violating the Unfair Competition Law and the False Advertising Law related to their unlawful COVID-19 testing practices. CCC was an Illinois-based provider of pop-up COVID-19 testing services nationwide that began operating in California in late 2021, immediately prior to the omicron variant surge. CCC and its affiliated entities, including UDL, represented themselves as trustworthy operators of COVID-19 testing sites working with laboratories approved and licensed by the Centers for Disease Control and registered with the federal Clinical Laboratory Improvement Amendments program. They also represented that they could produce test results in a short time. By early January 2022, there were concerns about CCC and its affiliates related to their lack of proper state and federal regulatory certification and compliance, and providing customers late, inaccurate, or no test results. CCC ceased operations in January 2022, after an FBI raid on its headquarters. The judgments include robust injunctive terms that preclude CCC from operating in California again, preclude CCC founders from operating a company in the healthcare industry in California ever again, and require UDL to comply with California law regarding laboratory testing. The judgments also provide a \$120,000 civil penalty, a reduced sum in light of the FBI's seizure of CCC's funds.

Safeguarding Patients from Medical Payment Products, Medical Credit Cards: In September 2023, the Healthcare Rights and Access section submitted a comment letter urging the adoption of federal regulations on medical payment products to help safeguard patients using these products from financial harm. Recommendations included: designating medical credit cards as medical debt, not consumer debt; ensuring providers properly screen patients for financial aid and charity care before offering medical payment products; limiting patient enrollment in provider offices; and reducing cost-sharing responsibilities to reduce patient need for medical payment products.

Major Accomplishments: Healthcare Rights and Access Section's Tobacco Unit

Keeping the Tobacco Industry Accountable through Tobacco-Law Enforcement

Master Settlement Agreement (MSA) Payment Issues: In 2023 and 2024, the Attorney General continued to oversee tobacco manufacturers' compliance with their payment obligations under the MSA. As a result, the participating manufacturers paid California \$919 million in 2021 and \$944 million in 2022, bringing the total amount paid to California, its counties, and four largest cities since the MSA was signed in 1998 to over \$19 billion.

People v. JUUL Labs, Inc.: In 2003, the Attorney General reached a \$462 million multistate settlement agreement with electronic cigarette maker JUUL Labs, Inc. (JUUL) negotiated by HRA's Tobacco Unit and six other states. The settlement resolved multiple lawsuits — including one filed by DOJ, the Los Angeles County District Attorney's Office, and the County of Los Angeles — alleging JUUL violated state laws by targeting young people through its advertising and promotional campaigns. Of the \$462 million settlement amount, California will receive a total of \$175.8 million, the highest amount yet of any state settlement reached with JUUL. The money will help California fund research, education, and enforcement efforts related to e-cigarettes. JUUL will also be prohibited from targeting youth in its advertising and promotion under the terms of the deal. To date, JUUL has made payments to California totaling approximately \$44 million.

New York City, et al. v. United States Postal Service.: In October 2019, the Attorney General and the City of New York filed suit against the U.S. Postal Service (USPS) and the Postmaster General in U.S. District Court for the Eastern District of New York. Three more states have since joined the action. The complaint alleged USPS violated the Prevent All Cigarette Trafficking Act by accepting and transmitting packages containing cigarettes. The action sought injunctive and declaratory relief. In July 2022, the parties advised the district court they had reached a settlement resolving the action. The settlement imposes numerous requirements on USPS, including joint committee meetings consisting of plaintiff members and USPS personnel; detection of cigarette packages using electronic and manual detection; data reporting obligations; seizure and destruction of cigarette packages; and training of relevant USPS personnel. The parties are bound to the settlement terms for three years, with a potential three-year extension dependent upon the parties reaching a benchmark agreement. As of April 2024, USPS seized and destroyed 471,188 cartons of contraband cigarettes (or 94,237,560 cigarette sticks) that entered the United States from foreign-based shippers through USPS mail. In 2024, plaintiffs also inspected two of the four major USPS International Service Centers in Chicago and New York to monitor USPS' compliance with the settlement terms.

Grand River Settlement Over Illegal Cigarette Sales: The Attorney General pursued litigation against entities responsible for illegal cigarette sales in California, including associated appeals. In November 2018, the Attorney General entered into a settlement with Grand River Enterprises, a Canadian cigarette manufacturer that sold large quantities of cigarettes without complying with California's escrow, directory, and unfair competition statutes. Under the terms of the settlement agreement, Grand River paid \$1.5 million in attorney's fees, continues to make back escrow payments of approximately \$22 million, and must comply with additional monitoring and reporting requirements. Furthermore, Grand River must assign half of all escrow payments, which includes all post-settlement sales, to the State's General Fund. To date, Grand River has assigned over \$45 million of tobacco escrow to California.

Native Wholesale Supply Litigation: In January 2022, the Attorney General provided notice under Native Wholesale Supply's bankruptcy plan of the trial court's award of civil penalties to the People. The court granted California more than \$4 million in penalties for violations of the Directory Statute, Fire Safety Act, and Unfair Competition Law related to its distribution of more than a billion cigarettes to the Big Sandy Rancheria Band of Mono Indians, a small tribe in Central California, for resale to the general public, and millions more in attorney's fees and expert expenses. To date, Native Wholesale Supply has released nearly \$400,000 to the Attorney General, with the remainder to be paid at the conclusion of other states' litigation against the company.

Rose Litigation: With the assistance of a receiver, California collected more than \$2 million from Darren Rose, a tribal member, in connection with the unlawful sales of millions of packs of cigarettes to non-members of his Tribe. This recovery satisfies the full judgment and associated attorneys' fees and interest. Under the court order, over \$600,000 was distributed to Shasta County for Unfair Competition Law penalties and to the California courts for previously waived fees.

Azuma Corporation Litigation: In April 2023, the Attorney General filed suit in federal court against the officers of the Azuma Corporation, a tribal corporation, to halt its illegal distributions. Those officers include Darren Rose, from whom the Attorney General previously collected more than \$2 million on behalf of the People due to his unlawful retail operations. Rose and fellow tribal member Phillip Del Rosa expanded beyond Rose’s prior retail sales to then manufacture cigarettes and unlawfully distribute them throughout California. The Attorney General secured a preliminary injunction against such sales in September 2023. After the court held Rose in contempt for violating that injunction in February 2024, Azuma halted its unlawful distributions in California.

Addressing the Public Health Crisis from New Addictive Products

Assembly Bill 1742 (Rivas) (2021/2022). Assembly Bill 1742 was signed into law in September 2022. The bill strengthened the Attorney General’s ability to enforce state tobacco laws. The bill has provided the Attorney General with additional tools to deter non-participating tobacco manufacturers (NPMs) who are not parties to the MSA from non-compliance with state regulations. AB 1742 has expanded the circumstances in which NPMs may be required to post a surety bond for compliance failure and increased coordination between state agencies in enforcement related proceedings as part of the MSA payment dispute process, among other changes. AB 1742 has also shifted the responsibility to review fire-safe-cigarette certification from the State Fire Marshal to the Attorney General, has increased the review period from 10 days to 30 days, and requires applicants to pay a \$1,000 tobacco directory application fee. In 2024, five NPMs posted surety bonds, and the Department collected \$25,000 in tobacco directory application fees.

Assembly Bill 3218 (Wood/Rivas) (2023/2024). Assembly Bill 3218, the Unflavored Tobacco List, would establish and maintain on the Attorney General’s internet website a list of tobacco product brand styles permissibly unflavored under California’s flavored tobacco ban. The bill would also: (a) hold the distribution chain accountable at a higher level by authorizing the Attorney General to seek civil penalties against distributors for selling products not appearing on the Unflavored List, as well as manufacturers that falsely certify to the Attorney General that their products are unflavored; (b) clarify the definition of “characterizing flavor,” to specifically prohibit products that impart menthol-like cooling sensations; and (c) authorize the Attorney General to omit from the Unflavored List any tobacco products lacking the required federal Food and Drug Administration authorization.

E-juice Steals and E-Juice Vapor Litigation: In December 2023, the Attorney General pursued litigation against two online retailers to hold them accountable for selling e-cigarettes to California consumers in violation of state and federal law. These two online retailers had been subject to prior enforcement actions by the Attorney General and federal Food and Drug Administration. Still, despite those enforcement efforts, these online retailers continued their unlawful operations. At this time, E-juice Vapor defendants have suspended online sales of e-cigarettes and litigation is ongoing.

Investigations Targeting E-cigarettes: The Attorney General continues to investigate unlawful online sellers of e-cigarettes. In 2024, the office took enforcement actions against 20 online retailers, including referring 17 online retailers to the Bureau of Alcohol, Tobacco, Firearms and Explosives for addition to the noncompliant list established under the federal Prevent All Cigarette Trafficking Act. These non-compliant retailers have also been referred to the California Department of Tax and Fee Administration for further action relating to applicable tax payments.

Promoting Health through Tobacco Program Enforcement and Outreach

Local Law Enforcement Tobacco Grant Program: The California Department of Justice has awarded approximately \$184 million in grant funding to local law enforcement agencies since 2017 for activities to support the enforcement of state and local tobacco laws relating to underage sales and marketing of tobacco products. These grants are funded by Proposition 56, a statewide initiative approved in

November 2016 that increased the state excise tax of tobacco products by \$2 a pack of cigarettes or the equivalent and earmarked the resulting revenue for specified purposes, including support of local law enforcement for tobacco-related enforcement activities. An estimated \$28.5 million will be awarded in fiscal year 2024-2025.

Outreach to Video Streaming Industry to Protect Young Viewers from Tobacco Imagery: In August 2019, the Attorney General led a bipartisan coalition of 43 state attorneys general to urge the streaming industry to limit imagery of tobacco use in their video content. In February 2021, representatives from a multistate working group encouraged the creative guilds to do the same. As a result, many streaming platforms now warn viewers of content with tobacco and provide improved parental controls. In 2024, the working group, in coordination with the National Association of Attorneys General, continues communicating with the companies and guilds.

Protecting Californians from the Harmful Effects of Tobacco: In April 2021, the Attorney General filed a comment letter with the federal Food and Drug Administration (FDA) urging the agency to prohibit menthol as a characterizing flavor in cigarettes to protect vulnerable populations from the harmful effects of menthol-flavored cigarettes. The comment letter pointed to compelling evidence why the FDA not only needs to ban menthol cigarettes but do so urgently to save lives and advance health equity. Later that month, the FDA announced its decision to pursue rulemaking to prohibit menthol in cigarettes. In April 2022, the FDA officially announced two proposed product standards: one prohibiting menthol as a characterizing flavor in cigarettes, and one prohibiting all characterizing flavors (other than tobacco) in cigars.

Land Use and Conservation

Overview

The Land Use and Conservation Section represents and advises the State of California in land use litigation and in cases that involve lands that the state owns and administers for resource conservation or development. The section's attorneys are authorities on laws pertaining to land use and resource regulation, environmental review, real property, the public trust doctrine, oil and gas development, administrative procedure, and the law applicable to constitutional takings.

The Land Use and Conservation Section's client agencies include:

- Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun
- California Coastal Commission
- California High-Speed Rail Authority (for environmental litigation and compliance)
- California Seismic Safety Commission
- Central Valley Flood Protection Board
- Delta Protection Commission
- Delta Stewardship Council
- Department of Conservation, including the Division of Geologic Energy Management (CalGEM)
- Department of Housing and Community Development
- Department of Parks and Recreation
- Natural Resources Agency
- Ocean Protection Council
- San Francisco Bay Conservation and Development Commission
- State Lands Commission
- State Mining and Geology Board
- Ten State Conservancies

Major Accomplishments

Expanding Access to Housing

Representing and Supporting the Department of Housing and Community Development: The Attorney General represents the state agency primarily responsible for expanding housing production, the Department of Housing and Community Development (HCD). On behalf of HCD, the Attorney General has acted to ensure local jurisdictions are complying with state housing laws, including defending HCD's statutory obligation to determine regional housing allocations, and enforcing the Housing Element Law, the Surplus Land Act, Affirmatively Furthering Fair Housing and other land use-related fair housing laws, and the Housing Accountability Act. The Attorney General has also represented HCD in connection with challenges to its implementation of the Emergency Rental Assistance Program, a COVID-19 relief fund for California renters.

Housing Justice Team: The Attorney General also takes independent action through the Housing Justice Team, often working together with HCD to enforce housing production and fair housing laws. The Attorney General has filed lawsuits against the City of Elk Grove for its denial of a supportive housing project in violation of Senate Bill 35 and fair housing laws, and against the City of Huntington Beach of violations of Senate Bill 9, accessory dwelling law, and housing element law. The Attorney General

has also supported cities that are properly implementing housing laws despite local challenges, such as filing an amicus brief in support of the City of Livermore urging the court to expedite review of a California Environmental Quality Act challenge that jeopardized the viability of the housing project.

Monitoring and Minimizing Environmental Impacts

California High-Speed Rail Authority: The Attorney General advises the California High-Speed Rail Authority (Authority) on environmental law compliance for constructing the high-speed rail system. This includes providing advice regarding the Authority's project-level environmental impact reports (EIR)/environmental impact statements (EIS) analyzing individual parts of the statewide system under the California Environmental Quality Act and the National Environmental Policy Act. In 2023 and 2024, this office supported Authority efforts that resulted in the Authority issuing its seventh Final EIR/EIS and making project decisions leading to environmental clearance stretching from San Francisco to Los Angeles. In addition, this office is supporting Authority efforts to prepare and publish a draft EIR/EIS for the section of high-speed rail that would extend from Los Angeles to Anaheim. The Attorney General is presently representing the Authority in three lawsuits challenging the Authority's approval of the San Francisco to San Jose Project Section, and previously has assisted the Authority in settling other lawsuits challenging its project-level EIRs for other portions of the system in the Central Valley. The Attorney General's efforts have contributed to the Authority being able to start and maintain major civil infrastructure construction utilizing several billion dollars in federal grant funds awarded under the American Recovery and Reinvestment Act of 2009.

Lake Tahoe: Since 1971, the Attorney General has enforced the bi-state compact entered by Nevada and California in 1969 to promote the environmental protection of Lake Tahoe. This participation has included challenging actions taken by the Tahoe Regional Planning Agency (TRPA) pursuant to the compact, as well as supporting and collaborating with TRPA on its efforts to adopt comprehensive amendments to its regional plan. Over the past few years, the Attorney General has engaged with TRPA and other key Tahoe Basin stakeholders on important planning initiatives such as ensuring appropriate implementation of the Vehicle Miles Traveled threshold for the Basin, and with respect to TRPA's efforts to balance affordable housing needs in the Basin with long-standing policies limiting development rights in order to protect Tahoe's unique environment.

Oil Regulation Litigation: The Department of Conservation's Geologic Energy Management Division (CalGEM), previously known as the Division of Oil, Gas, and Geothermal Resources, has recently been granted new statutory powers and duties by the Legislature. Under this new authority, CalGEM is required to collect bonds from operators acquiring wells or facilities sufficient to cover the entire cost of future site remediation, as well as new enforcement powers to initiate civil lawsuits against operators that violate CalGEM's regulations. The Attorney General is currently defending CalGEM in lawsuits by Chevron, Aera Energy, and the Western States Petroleum Association challenging its practices for evaluating applications for oil well drilling and hydraulic fracturing permits. The Attorney General has also brought more than a dozen lawsuits on CalGEM's behalf, seeking to obtain judgments securing civil penalties and injunctions against various oil and gas operators throughout the state that have failed to comply with final administrative orders from CalGEM. Recently, the Attorney General secured a published opinion from the Fifth District Court of Appeal upholding the validity of several CalGEM regulations governing underground injection activities used in oil and gas operations.

Plastics Investigation: On April 28, 2022, the Attorney General announced a first-of-its-kind investigation into the fossil fuel and petrochemical industries for their role in causing and exacerbating the global plastics pollution crisis. The investigation examines the industries' historic and ongoing efforts to deceive the public. Through this investigation, the Attorney General seeks to understand whether, and to what extent, these actions may have violated the law. As part of the investigation, the Attorney General issued a subpoena to ExxonMobil, a major source of global plastics pollution, seeking

information relating to the company's potential role in deceiving the public. The Attorney General also issued subpoenas to thirteen other companies seeking information relevant to the investigation.

Combatting the Dangerous Impacts of Wildfires

Wildfire: In light of California's dramatic increase in the number and severity of catastrophic wildfires, the Attorney General reviews local government approvals of new developments in high or very high fire severity zones to evaluate wildfire risk. The California Environmental Quality Act (CEQA) Guidelines were updated in 2019 to more clearly require thoughtful consideration of how new developments may exacerbate existing wildfire risk. In addition to reviewing individual projects, the Attorney General issued guidance to local governments on how to comply with CEQA in considering wildfire ignition risk. The guidance sets out best practices and mitigation measures for topics such as project density and location, water supply and infrastructure, evacuation and emergency access, and fire hardening.

Keeping California's Waters Clean, Safe, and Accessible

Coastal Access and Access to Navigable Waters: The California Constitution and state law mandate public access to navigable waters, such as the ocean, rivers and lakes. Our clients seek to protect public access to the ocean or lakes, including the California Coastal Commission who we represent in protecting access to beaches and the ocean. The Attorney General has defended the Commission's issuance of administrative civil penalties and permit conditions in several public access cases. The Attorney General has also successfully defended the Commission in challenges to permit conditions that protect public beach access from the adverse effects of seawalls that physically occupy the beach and cause beaches to erode.

Sacramento-San Joaquin Delta: The Attorney General has represented the Delta Stewardship Council (Council) since its creation as part of historic 2009 legislation that reformed laws applicable to the Sacramento-San Joaquin Delta (Delta). The Attorney General advised the Council as it developed and adopted the Delta Plan to protect the Delta's ecosystem while promoting a more reliable water supply for California. Soon after the Council adopted the Delta Plan, 26 parties filed seven lawsuits challenging the plan. In 2020, the Court of Appeal agreed with the Attorney General's Office and upheld the Delta Plan, vindicating the Council's regulatory authority and policy discretion. In addition, four lawsuits were filed challenging amendments to the Delta Plan under both the Delta Reform Act and CEQA. The Attorney General's Office successfully defended the Council in those lawsuits.

Native American and Tribal Affairs

Overview

The Native American and Tribal Affairs (NATA) section is the successor to the former Indian and Gaming Law Section and provides legal representation and advice in litigation, administrative, transactional, tribal-state compacts, and other matters involving Native American law and state and federal gambling laws. Through NATA, the Attorney General's Office provides legal representation and advice regarding these topics to the following entities:

- Governor's Office
- DOJ's Bureau of Gambling Control
- California Gambling Control Commission
- Native American Heritage Commission
- California Horse Racing Board
- State Lottery Commission
- Other offices and state agencies

Major Accomplishments

Negotiating, Enforcing, and Defending Tribal Gaming Compacts

Tribal Gaming Compacts: The Attorney General's Office participates in the negotiation, interpretation, enforcement, and defense of tribal gaming compacts. NATA assists the Governor in negotiating new tribal gaming compacts and compact amendments with federally recognized Indian tribes in California. The compacts enhance safeguards in the expansion of the tribal gaming industry in California and ensure that California tribes without casinos and those with small casinos continue to receive a share of revenues from tribal gaming. From January 1, 2023, to June 30, 2024, the Attorney General's Office assisted the Governor's Office in negotiating and reaching agreement with 12 California tribes on new tribal gaming compacts and with 19 California tribes on amendments to extend their current tribal gaming compacts that were due to expire on December 31, 2023.

Defending the Governor's Constitutional Powers

Picayune Rancheria of the Chukchansi Indians v. Edmund G. Brown, Jr.: This action involves the Picayune Rancheria's challenge to the legality of the Governor's decision to concur with the Secretary of the U.S. Department of the Interior's decision to take off-reservation land of the North Fork Tribe into trust for the Tribe for the purpose of developing a casino. The Tribe's complaint alleges that a concurrence by the Governor did not take effect because legislative ratification of the North Fork compact never took effect, and because the Governor's concurrence was expressly conditioned on the effectiveness of the North Fork compact. On July 14, 2023, the court sustained the Attorney General Office's demurrer on behalf of the State and the Governor without leave to amend, ruling that there was no actual controversy between the parties.

Prohibiting the Unlawful Expansion of Gambling

Sutter's Place, Inc. v. California Gambling Control Commission: In 2024, the Attorney General obtained a published decision from the Court of Appeal effectively prohibiting an expansion of card room gambling that would not comply with state law. The owner of a San Jose card room had applied to the California Gambling Control Commission (Commission) for additional permanent gambling tables under authorization purportedly provided by San Jose's gambling ordinance that was amended

to expand gambling in San Jose pursuant to a ballot measure passed by the voters on November 3, 2020. The Commission denied the application on the ground that the language of the ballot measure failed to comply with the express requirements of the Gambling Control Act (Act) for the expansion of gambling within a jurisdiction, and that the ordinance under which the application was submitted was therefore invalid under the Act. The Court of Appeal held that San Jose's ballot measure did not substantially comply with the Act because it failed to contain certain required content, and it contained impermissibly partisan language. The court further held that local gambling ordinances must comply with state law, that the Commission had broad authority to interpret the Act and to deny licenses when warranted, and that the Commission properly denied the application.

Protecting the Constitutionality of State Laws Regulating Gambling

Flynt, et al. v. Bonta, et al.: In 2024, the Attorney General completed briefing in the Ninth Circuit Court of Appeals against a constitutional challenge to state law regulating licensing criteria for card room owner-licensees. Three California card room licensees had brought suit against the Attorney General, the Bureau of Gambling Control, and the California Gambling Control Commission. They alleged that two sections of the Gambling Control Act, Business and Professions Code sections 19858 and 19858.5, violate the dormant Commerce Clause of the U.S. Constitution. These laws bar individuals who have more than a one-percent ownership interest in businesses offering gambling activities prohibited in California from holding a license to own a card room in California. In 2022, the Attorney General prevailed on cross-motions for summary judgment in a published decision by the U.S. District Court for the Eastern District of California, effectively upholding these state laws. The plaintiffs have appealed and alleged that the ownership limitation is an impermissible burden on interstate commerce and have sought to enjoin enforcement of the statutes.

Defending the California State Lottery Commission

Jose Rivera v. California State Lottery Commission, et al.: On November 8, 2023, winning numbers were drawn for a \$2.04 billion Powerball lottery prize, which was the biggest lottery prize in history. Edwin Castro presented the winning ticket to the California State Lottery Commission, and the Lottery's investigation confirmed that he was the winner, which was announced to the public on February 14, 2023. The next day, Jose Rivera attempted to file a claim with the Lottery, alleging that he bought the winning lottery ticket and that the ticket was stolen from him. Mr. Rivera filed an action against the Lottery seeking a declaration that he was the lawful and rightful owner of the winning lottery ticket and that he was entitled to the \$2.04 billion winnings. The Attorney General's Office, on behalf of the Lottery, was able to secure dismissal of this case at the pleading stage on March 1, 2024.

Natural Resources Law Section

Overview

The Natural Resources Law Section represents most state agencies responsible for natural resources management or pollution control in California. The section also represents the Attorney General and the Governor's Office in environmental matters. In addition, the section's California Environmental Quality Act practice sometimes leads to representation of non-traditional state client agencies. The section handles complex environmental litigation both in defense of client actions and enforcement of pollution laws and regulations. Much of the section's litigation work involves the Air Resources Board, the State Water Resources Control Board, the Regional Water Quality Control Boards, the Department of Pesticide Regulation, CalRecycle, the Department of Water Resources, the Department of Fish and Wildlife, the Department of Forestry and Fire Protection, and the Governor's Office of Emergency Services. The section also represents the Department of Food and Agriculture and the 55 District Agricultural Associations, among other agencies.

Major Accomplishments

Defending California's Water Resources

Water Quality and Water Rights Litigation: The Attorney General represents the State Water Resources Control Board (State Water Board) in many cases involving its regulation of water right holders throughout the California, including the imposition of limitations to address drought conditions. The Attorney General also represents many state agencies in civil groundwater adjudications to protect their groundwater rights as a property owner, and to ensure that resolution of such cases protect the public interest and public trust resources.

The Attorney General also represents the State Water Board and the nine regional water quality control boards in their role as regulating authorities for the state's water quality. These cases range from defending state plans and policies, to issuing administrative orders requiring polluters to investigate and cleanup waste, to handing down penalties for failure to comply with such orders. For example, DOJ defended a new State Water Board program that works with a coalition of farmers to manage and reduce pollution from irrigated agriculture in the Eastern San Joaquin Valley. (*Environmental Law Foundation v. State Water Resources Control Board*.) DOJ defended the State Water Board's Bay-Delta Water Quality Control Plan against 12 lawsuits challenging the Board's efforts to address the ongoing environmental crisis in the Delta, resulting in a trial court decision denying all 116 claims. DOJ has also defended the State Water Board's regulatory authority to impose conditions on many large federally licensed hydropower projects across the Sierra Nevada.

The Attorney General also represents the State Water Board in defending crucial water curtailment regulations and orders issued to preserve the state's water resources during times of drought.

The Attorney General represents the state and regional Boards in resolution of claims from natural resource damages resulting from mining activities, including, for example, the *Atlantic Richfield v. Regional Water Board-Central Valley (Walker Mine)* matter, in which the section obtained affirmance of a cleanup order for an inactive mine that is polluting the waters in Plumas County. As a result of this ruling, ARCO is required to commit millions of dollars to ensure cleanup of the contamination.

The Attorney General represents the Department of Water Resources (DWR) in litigation regarding the Delta Conveyance Project (DCP), a modernization of the State Water Project infrastructure system that delivers water to millions of Californians, to help protect against future water supply losses caused by climate change, sea level rise, and earthquakes. Ten lawsuits have been filed challenging DWR's

environmental review for and approval of the DCP.

Keeping California's Air Clean

Air Enforcement: The Attorney General represents the California Air Resources Board (CARB) in matters brought to enforce and defend air quality and climate laws and regulations. The office continues to represent the Board as it investigates and brings litigation concerning air quality violations caused by non-compliant engines and vehicles, including investigations and litigation for emissions testing violations (i.e., *Daimler-Mercedes*, *Cummins, Inc.*, and other manufacturers of diesel engines with defeat devices), and failures of entities to meet clean air regulations such as those pertaining to fuel requirements.

Vehicle Emissions Litigation: The Attorney General represented CARB in commenting in support of multiple Biden Administration actions on greenhouse (GHG) emissions and fuel economy of passenger cars and light trucks, as well as intervening in several D.C. Circuit cases on the same subject. The one such case to reach a decision so far upheld the constitutionality of the Clean Air Act provisions that allow California to set and enforce its own state-specific emission standards, which other states may also adopt. That case also upheld the Biden Administration's decision to reinstate the Clean Air Act waiver allowing California to enforce its own greenhouse gas and zero emission vehicle standards.

In addition, the Attorney General provided ongoing advice to CARB on the legal support for its Advanced Clean Cars II regulation and submitted several public comments to the U.S. Environmental Protection Agency (U.S. EPA) justifying a waiver for those standards, and defended them against multiple state-court cases.

Aircraft Engines, Locomotives, and Heavy-Duty Trucks Emissions: DOJ, on behalf of CARB, pursued tougher GHG emissions standards for locomotives and heavy-duty trucks and engines by pushing for and defending stronger U.S. EPA standards and defending CARB's own regulations against a wide variety of state and federal court challenges. This included defending CARB's Advanced Clean Trucks and Advanced Clean Fleets rules against litigation challenges.

Stationary Source Greenhouse Gas Emissions: The Attorney General, on behalf of CARB, intervened in DC Circuit litigation to defend, and oppose motions to stay, U.S. EPA's regulation of carbon dioxide emissions from coal- and gas-fired power plants.

Natural Gas Hookups: The Attorney General led multistate amicus briefs in the U.S. Court of Appeals for the Ninth Circuit, at both the panel and en banc stage, supporting the City of Berkeley's ban on natural gas hookups against a preemption challenge. The Attorney General is monitoring other similar lawsuits around the country.

Soot and Smog: On behalf of CARB and the Attorney General, the Attorney General led a multistate coalition intervening in support of U.S. EPA's decision to tighten federal ambient air quality standards for particulate matter. We also have successfully defended CARB against multiple challenges to state plans to attain federal air quality standards for ground-level ozone.

Holding Responsible Parties Accountable for Wildfire Damage

Fire Suppression Cost Recovery Actions: The Attorney General represents CAL FIRE to recoup the cost of fire suppression for wildland fires that occur in California each year. From January 2022 to June 2024, the office litigated cases that resulted in \$154,523,528.09 in recoveries.

Recovering Funds for Oil Spill Cleanup

Oil Spill Cleanup Cost Recovery Actions: The Attorney General represents the Department of Fish and Wildlife and Regional Water Quality Control Boards to recover civil penalties and natural resource damages from onshore and marine oil spills. Among other spills, the Attorney General is involved in the October 2021 oil spill off Huntington Beach, which resulted in the closing of local fishing grounds and public beaches in Orange and San Diego Counties, and harmed fish and marine wildlife.

Defending Wildlife and Endangered Species

Wildlife and Endangered Species Litigation: The Attorney General represents the Department of Fish & Wildlife (DFW) and the Fish & Game Commission (Commission) in administrative proceedings challenging regulations and lawsuits filed by permittees impacted by regulations. This includes the Commission's decision to grant various species candidate status under the California Endangered Species Act. The Attorney General also serves as legal counsel for agencies in enforcement actions under the Fish and Game Code and the Endangered Species Act, including, for example, litigation challenging inadequate biological opinions that protect endangered salmon and smelt species in the Bay Delta. The Attorney General is DFW's attorney in water rights adjudications, including on the Ventura River, where it is working to ensure adequate stream flows to protect endangered steelhead trout and other species.

California Environmental Quality Act

California Environmental Quality Act (CEQA) Litigation: The Attorney General represents numerous state entities in CEQA litigation, including, for example: (1) the Joint Rules Committee of the California Legislature and the Department of General Services regarding the Capitol Annex Project, a \$1 billion project to replace the outdated Capitol Annex building in Sacramento; (2) the Department of Corrections regarding the closure of the California Correctional Center at Susanville; and (3) the Department of Food and Agriculture regarding the programmatic environmental impact report for statewide pest control activities.

Police Practices Section

Overview

The Police Practices Section was created in July 2023 by shifting constitutional policing specialists from the Civil Rights Enforcement Section and adding new positions dedicated to the implementation of Assembly Bill 1506 (2020). This consolidated the expertise within the California Department of Justice (DOJ) to more efficiently conduct civil systemic law enforcement-related investigations; monitor and enforce judgments against and agreements with local law enforcement for necessary constitutional policing reforms; and assess and evaluate the policies and practices of law enforcement with regard to the use of force, officer-involved shootings, and other policing practices.

The section is responsible for the monitoring and enforcement of DOJ's existing judgments, such as those against the Kern County Sheriff's Department and Bakersfield Police Department, as well as the engagement with the San Francisco Police Department regarding its voluntary implementation of a number of recommended reforms. The Police Practices Section is also responsible for assessing complaints and information received from the public regarding local law enforcement agencies' practices.

Major Accomplishments

Assembly Bill 1506 Program

Policies and Practices Recommendations: The Attorney General is required to include "[r] recommendations to modify the policies and practices of the law enforcement agency, as applicable" as a component of the investigation and public reporting of an officer-involved shooting that results in the death of an unarmed civilian. (Gov. Code, § 12525.3 subd. (b)(2)(B)(iii).) The section is responsible for carrying out this statutory mandate by conducting a supplemental review of the information DOJ obtained through the criminal investigation of the relevant officer-involved shooting, which may include recorded interviews and other video and audio recordings, witness statements and other records, as well as the policies of the agency employing the officers who are subject to the criminal investigation. The section develops recommendations relevant to the events that unfolded in each incident, including identifying policy and practice changes that may reduce the likelihood that officers use deadly force in the future, as well as recommendations to address any other deficiencies or concerns related to the officers' conduct or the agency's response. These recommendations are intended to assist the agency and the officers involved in the incident in understanding, from an independent perspective, improvements that may be made to address what was observed through this incident. Other law enforcement agencies across the state can also benefit from reviewing these recommendations and proactively implementing changes that are relevant to their policies, procedures, and training protocols.

Implementing Police Reforms

Implementation of Settlement Agreement for Vallejo Police Department: Following a lengthy effort to implement a variety of needed policing reforms through a memorandum of understanding, DOJ, the city of Vallejo (City), and the Vallejo Police Department (VPD) entered into a settlement agreement on April 8, 2024. The agreement requires VPD to undertake a number of reforms to promote public safety, reduce unlawful uses of force, eliminate racial and identity disparities, strengthen accountability systems, continue to increase support for officers, engage with the community in a transparent way, and protect the statutory and constitutional rights of the people of Vallejo. The agreement will remain in effect until all of the terms are met, and compliance with the agreement will be assessed by an independent evaluator and monitored by DOJ.

Worker Rights and Fair Labor Section

Overview

The mission of the Worker Rights and Fair Labor Section is to utilize the broad legal powers of the Office of the Attorney General to conduct investigations, litigation, and policy advocacy in order to combat systemic business practices that undermine the economic security, health and safety, and dignity of California workers, and to maintain a level playing field for legitimate businesses operating in the state. The section is particularly focused on addressing practices that threaten the working conditions of California's most vulnerable low-wage workers. The section conducts investigations and prosecutions aimed at unlawful employment practices including wage theft, independent contractor misclassification, unsafe working conditions, payroll tax evasion, and workers' compensation insurance fraud. The section also engages in legal advocacy to support legal and policy developments to advance worker protections and encourage employer accountability.

Major Accomplishments

Combatting Wage Theft

People v. West Coast Drywall, Inc.: On February 1, 2024, the Attorney General filed a complaint against West Coast Drywall, Inc., alleging the violation of a host of labor standards, including the core allegation that the company violated its overtime pay obligations. The Attorney General's investigation concluded that, among other things, West Coast paid its drywall workers and painters by piece-rate, but failed to accurately record their hours of work, falsified time records, failed to provide required breaks, and miscalculated the proper rate of overtime pay. It is alleged that West Coast continues to engage in this behavior despite prior public and private lawsuits brought against it for the same or substantially similar violations. This litigation remains ongoing.

People v. Amalfi Stone & Masonry, Inc.: On April 26, 2024, the Los Angeles Superior Court entered a stipulated judgment against Amalfi Stone & Masonry, Inc., based on a complaint which followed an investigation led by the Attorney General, with assistance from the Employment Development Department and the Labor Commissioner's Office. The investigation involved allegations that the company utilized an unlicensed subcontractor as a "labor broker" to recruit and employ off-the-books employees to supplement its regular workforce. As a result, the company evaded its payroll tax obligations and failed to pay the workers overtime for the hours they worked over eight hours per day or forty hours per week. The stipulated judgment requires the company to pay restitution of \$426,340.06 in unpaid payroll taxes and interest to the Employment Development Department, \$280,000 as restitution for unpaid overtime wages, \$100,000 as a civil penalty, and \$20,000 to pay for the services of a restitution administrator.

Fighting Worker Misclassification

Uber Technologies Wage and Hour Cases: The Attorney General, in partnership with the City Attorneys of Los Angeles, San Diego, and San Francisco, filed a complaint in May 2020 on behalf of the People against Uber Technologies, Inc. and Lyft, Inc. The complaint alleges that both companies were misclassifying their employee drivers as independent contractors, thereby failing to ensure that the drivers received the minimum wage, overtime pay, paid sick leave, unemployment insurance, workers' compensation insurance, expense reimbursement, and a host of other employer obligations. This was the first statewide government misclassification action against the companies. The Attorney General's case has since been coordinated with other cases against the companies brought by the Labor Commissioner and by private parties. During this latest biennial reporting period, the People successfully defended against an attempt by the companies to derail the government enforcement actions by asserting that any claims for restitution owed to the drivers were subject to the individual

arbitration provisions signed by the drivers. Uber and Lyft appealed the denials of their motions to compel arbitration, and the California Court of Appeal affirmed the denials in a published decision. (*In re Uber Technologies Wage and Hour Cases* (2023) 95 Cal.App.5th 1297.) The companies have petitioned for a writ of certiorari to the U.S. Supreme Court. Meanwhile, the coordinated litigation continues in San Francisco Superior Court.

People v. Cabrera, et al.: On June 16, 2024, the Attorney General filed suit against Benjamin Cabrera, Geoffrey Jimenez, and Care Specialist HCS, Inc. in Los Angeles County Superior Court. The complaint alleges that Cabrera and Jimenez operated a home care company that misclassified its employee caregivers as independent contractors, and later sold the business to new owners who continued the unlawful practices as Care Specialist HCS, Inc. As in-home caregivers, the workers employed by defendants worked long 12- and 24-hour shifts, and were not provided any overtime pay. The defendants also failed to guarantee a minimum wage, failed to provide rest or meal breaks, and utilized unlawful and anticompetitive “no-poach” provisions in its client contracts, among other violations. Litigation in this matter continues.

Defending California Workplace Standards

Meal and Rest Break Standards: In 2018 and 2020, the Federal Motor Carrier Safety Administration (FMCSA) issued determinations that California’s laws respecting meal and rest breaks as applied to cargo-carrying and passenger-carrying commercial motor vehicle drivers subject to federal hours-of-service regulations, respectively, were preempted under federal law. In August 2023, the FMCSA announced that it would consider petitions for waiver from the application of its preemption determinations. In November 2023, in partnership with the California Labor Commissioner, the Attorney General filed a petition with the FMCSA seeking waiver of its prior preemption determinations, so that California’s meal and rest break standards could be enforced as to these commercial motor vehicle drivers. The petition detailed the safety-related benefits of California’s meal and rest break standards, and provided evidence that the enforcement of the rules was unlikely to exacerbate existing parking shortages for commercial motor vehicles or hinder interstate commerce. A decision on the petition is still pending.

Legal Alert on Employer-Driven Debt: On July 25, 2023, the Attorney General issued a Legal Alert to California employers, reminding them about the scope of California law and its prohibitions on certain types of employer-driven debt. For example, the Alert informs employers of their obligations under Labor Code sections 2802 and 2802.1 to bear the cost of expenditures incurred by employees in the direct discharge of their duties, including — in general — the cost of employer-mandated training, unless that training is legally necessary for the performance of the job. The Alert further warns that employer debt-collection practices may also run afoul of consumer protection laws.

Advocating for Workers

Bissonnette v. LePage Bakeries: On November 21, 2023, the Attorney General joined a multistate coalition in filing an amicus brief in the U.S. Supreme Court, urging reversal of a lower court decision that had found that only workers employed in the “transportation industry” were entitled to the so-called “transportation worker” exemption from the Federal Arbitration Act. The case involved delivery drivers employed by a bakery company, where the bakery asserted that because it was not a “transportation company,” its drivers were not entitled to the exemption. On April 12, 2024, the Supreme Court issued a unanimous ruling in support of the position that we championed in our amicus brief, in *Bissonnette v. LePage Bakeries Park St., LLC*.

Nebraska v. Walsh and Texas v. Biden: In this case, a coalition of state attorneys general filed amicus briefs in the U.S. Court of Appeals for the Ninth Circuit and the Fifth Circuit, respectively, in defense of the Biden Administration’s Executive Order increasing the minimum wage for federal contractors. Per

the adjustments established under the Executive Order, the applicable wage is now \$17.20 per hour. Both briefs defended the executive action against claims that they exceeded the statutory authority granted by Congress under the federal Procurement Act, and supported the policy rationale for increasing the federal contractor minimum wage. The briefs were filed in August 2023 (*Nebraska v. Su*) and January 2024 (*Texas v. Biden*).

Supporting the H-2A Nonimmigrant Agricultural Worker Program: On November 14, 2023, the Attorney General led a coalition of 11 attorneys general in a comment letter to the U.S. Department of Labor (USDOL), in support of the Department's proposed regulations with respect to the H-2A nonimmigrant agricultural worker visa program. The H-2A program allows agricultural employers who anticipate a shortage of domestic workers to recruit and hire nonimmigrant foreign workers to perform temporary agricultural work. However, because of the vulnerability of this worker population in its dependence on a single employer, workers under the program face the possibility of abusive employer practices. The extensive new regulations proposed by USDOL propose to alleviate some of those concerns by providing USDOL with better oversight over foreign recruitment and enhancing protections for workers from arbitrary dismissal. The multistate comment specifically focuses on broader protections for workers to organize or join unions, protections from arbitrary and retaliatory terminations, and increased transparency of information from employers about foreign recruitment. The USDOL's final rule became effective on June 28, 2024.

Supporting the Extention Overtime Protections: On November 7, 2023, as part of a coalition of 14 attorneys general, the Attorney General submitted a comment letter to the U.S. Department of Labor in support of a proposed rule to increase the minimum salary threshold for workers to qualify for the executive, administrative, and professional (EAP) exemption from the minimum wage and overtime provisions of the federal Fair Labor Standards Act, and to provide for the minimum salary thresholds to regularly be updated to reflect the impact of inflation. The final rule is effective on July 1, 2024, and is projected to extend overtime protections to millions of workers nationwide.



DIVISION OF CIVIL LAW

Overview

The work of the Civil Law Division is primarily non-discretionary and client-based. The division represents approximately 150 state agencies and state constitutional officers, including the Governor and the Attorney General, in litigation and other proceedings. The division currently has over 13,000 open matters.

The Division of Civil Law consists of the following sections:

- Business Litigation
- Cannabis Control
- Correctional Law
- Employment Law
- Government Law
- Health, Education, and Welfare
- Health Quality Enforcement
- Licensing
- Tort and Condemnation

Business Litigation Section

Overview

The Business Litigation Section (BLS) protects the public by representing state agencies and officials in matters concerning the business of government and government regulation of business. The section represents agencies and officials in a variety of public contracting and commercial disputes and defends constitutional and statutory challenges to state laws and regulations, as well as to decisions of state taxing agencies and regulators of the finance, insurance, and real estate industries.

BLS deputies represent all state agencies and officials in litigation of public contracting and commercial disputes. Other client agencies include the California Department of Tax and Fee Administration (sales, use, and excise tax), Franchise Tax Board (personal and corporate income tax), State Board of Equalization (property tax), and Employment Development Department (payroll tax). The section also represents business regulatory agencies, including the Departments of Insurance, Real Estate, and Financial Protection and Innovation.

Major Accomplishments

Leading a Multi-State Case at the U.S. Supreme Court

Delaware v. Pennsylvania: The State of Delaware instructed MoneyGram, an international money transfer service, to turn over certain categories of unclaimed prepaid checks on the grounds that the company was incorporated under Delaware law. California, along with Arkansas, Texas, and Wisconsin, led thirty states in suing Delaware in the United States Supreme Court, arguing that the unclaimed checks should instead escheat to the states where they were purchased. The Court ruled in favor of the coalition and against Delaware in 2023, holding that the Disposition of Abandoned Money Orders and Travelers Checks Act governed and generally requires escheatment to the state of purchase. In 2024, BLS was instrumental in brokering a settlement of the damages phase.

Representing California's Agencies

Bekkerman v. California Department of Tax and Fee Administration: Purchasers of cell phones challenged a 1999 regulation governing the calculation of the sales tax charged on cell phones “bundled” with cellular service contracts, placing the state at risk of hundreds of millions of dollars in potential tax refund claims and future loss of revenue. The court upheld the regulation and the Department’s authority to allocate the total contract price between the sale of the cell phone and the cell service.

California Department of Education v. Golden Day Schools, Inc.: Founded by Clark and Jeanette Parker, Golden Day received public funding to provide children from low-income families with daycare and nutrition. An audit found financial mismanagement and misuse of the funds for non-qualified expenses and non-eligible children. Following a determination that it owed the Department \$19 million in misused public funds, Golden Day filed for bankruptcy, and the Department pursued the Parkers personally for repayment. After trial, the court ruled that the Parkers were personally liable to the Department as the alter egos of Golden Day Schools.

California FAIR Plan Association v. Insurance Commissioner: FAIR Plan, a residual market insurer created by statute as a source for homeowners unable to obtain insurance in the normal market, sold only a dwelling fire policy, which did not cover liability or various perils covered by policies generally available in the market for homeowners insurance. The court upheld the Insurance Commissioner’s order requiring FAIR Plan to offer a policy that includes premises liability coverage connected to the insured property.

Small Business Finance Ass’n v. Department of Financial Protection and Innovation: The Department adopted regulations requiring online lenders to disclose estimated finance charges and annual percentage rate information to borrowers. The court rejected a First Amendment compelled speech challenge to these regulations, holding that the required disclosures were a permissible regulation of commercial speech.

Bear Mountain Development Co. v. State of California: In the early days of the COVID-19 public health emergency the Department of Public Health issued a purchase order to Bear Mountain to supply 400 million surgical masks and 200 million face shields to be delivered on specified dates over a period of two and a half months. Bear Mountain sued for breach after the state terminated the contract when Bear Mountain failed to deliver, seeking \$799 million in damages. The court granted summary judgment in the state’s favor.

Cannabis Control Section

Overview

The section has seen great growth and evolution in 2023 and 2024. When first formed in 2018, the section represented the state agencies overseeing and regulating cannabis. The section now provides legal services to the state agencies responsible for overseeing and regulating cannabis, industrial hemp, and alcoholic beverages.

The section's high-profile cases involve cutting-edge issues and the interpretation and application of California's evolving licensing and regulatory framework for commercial cannabis and industrial hemp activity. The section litigates in federal and state courts and before the Office of Administrative Hearings. The work of the section consists of civil enforcement, civil defense, and administrative prosecution. Outside of its litigation work, the section developed the Cannabis Administrative Prosecutor Program (CAPP) to promote collaboration with local jurisdictions to address illegal cannabis activity. In addition, the section has been involved in drafting statutes and statutory and regulatory amendments, assisting clients with drafting procedures, and providing training and guidance to clients on investigations.

The Cannabis Control Section represents the following entities and state agencies:

- Department of Cannabis Control
- California Department of Tax and Fee Administration
- California Department of Public Health
- California Department of Fish and Wildlife
- Department of Pesticide Regulation
- State Water Resources Control Board and Regional Boards
- Alcoholic Beverage Control
- Governor's Office

Major Accomplishments

Department of Cannabis Control v. Vertical Bliss LLC, et al.: Vertical Bliss LLC engaged in the unlicensed manufacturing and distribution of cannabis and cannabis products, while also maintaining state licenses for the same activities. Its manufacturing and distribution licenses were revoked. This case alleged that defendants engaged in unlicensed commercial cannabis activity for approximately 525 days, which amounted to potential civil fines in excess of \$100 million, per Business and Professions Code section 26038. After defaulting, we obtained a judgment for a civil fine of \$128 million. The amount of civil penalties was the maximum possible under the circumstances, and the largest civil fine levied against an unlicensed cannabis operator in the state to date.

State Water Resources Control Board, North Coast Regional Water, and California Department of Fish and Wildlife v. Joshua Sweet et al.: Defendant Joshua Sweet owns and operates a cannabis cultivation business in Humboldt County. Defendants developed property in unincorporated Humboldt County for commercial cannabis cultivation without permits from the appropriate regulatory agencies, resulting in numerous Water Code and Fish and Game Code violations. Defendants unlawfully developed cultivation areas, constructed and replaced watercourse crossings and a large pond, and diverted and stored water from the South Fork Eel River, all without required permitting or environmental review. A stipulated judgment was entered requiring complete remediation of the property as well as \$1.75 million in civil penalties with \$1 million in suspended penalties that are immediately payable if the required remediation work is not completed consistent with the judgment.

iServe Residential Lending v. California Department of Tax and Fee Administration: This complaint for nuisance was filed against the State of California and the CDTFA (Nicolas Maduros, Director) by iServe, who leased office space in the same building as CDTFA. Plaintiff alleged that the CDTFA's practice of using armed CHP officers with assault rifles as armed security on days when cannabis taxes were remitted, was scaring Plaintiff's employees, clients, and prospective borrowers. Our motion for summary judgment was granted, and we filed a motion pursuant to Code of Civil Procedure section 1038 for bad faith prosecution. A consent judgment was entered requiring iServe to pay CDTFA \$150,000.

People of the State of California v. G.E.T. et al.: Defendants are companies alleged to have failed to comply with Proposition 65, by not placing warnings on their industrial hemp products which contain substances requiring a notice to consumers on packaging, have sold inhalable hemp products in California in violation of law, and have engaged in unfair business practices in violation of Business and Professions Code section 17200 et seq. This is the first case filed by the state alleging violations of industrial hemp laws that went into effect in 2022.

California Department of Public Health v. KOI LLC: KOI LLC violated the Sherman Food, Drug, and Cosmetics Act for its production and sale of intoxicating industrial hemp products, and sale of inhalable industrial hemp products in California. CDPH issued Notices of Violation to Koi LLC in 2022 for these violations. This case alleges that KOI LLC engaged in the production and sale of intoxicating industrial hemp products and inhalable industrial hemp products even after notification that it was violating the law. This is the first case filed on behalf of the client involving violations of the Sherman Food, Drug, and Cosmetics Act and industrial hemp manufactured products.

Establishment of the Cannabis Administrative Prosecutor Program: This program was created to coordinate with the AGO's Eradication and Prevention of Illicit Cannabis program (EPIC) and local jurisdictions to utilize administrative enforcement strategies that can be scaled up over time to have a consequential impact on the illicit market in a cost-effective manner. By employing existing laws, CAPP's goals are to (1) work with EPIC to see that its enforcement efforts lead to successful long-term outcomes; and (2) assist local jurisdictions through administrative enforcement and the creation of a permanent infrastructure for a sustained fight against illegal cannabis activity and the related environmental, social, and public health harms. Many local jurisdictions do not effectively utilize the administrative enforcement tools available to them due to a lack of resources. Thus far, we have entered into two MOU's and are in the process of entering into a third with local jurisdictions.

Assembly Bill 1684 (AB 1684): Initially drafted by the Cannabis Control Section and signed into law in October 2023, AB 1684 expanded the power of local jurisdictions to immediately impose fines against any type of unlicensed commercial cannabis activity. It encourages communication between local jurisdictions and the Attorney General's Office to create additional opportunities for civil enforcement action under Business and Professions Code section 26038 and/or section 17200. It does this by expressly stating that cities and counties can refer cases directly to the Office of the Attorney General for civil enforcement actions, strengthening collaboration as an effective approach toward combatting the illicit cannabis market.

Administrative Licensing Actions: Since September 2023, the section has seen a large increase in referrals for administrative licensing actions. These include citation and accusation matters against licensed cannabis cultivators, manufacturers, retailers, and testing labs.

Correctional Law Section

Overview

The Correctional Law Section (CLS) defends state officials in civil suits brought by state prisoners regarding prison conditions and aspects of parole proceedings. Given various sentencing reforms and the state's proactive response to the COVID-19 pandemic, the number of inmates under the state's custody and control has reduced dramatically. Successful defense of these cases saves millions of taxpayer dollars in potential liability.

The Correctional Law Section represents the following entities in litigation and other proceedings:

- Governor's Office
- Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice, Board of Parole Hearings
- Department of State Hospitals
- California Prison Industry Authority
- Significant Cases

The section handles thousands of individual inmate trial and appellate court cases annually, and is currently defending many high-profile lawsuits, including, including class actions and complex coordinated matters:

Armstrong v. Newsom: This class action involves the enforcement of inmates' and parolees' rights under the Americans with Disabilities Act. This case is in the remedial stage. The parties continue to litigate various issues: response to an enforcement order to provide accommodations to blind/low vision and deaf/hard-of-hearing class members in preparation for parole hearings; staff misconduct reform; construction to remove physical barriers at institutions; and negotiate policies for accommodations to blind and deaf class members at the Substance Abuse Treatment Facility.

Ashker v. Newsom: This settled class action ended the California Department of Corrections and Rehabilitation's (CDCR) use of Security Housing Units to segregate inmates suspected of gang involvement. On August 24, 2023, in a published opinion, the Ninth Circuit reversed orders extending the parties' 2015 Settlement Agreement and effectively terminated this action. The district court officially dismissed the case on March 3, 2024.

Coleman v. Newsom: This class action concerns inmate mental health care. Since 1995, a court-appointed special master has monitored and reported on CDCR's compliance with the remedial plan (i.e. a court-ordered framework that sets forth CDCR's obligations for providing constitutionally adequate mental health care to prisoners). The remedial stage of the litigation continues. The parties continue to litigate various matters.

Plata v. Newsom: This class action concerns the delivery of medical care to prisoners. In 2006, the court appointed a Receiver to manage inmate medical care. To date, the delivery of medical care at 24 prisons has been delegated back to the state. Litigation continues.

San Quentin Transfer Cases: These cases relate to a May 30, 2020 inmate transfer from California Institution for Men to San Quentin State Prison, and an outbreak of COVID-19 that followed. There is one putative class action in state court (*Malear*) and 65 federal cases, including one putative class action (*Thorpe*) and five death-in-custody cases (*Hampton, Ruiz, Warner, Diaz, and Legg*). The cases were stayed for over a year pending interlocutory appeals of orders denying the defendants qualified

immunity and immunity under the Public Readiness and Emergency Preparedness (PREP) Act at the pleadings stage. The appellate effort ended on May 13, 2024, when the U.S. Supreme Court denied a petition for writ of certiorari. There is a pending motion to relate the federal cases, so that they can proceed along similar schedules and with some form of consolidated discovery. We expect contentious discovery and a fulsome summary-judgment motion (including the two immunity defenses) when discovery closes. We also anticipate class certification battles in *Malear* and *Thorpe*.

Three-Judge Court Litigation: This litigation stems from the 2011 U.S. Supreme decision affirming a three-judge court's finding that prison overcrowding was the primary cause of alleged unconstitutional medical and mental health care (*Coleman* and *Plata* cases). Under the three-judge court's judgment, CDCR must maintain an inmate population of less than 137.5% of design capacity. This matter remained relatively dormant since the plaintiffs filed an unsuccessful motion to further reduce the prison population as a response to the COVID-19 pandemic in March 2020. As of June 5, 2024, the State's adult prison population is 89,898.

Employment Law Section

Overview

The Employment Law Section (ELS) represents state agencies and officials in civil lawsuits and other proceedings regarding personnel matters and employment-related claims including those for employment discrimination, harassment, retaliation, whistleblower retaliation, reasonable accommodation, and other disability and leave claims. ELS prosecutes employee misconduct cases before the State Personnel Board. There is also an Investigations Group within the section that specializes in conducting internal and external workplace investigations. The investigations may involve Equal Employment Opportunity, workplace violence, whistleblower, or alleged employee misconduct allegations.

The section also provides advice and training relating to a variety of employment issues so that client agencies can better detect, remedy, and prevent problems in the workplace.

In addition to its employment work, the section represents specific law enforcement and regulatory state agencies in matters affecting public safety, such as vehicle licensing, and attempts by criminal defendants to obtain information from the personnel files of peace officers.

Major Accomplishments

Developing the Law

Donald Veverka v. California Department of Veterans Affairs: In a published decision the First Appellate District of the Court of Appeal affirmed a jury verdict in our client's favor. Mr. Veverka was a high-level administrator who was removed for poor management of a veterans home. After his removal, Mr. Veverka sued, claiming whistleblower retaliation. The case proceeded to a jury trial, and the jury found in favor of our client. Mr. Veverka appealed, raising a novel issue that, although the jury ruled against him, he should nonetheless be able to recover his attorneys' fees because he had made out a prima facie case of whistleblower retaliation. The Court agreed with our interpretation of the whistleblower statute. "If the jury finds the employer satisfies its second-step burden in a civil case, a plaintiff is barred from all relief."

Helping Maintain the Safety of California's Highways

John Doe v. California Department of Motor Vehicles: The Department of Motor Vehicles (DMV) is

authorized by law to provide motorist driving records to insurance companies, employers where driving is an important part of the job, and other requesters. These records include the reason for driving suspensions, such as if the motorist had driven with an excessive blood alcohol content. Plaintiffs challenged the DMV arguing that providing the reason for driver's license suspensions violated their right of privacy. In a published decision, the Court of Appeal disagreed, holding that "the disclosure of the reason for a DMV suspension issued for alcohol-impaired driving does not constitute the disclosure of information about a non-conviction arrest within the meaning of these privacy provisions."

Providing Client Agencies Excellent Representation in Trial and State Personnel Board Hearings

Board of Trustees of California State University v. David Stachura: In this case, ELS obtained a three-year workplace violence restraining order against a former assistant professor. Over a multi-day bench trial, ELS presented evidence establishing that the assistant professor had threatened violence against witnesses who cooperated with a campus investigation. We obtained a defense jury verdict in the *Eosa Osunde v. CalSTRS* employment trial.

Helping Ensure California Has the Strongest Possible Representation in Climate Litigation

CASE v. California Department of Justice: In 2023, the Department of Justice (DOJ) filed groundbreaking litigation seeking to hold the oil industry accountable for deceptive practices that have harmed California's natural resources. DOJ has skilled and capable attorneys that are taking the lead in this litigation. However, because of the size and breadth of the lawsuit, DOJ also contracted with outside counsel to assist with the case. The firm DOJ retained is one of the few law firms in the nation with a proven track record of handling massive litigation against large industries. CASE, a union representing state attorneys, challenged the contract before the State Personnel Board. The Executive Officer of the State Personnel Board found that the contract with the law firm was proper. The decision observed that the "DOJ has sufficiently laid out the novelty of its high-stakes litigation and the sheer magnitude of an experienced legal team needed to achieve a successful outcome."

Investigating Patient and Overtime Abuse

The Investigations Group within the Employment Law Section handles dozens of investigations at any one time, many of which involve serious allegations of misconduct. For example, allegations that staff were abusing developmentally disabled patients led to 18 related investigations. Our attorneys coordinated with multiple law enforcement agencies, conducted 38 interviews, listened to hundreds of hours of recorded telephone calls, and reviewed thousands of pages of documents, including more than 19,000 text messages, in the course of coming to the truth of what happened. In another investigation for a client agency, the Investigations Group looked into three employees who claimed hundreds of thousands of dollars of overtime without accurately tracking their time.

Government Law Section

Overview

The Government Law Section (GLS) advises the Governor, Attorney General, Controller, Treasurer, Secretary of State, and many state agencies and departments, and represents them in civil litigation and other proceedings. The section:

- Defends state statutes against constitutional challenges.
- Defends state constitutional officers and many state departments when sued.
- Litigates matters involving the federal government and other governmental entities to preserve state interests.
- Advises on and litigates elections matters.
- Carries out the Attorney General's role in preserving the integrity of the electoral process by preparing titles and summaries for proposed initiatives.
- Advises on and litigates firearms matters.

Major Accomplishments

Defending State Laws That Protect Public Safety:

GLS continues to defend California's common-sense gun-safety laws following the United States Supreme Court's 2022 decision in *New York State Rifle & Pistol Association, Inc. et al. v. Bruen*. Many cases are in active litigation, and the United States Supreme Court's recent decision in *United States v. Rahimi* has further potential to impact the outcome of many of these cases.

GLS has defended various firearm laws, including but not limited to:

- Restrictions on assault weapons and large-capacity magazines.
- Proposition 63's background check and in-person sales requirements for ammunition purchase.
- Restrictions on the transfer of firearms to persons between 18- and 21-years-old.
- Concealed-carry laws, including residency requirement, authorization to require a psychological assessment, and lack of reciprocity with other states.
- Senate Bill 2's designation of certain locations as "sensitive places" where firearms cannot be carried, such as public transportation, playgrounds, parks, libraries, and stadiums.
- The limit on purchasing one handgun or one semiautomatic centerfire rifle every thirty days.
- The 10-day waiting period to take possession of a firearm after sale or transfer.
- The Unsafe Handgun Act's requirements regarding chamber-load indicators, magazine disconnect mechanisms, and microstamping technology.
- The requirement for firearms dealers to have a video surveillance system and carry general liability insurance.
- The prohibition on the sale of firearms, ammunition, and precursor parts at fairgrounds and other state properties.
- The prohibition on advertising or marketing firearms-related products in a manner designed to be attractive to minors.

Holding Online Companies Accountable

The Attorney General defended against two challenges from internet companies attacking California's efforts to regulate companies doing business online.

NetChoice v. Bonta: In this case, the Attorney General responded to First Amendment and due process challenges to the Age-Appropriate Design Code Act, which seeks to limit the collection and use of children's data.

X Corp. v. Bonta: In this case, the Attorney General defended against a First Amendment challenge to California's law requiring large social media platforms to make certain disclosures regarding their terms of service and content moderation practices.

Defending Workers' Rights

ABC Test: The Attorney General continued to defend against several lawsuits challenging the application of the "ABC test," which is used to determine whether a worker is an employee or an independent contractor, as set out in Assembly Bill 5 and the California Supreme Court's decision in *Dynamex v. Superior Court*.

Worker Classification: The Attorney General also defended against suits from app-based ride companies challenging Cal/OSHA citations for violations of COVID-related safety rules on the basis that drivers were independent contractors rather than employees.

Defending and Enforcing California's Unclaimed Property Law

The Attorney General defended California's Unclaimed Property Law against the Takings Clause and due process (notice) claims. Together with the State Controller, the Attorney General entered a settlement with ClubCorp for failing to refund membership deposits as promised in the membership contract or to remit those deposits to the State where ClubCorp did not know the location of the member. ClubCorp will refund up to \$43 million in owing deposits and pay the Attorney General and Controller over \$30 million in damages and penalties.

Protecting Voters

The Attorney General, together with the Secretary of State, filed suit to enjoin the City of Huntington Beach from adopting a voter identification policy for municipal elections, which is prohibited by state law.

Health, Education & Welfare Section

Overview

The Health, Education, and Welfare (HEW) section defends California's laws establishing state policy in the areas of health care, public education, and welfare. HEW attorneys represent over 30 state agencies that administer vital state benefits and resources, including Medi-Cal, unemployment benefits, CalWorks, In-Home Supportive Services, and public K-12 education. HEW's cases routinely involve novel, impactful, and high-profile issues of first impression and cutting-edge constitutional and statutory questions with statewide implications including actions for declaratory and injunctive relief; writ petitions and civil complaints challenging state laws, regulations and orders; appeals of agency decisions; and litigation protecting vulnerable segments of our population living in skilled nursing facilities.

Major Accomplishments

Protecting Public Health

California Department of Public Health v. El Dorado County: By an affirmative writ action, the California Department of Public Health (CDPH) sought an injunction against local ordinances in El Dorado County and the City of Placerville banning safe syringe programs on the basis that they are preempted by state law authorizing such programs. CDPH was successful in obtaining a preliminary injunction against the county ordinance and has settled with the city, which will rescind its ordinance. CDPH seeks a permanent injunction against the county ordinance.

Doescher et al. v. Aragon, Bonta and Royce v. Bonta: Defendants in both cases moved to dismiss plaintiff-parents' challenge to the State's TK-12 vaccine requirements (Health & Safety Code sections 120325-120375), as modified by SB 277, which eliminated the "personal belief exemption" for mandatory school vaccinations. Plaintiffs allege the statute violates their Free Exercise rights.

Matthias v. State of CA: The trial court sustained the defendants' demurrer, without leave to amend, to a complaint challenging the State's involvement in the distribution of COVID-19 vaccines authorized for emergency use by the U.S. Food and Drug Administration. Plaintiffs alleged unapproved and unsafe drug distribution in violation of state law and the California Constitution.

Cayla J. v. State of California: Plaintiff students and school districts alleged race and wealth discrimination in violation of the California Constitution based on their claim that the State failed to adequately remediate pandemic-related learning loss among certain student groups. Defendants settled this matter with an agreement to target additional resources and funds to educational programs and services for underprivileged students.

Protecting Privacy Rights

Mirabelli v. Olson et al.: Defendants Governor Newsom and Attorney General Bonta prevailed on a motion to dismiss plaintiff-teachers' First Amendment challenge to a local school district's policy preventing the forced outing of students. Plaintiffs alleged that the district's names/pronoun policy — which prohibits school staff from informing parents when their child has expressed a non-conforming gender identity — violates the teachers' rights to free speech and free exercise.

Defending the Medi-Cal Program

Perea v. Department of Health Care Services: Defendants prevailed on plaintiffs' appeal of judgment against them on their claim that the Medi-Cal Program discriminates against Latinx beneficiaries.

Plaintiffs alleged that the State's failure to raise Medi-Cal reimbursement rates over time disparately impacted Latinx beneficiaries as their proportion of the Medi-Cal population has increased. Plaintiffs had voluntarily dismissed other causes of action in their superior court action in the hopes of securing immediate reversal on their disparate impact claim.

Defending the End of Life Options Act

United Spinal Association v. State: Defendants successfully moved to dismiss without leave to amend this lawsuit that sought to permanently enjoin California's End of Life Option Act on the basis that the Act violates the Americans with Disabilities Act (ADA) and the Rehabilitation Act.

Shavelson, Lonny M.D. v. DHCS: Defendant Attorney General Bonta successfully moved to dismiss without leave to amend this lawsuit that sought to eliminate the "self-administration" requirement of California's End of Life Option Act on the basis that the requirement violated the ADA.

Health Quality Enforcement Section

Overview

The Health Quality Enforcement Section (HQE) prosecutes disciplinary actions against licensees of health care oversight boards within the Department of Consumer Affairs, including:

- Medical Board
- Acupuncture
- Licensed Midwives
- Naturopathic Medicine
- Osteopathic Physicians
- Podiatrists
- Physician Assistants
- Physical Therapists
- Psychologists
- Respiratory Care Therapists
- Speech-Language Pathology and Audiology/Hearing Aid Dispensers

As part of its prosecutorial functions to prevent imminent harm to the public health, safety, and welfare of California patients, the section also enforces investigational subpoenas, recommends criminal bail restrictions against licensees, and petitions for interim suspension, automatic revocation, and mental and/or physical examinations. The section also defends health care oversight agencies and their executive officers, board members, and employees in administrative writs, third-party discovery, and state and federal lawsuits relating to their health care oversight programs. HQE assists its clients in all other regards to protect consumers and advance their health care oversight objectives.

Major Accomplishments

Regulating the Corporate Practice of Medicine

In the Matter of the Accusations Against Jaime Schwartz, M.D. and Francis Palmer III, M.D.: HQE handled numerous joint investigations emanating from the Medical Board's receipt of an anonymous online complaint that the entity "Orange Twist" was owned by a non-physician but was offering medical services "in explicit defiance of California's law regarding non-medical ownership of Medical Facilities." These spas operated in Sephora stores and other beauty storefronts throughout California. After directing the joint investigations of physicians involved in the scheme, we handled two Accusations regarding "med spas" in California where the position of a strawman "Chief Medical Director" was held by the accused Medical Board licensees. The Medical Board ultimately obtained discipline against the accused Medical Board licensees and cost recovery in the amount of \$314,290.50. Importantly, "Orange Twist" has revised its structure to comport with the statutory scheme governing the corporate practice of medicine in California.

Cracking Down on Elder Abuse

In the Matter of the Second Amended Accusation Against Kenneth Naoyuki Matsumura, M.D.: Subsequent to a joint investigation, HQE obtained a license revocation following a three-day hearing on an accusation alleging gross negligence against a non-board certified physician with no oncology training who was treating three Stage Four cancer patients with his own concoctions. The patients sought Dr. Matsumura's assistance after having been advised by their own oncologists that chemotherapy was no longer effective and could not prolong their lives. The Board found "[t]he evidence in aggregate shows that Respondent preys on vulnerable patients and their families by exploiting their fear and denial about impending death to extract payment for worthless treatments. This conduct is despicable."

Prosecuting Sexual Predators in the Medical Field

In the Matter of the Penal Code Section 23 Recommendation Against Physical Therapist Assistant Elliot Daniel Wong: HQE appeared on short notice in the criminal arraignment of a physical therapist accused of videotaping unsuspecting women at work who were partially disrobed after physical therapy treatments. The court granted the Board's request that Wong be precluded from practicing as a physical therapist during the pendency of the criminal adjudication. We later obtained the revocation of the license.

In the Matter of the Penal Code Section 23 Recommendation Against Respiratory Care Practitioner Matthew Ryan Mayo: HQE appeared on short notice in the criminal arraignment of a respiratory care practitioner accused of drugging and raping a hospital co-worker. The court granted our Penal Code section 23 recommendation to preclude the defendant from practicing as a respiratory care practitioner. We later obtained the revocation of the license.

Protecting Patients from Incompetence, Negligence and Corruption

Rowen v. Prasifka, et. al.: The Court sustained the Medical Board's demurrer to Dr. Rowen's Petition for Writ of Mandate and Prohibition. The underlying matter stemmed from Dr. Rowen's conviction of Federal Tax Evasion totaling \$1.2 million after having his patients pay in gold for his services. Following the filing of an Accusation against Dr. Rowen for dishonest and corrupt acts, among other charges, Dr. Rowen sued the Board's Executive Officer and the assigned DAG, alleging that their offices were vacant, and sought to bar the Board from proceeding against his license. The Court dismissed his petition, citing failure to exhaust administrative remedies and a lack of a legal basis to support the writ of mandate. We prevailed in the underlying Accusation matter, and his license is now revoked.

In the Matter of the First Amended Accusation Against Brian Boatman, M.D.: HQE obtained the stipulated surrender of Dr. Boatman’s medical license. Dr. Boatman was charged with conviction of a crime substantially related to the practice of medicine, conviction of a drug-related crime, violation of a drug-related statute, and dishonest and corrupt acts. Dr. Boatman was alleged to have been convicted by way of a plea of nolo contendere to violating Health and Safety Code section 11366 (opening or maintenance of unlawful places for the selling or use of controlled substances), a felony.

In the Matter of the Accusation Against Johnnie Ham, M.D.: HQE obtained the surrender of Johnnie Alan Ham M.D.’s medical license based on gross negligence and repeated negligent acts in connection to numerous improper immunization exemptions issued for minor patients in 2017 and 2019, as well as substandard care rendered to a handful of adult patients. This doctor was responsible for authoring a high volume of questionable immunization exemptions in a school district. HQE was jointly assigned to the investigations concerning additional complaints, enforced administrative subpoenas, and handled the licensing disciplinary proceedings. The outcome of these proceedings serves to reassure the public that healthcare professionals must abide by professional standards of care and public health statutes and regulations.

Ensuring the Quality of Medical Practitioners

Lucas Tri Hoang v. Medical Board of California, Court of Appeal, Third District: The Court of Appeal affirmed the Sacramento County trial court’s order in an administrative writ action finding that the Medical Board’s Decision to deny a physician and surgeon’s license to Dr. Hoang was supported by substantial evidence.

Bangaruswamy Vijaya Kumar, M.D. v. Medical Board of California: Dr. Kumar’s petition for early termination of probation was denied by the Medical Board, leading to a challenge in the San Francisco Superior Court. Despite previously agreeing to a 35-month probationary term in 2020, Dr. Kumar failed to meet the practice requirements. Although the Administrative Law Judge (ALJ) initially granted his petition for penalty relief in 2020, the Board did not adopt the proposed decision. The Court upheld the Board’s denial, citing his prolonged period of non-practice and affirming the Board properly exercised its authority to independently review ALJ decisions without any abuse of discretion.

Combatting Over-Prescription of Dangerous Drugs

Helios Psychiatry, Inc. and Jennifer Dore, M.D. v. Medical Board of California, et al.: In a published decision, the Court of Appeal (First Appellate District) affirmed the Superior Court’s order enforcing a Medical Board investigational subpoena for Dr. Dore’s treatment records related to prescribing to a family member. The Court of Appeal addressed the burden of proof in a subpoena enforcement proceeding, providing clarity in an often murky area of law.

Licensing Section

Overview

The Licensing Section protects integrity in businesses and professions by providing legal services to regulatory agencies created to protect consumers from harm from more than one million licensed businesses and professionals who operate in California. The clients of the Licensing Section are responsible for the regulation of:

- Accountants
- Architects and Landscape Architects
- Automotive Repair Shops and Smog Technicians
- Barbers, Cosmetologists, and Estheticians
- Boxers, Martial Arts Fighters, and Promoters
- Cemetery and Funeral Businesses
- Certified Access Specialists
- Chiropractors
- Contractors
- Court Reporters
- Dentists, Dental Assistants, and Hygienists
- Electronic and Appliance Repair persons
- Engineers
- Fiduciaries
- Geologists and Geophysicists
- Harbor Pilots
- Home Furnishings Suppliers
- Household Movers
- Land Surveyors
- Marriage and Family Therapists, and Social Workers
- Occupational Therapists
- Optometrists and Opticians
- Peace Officers
- Pest Exterminators
- Pharmacists and Pharmacies
- Private Investigators, Security Guards, Locksmiths, and Re-possessors
- Private Postsecondary Educational Institutions
- Public School Teachers
- Psychiatric Technicians
- Real Estate Appraisers
- Registered and Vocational Nurses
- Shorthand Reporters
- Veterinarians, Veterinary Technicians, and Assistants

- Yacht and Ship Brokers

Major Accomplishments

Revoking Licenses from Unscrupulous and Dangerous Healthcare, Pharmaceutical, and Veterinary Providers

In the Matter of the Accusation against Jeffrey Alan Sulitzer, DMD: The Dental Board of California adopted a stipulated settlement placing a dentist, Dr. Jeffrey Sulitzer, who also served as the Chief Clinical Officer of SmileDirectClub, on probation for four years and ordered him to reimburse the Dental Board its costs in the amount of \$198,280.00. SmileDirectClub is a corporation that advertises and sells clear orthodontic aligners directly to patients nationwide, including in California. Following complaints received from patients harmed by the orthodontic aligners, the Dental Board conducted an extensive investigation that revealed numerous violations of California law, including the use of illegal release agreements to settle dissatisfied consumer complaints. The section prosecuted an accusation against Dr. Sulitzer, seeking to discipline his license, and after three years of extensive litigation, Dr. Sulitzer agreed to settle the matter.

Yazdi v. Dental Board of California: In response to patient complaints, the Dental Board instructed Dr. Mohammadreza Yazdi to produce the complete dental records of 12 patients. When he failed to produce complete dental records, the Board issued fines, which Dr. Yazdi did not appeal. The Dental Board of California imposed a stayed revocation of Dr. Yazdi's dental license, subject to five years' probation, and ordered that Dr. Yazdi reimburse \$51,081.03 in enforcement costs. The Second Appellate District affirmed the board's decision.

In the Matter of the Citations against Stanton Optical: The California Board of Optometry issued a decision affirming in part 21 citations against Stanton Optical locations throughout California. The decision followed a lengthy administrative hearing and extensive post-hearing briefings. The Board found that Stanton Optical's advertising of a "Free Eye Exam" was deceptive to consumers because the eye exams were not free. The Board also found that the use of the words "eye exam" in the advertisements violated the law because Stanton Optical, which operates locations as Registered Dispensing Opticians, is prohibited from advertising the services of an optometrist. Stanton Optical was ordered to cease and remove its unlawful advertising from its storefronts, website, and print and television ads, and was required to pay the Board \$68,000 in administrative fines.

In the Matter of the Accusation and Petition to Revoke Probation against Balpal S. Sandhu, DVM, et al.: Following a 17-day hearing, the Veterinary Medical Board issued a 137-page decision revoking Dr. Sandhu's veterinarian license and premise permits for numerous acts of negligence, incompetence, unprofessional conduct, and inadequate recordkeeping, in connection with his care of 15 animal patients. The Board found that in 13 out of the 15 cases, Dr. Sandhu: treated the patients without first establishing a veterinary-client-patient relationship; administered inadequate pain control medication; administered treatments to patients that were not medically indicated; failed to monitor and evaluate patients after surgery; failed to recognize significant radiographic changes; failed to initiate or maintain appropriate IV fluid therapy for critical patients; and discharged patients in an unstable condition. Eight of the 15 animals died while in his care or shortly after discharge. The Board ruled that should Dr. Sandhu reapply for a license, he must reimburse the board for \$61,565 for its reasonable legal services.

Holding Auditors and Accountants Accountable

In the Matter of the Accusation against PricewaterhouseCoopers, LLP: The California Board of Accountancy (CBA) issued an order adopting a stipulated settlement disciplining PricewaterhouseCoopers LLP's partnership license. Under the order, PricewaterhouseCoopers' license was suspended for 30 days, which suspension was stayed during an 18-month probation period. PricewaterhouseCoopers further agreed to pay the CBA a \$300,000 administrative fine, as

well as the CBA's legal costs. This settlement resolved CBA's allegations that PricewaterhouseCoopers committed violations of auditor independence rules during its audits of 15 publicly traded companies. PricewaterhouseCoopers' violations included performing non-audit work, failing to disclose its non-audit work to client audit committees, and mischaracterizing non-audit services as audit work.

California Board of Accountancy Accusation against Hagen, Streiff, Newton & Oshiro, Accountants, P.C., et al.: Hagen, Streiff, Newton & Oshiro (HSNO) specialized in forensic accounting and expert witness services. HSNO issued two forensic "consulting" reports to the City of Irvine containing false and misleading findings about contractors, city staff, and politicians involved in the billion-dollar Orange County Great Park public works project. HSNO's reports became the subject of government agency investigations, state legislative hearings, and a key issue in city elections. The State Auditor found that HSNO erred in reporting that \$38 million of project funds had gone missing but left it to the California Board of Accountancy to determine if HSNO violated professional standards. After an in-depth investigation, the Board filed an accusation alleging that HSNO's Great Park reports violated professional standards by including, for example, a false statement that a councilmember intentionally misled the public about the project's cost. The California Board of Accountancy adopted its first-ever disciplinary decision revoking the license of a national accounting firm for violating professional "consulting standards" and ordered it to pay \$550,000 in investigative costs and fines.

Protecting Students from Unprofessional Teachers

In the Matter of the Statement of Issues against Cornelius O. Ogunsalu: The California Commission on Teacher Credentialing (Commission) denied Ogunsalu's application for a credential that would have allowed him to teach in elementary and secondary schools. In 2017, the Commission revoked Ogunsalu's teaching credential based on: (1) multiple instances of misconduct in the classroom; (2) his long history of sending numerous text messages and emails containing unprofessional, disparaging, disrespectful, and vulgar statements to school administrators; and (3) his conviction for multiple counts of criminal harassment and one count of contempt for violating a court order to stop sending the text messages and emails. After his credential was revoked, Ogunsalu launched another barrage of hostile communications, attacking the Commission's attorneys and the Administrative Law Judge (ALJ) who drafted the prior proposed decision. In October 2020, Ogunsalu applied for a new teaching credential. After an administrative hearing on the new application, a new ALJ issued a proposed decision denying Ogunsalu's application. The Commission rejected the proposed decision and requested written argument from the parties. After reviewing the hearing transcripts and the parties' written briefing, including Ogunsalu's due process and First Amendment arguments, the Commission denied Ogunsalu's teaching application.

Protecting the Privacy of Health Documents

City and County of San Francisco et al. v. Purdue Pharma L.P. et al.: The U.S. District Court for the Northern District of California granted in full the section's Motion to Quash Walgreens' subpoenas to the Board of Pharmacy for production of records and a Rule 30(b)(6) witness. In connection with the national opioid litigation, Walgreens sought every investigation, CURES report, and document in the Board's history that related to opioids. Walgreens argued that the subpoenaed information was necessary to defeat causation and to assess what types of dispensing decisions the Board views as suspect. Despite Walgreens' attempts to narrow the subpoenas, the District Court, relying in part on the recent California Court of Appeal case *Cal. State Bd. of Registered Nursing v. Super. Ct. of Orange County*, (2021) 59 Cal.App.5th 1011, agreed with the Board and found that the subpoenas requested privileged documents whose relevance had not been adequately established.

Holding Peace Officers Accountable

In the Matter of the Accusation Against James Kurtz Fillmore: The Commission on Peace Officer

Standards and Training (POST) issued an order adopting a stipulated settlement disciplining the peace officer certifications held by Fillmore. Under the order, Fillmore's certifications will be on probation for five years and he will be required to abstain from alcohol and submit to regular testing as well as provide proof of completion of alcohol counseling programs. This settlement resolves POST's allegations that Fillmore, an LAPD detective, had been convicted of driving under the influence on two separate occasions, the second of which resulted from an arrest while driving a city-owned vehicle.

Safeguarding Students at Private Postsecondary Institutions

Bureau of Private Postsecondary Education against the University of Antelope Valley: The Bureau for Private Postsecondary Education revoked University of Antelope Valley's Approval to Operate. The Bureau initially issued a Notice of Emergency Decision to the University because it was financially unstable, lacked administrative personnel to operate its educational programs, and had insufficient facilities to operate its campuses. The Emergency Decision ordered the University to cease enrollment of new students, instruction in institutional programs, collection of tuition for all institutional programs, and operation of all degree programs. An expedited Accusation was subsequently filed, charging the University with lacking financial strength, leadership, and sustainability in that its operating expenses exceeded its total revenues. After extensive negotiations, the University agreed to a stipulated surrender, which included refunds to students who were enrolled at the time of its closure. Approximately 440 students are impacted by the University's closure and the Bureau estimates student refunds to total \$2 million. Additionally, the University agreed to retain and pay for an independent monitor to calculate and issue refund checks to students. The immediate closure will prevent the University from defrauding future students.

Tort and Condemnation Section

Overview

The Tort and Condemnation Section defends the state, its agencies, departments, and employees in civil actions for personal injury, wrongful death, property damage, and civil rights claims brought in state and federal courts. The section handles litigation pertaining to:

- Civil rights claims brought under 42 U.S.C. § 1983
- Public entity and public employee liability under the Government Claims Act for dangerous condition of public property, premises liability, breach of statutory duty, medical malpractice and medical negligence, and negligence
- Defense of law enforcement officers and agencies
- Automobile, boat, aircraft, bicycle, and skateboard accidents
- Various wrongful death matters

Further, the section also prosecutes matters relating to the acquisition of real property for public purposes (eminent domain) and defends against claims that a public project resulted in the taking or damaging of private property (inverse condemnation). The section also handles complex construction arbitration.

The section has an appellate practice with appeals ranging from trial verdicts in excessive force matters to summary judgment in deliberate indifference matters.

Major Accomplishments

Oroville Dam Cases (Department of Water Resources): The Tort and Condemnation section successfully completed its defense of the Department of Water Resources in ten separate cases arising out of the February 2017 failure of the Oroville Dam's main spillway. The cases included claims from approximately 60 property owners claiming lost income and damage to their property; four putative class claims for costs incurred by 188,000 individual and business evacuees for evacuation costs; and damage claims from the South Feather Water & Power Agency, County of Butte, City of Oroville and PG&E

Skirball Fire Cases: The Tort and Condemnation Section successfully represented the Santa Monica Mountains Conservancy in a complex consolidated case involving the Skirball Fire, which occurred on December 6, 2017, in the Sepulveda Pass. The plaintiffs, Bel Air property owners, and their insurance company subrogees, alleged over \$30 million in property damage losses as a result of the fire. Based upon initial statements by the City of Los Angeles that were amplified by the media, plaintiffs alleged that the fire began at a homeless encampment cooking fire, in the vicinity of dry and overgrown brush on the defendants' property. The plaintiffs asserted causes of action against the Conservancy, the city, the county, and Caltrans for dangerous condition of public property, nuisance, negligence, and trespass. The court sustained the Conservancy's demurrers to the latter two causes of action and later granted summary judgment in favor of the defendants on the remaining causes of action. Thereafter, plaintiffs agreed to forego an appeal in exchange for a waiver of costs.

Representing Law Enforcement

Elkins v. State of California: The section represented a California Highway Patrol (CHP) officer in connection with a 2012 officer-involved fatal shooting in Tulare County. Plaintiffs, the decedent's immediate family members, alleged that the officer used excessive force when he shot and killed the decedent on November 13, 2012. The decedent was wanted for the attempted homicide of two local police officers, as well as multiple vehicle thefts, which occurred after he fled from a vehicle he stole. Following a three-week jury trial, the section obtained a unanimous jury verdict finding that the CHP officer's use of force was not excessive. The U.S. Court of Appeals for the Ninth Circuit affirmed the verdict on appeal.



DIVISION OF CRIMINAL LAW

Overview

The Criminal Law Division represents the People of the State of California in criminal cases, as mandated by both the constitution and statute. A small subset of the division also represents the California Department of Corrections and Rehabilitation, the Board of Parole Hearings, and the Governor. The division also investigates and prosecutes investment fraud, business and technology crimes, and privacy issues. Further, the division reviews officer-involved shootings of unarmed civilians that result in a fatality.

The Criminal Law Division consists of the following sections:

- Appeals, Writs and Trials
- Correctional Writs and Appeals
- CyberCrime
- Special Prosecutions

Appeals, Writs and Trials Section

Overview

The Appeals, Writs and Trials Section (AWT) carries out the following functions:

- Represents the People in appeals and writs arising from criminal cases. AWT handled almost 6,000 criminal appeals and writs during the biennial period (18 months).
- Handles criminal trials and investigations where local prosecutors cannot proceed because of conflicts or recusal. Also handles charges and trials for cases arising out of Bureau of Firearms and its use of the Armed and Prohibited Persons System (APPS).
- Advises the Governor on extradition, clemency and other criminal law matters; provides advice to local, state and federal law enforcement and prosecutorial agencies as well as state legislators regarding the state's criminal laws.
- Coordinates with the U.S. State Department and local district attorneys on international parental kidnapping cases handled under the Hague Convention on the Civil Aspects of International Child, a multilateral treaty ratified in 1988 and now in effect between the U.S. and over 80 other countries.

Major Accomplishments

People v. Allen: Senate Bills 775 and 1437 eliminated the natural and probable consequences theory of liability for murder and attempted murder and created a retrospective petition process to vacate those convictions if they were obtained under the old law. The issue in *Allen* was whether a petitioner was eligible to have his murder and attempted murder convictions vacated because the jury was instructed he could be liable for the natural and probable consequences of the acts of his co-conspirators, but where the only conspiracy at issue was conspiracy to murder. The petitioner claimed that the intended victims of that conspiracy were not named, so this left open the possibility that the jury did

not find that he personally intended to kill these particular victims (one of whom died, and the other who survived), but rather held petitioner responsible for the acts of his cohorts. The Court of Appeal rejected this argument, holding that the social harm of murder is the intent to kill a human being, not a particular human being. Therefore, the conspiracy to commit murder theory did not need to identify specific victims by name.

People v. Turner: Turner engaged in a relentless campaign of harassment and threats against his former defense attorney and the attorney's wife, a high-ranking member of the Los Angeles County District Attorney's Office. Following a two-week trial, a Los Angeles County jury found Turner guilty of two felony counts of criminal threats, and several misdemeanor charges of criminal threats, annoying/harassing communications, and disobeying court orders. Turner was convicted in absentia after he fled the courthouse upon being told that the jury had reached a verdict. He was later taken into custody and sentenced to nearly eight years in state prison.

People v. Kevin Eugene Cartwright: Cartwright was convicted of first-degree murder of a shopkeeper with special circumstances, robbery, burglary, and firearms offenses. Cartwright was identified through footage captured on city streetlight cameras that tracked his movements before and after the crime. The California Court of Appeal rejected Cartwright's Fourth Amendment challenge to this evidence, concluding that there was no objectively reasonable expectation of privacy while traversing the public right of way because, in doing so, one voluntarily conveys information for anyone to see. This case is the first in California upholding law enforcement's use of streetlight cameras to solve crimes.

People v. Bocanegra: The Third District Court of Appeal, in a published decision, upheld the constitutionality of California's ban on assault weapons (Penal Code section 30605) in the wake of *New York State Rifle & Pistol Association, Inc. v. Bruen* (2022) 597 U.S. 1. In affirming Bocanegra's conviction for unlawful possession of an assault weapon, the court concluded that AR-15 automatic rifles like the one possessed by Bocanegra are "'weapons not typically possessed by law-abiding citizens for lawful purposes'" and held that the ban does not violate the Second Amendment under the test articulated by the U.S. Supreme Court in *District of Columbia v. Heller* (2008) 554 U.S. 570.

People v. Carney, et al.: The California Supreme Court upheld the first-degree murder convictions of two defendants who instigated a gun battle on a public street, resulting in the death of an innocent bystander. Because the defendants' participation in the gun battle contributed substantially and concurrently to the death of the victim, proximately causing her death, and because the defendants each premeditated and deliberated a killing, the first-degree verdicts were proper, despite the fact that neither of them fired the fatal shot.

People v. Conway: John Conway engaged in a crime spree over the July 4th weekend in 2020 in the rural area of Poker Flats in Sierra County. First, Conway entered the gold-mining camp of Matt Morgan and stole food and other belongings. During the theft, Conway shot Morgan, wounding his shoulder. Later, Dr. Ari Gershman and his 15-year-old son, Jack, were traveling from the Bay Area to spend the day in the Tahoe National Forest. When they stopped their Jeep to reference a map, Conway opened fire on them without provocation, killing Dr. Gershman. Jack fled into the nearby forest and remained there, lost, until 36 hours after the murder. After killing Dr. Gershman, Conway encountered another resident of the area, Heather Burns, who was looking for her dog. Moments after she found her dog and turned to walk back towards her home, Conway shot her from behind, severely injuring her shoulder. After the three shootings, federal, state, and local authorities established a perimeter around the remote forested area. The following day, Conway drove through the area on a stolen ultra-terrain vehicle and ignored commands to stop, instead purposefully steering his vehicle at two state officers. Conway was eventually apprehended by another state officer who shot him before he could get away. Conway was jointly prosecuted by AWT and the Sierra County District Attorney's Office. On May 16, 2023, Conway was sentenced to serve 39 years to life in prison for one count of murder, two counts of attempted

murder, and two counts of assault on law enforcement officers.

People v. Lewis: The defendant drugged the victim at a bar, escorted her from the bar into his car, drove her away, and raped her. An appellate court set aside the kidnapping conviction because the defendant did not use substantial force in escorting her from the bar. The California Supreme Court reinstated the conviction. The Court agreed with our position that a reduced standard of force is appropriate when an adult is too intoxicated to resist. All that is required is enough force to carry the victim away with an illegal purpose, which includes the act of driving the victim away with the intent to rape her. This decision holds defendants accountable for drugging women in bars to lure them into their car, and it holds accountable unscrupulous rideshare drivers who take advantage of drunk passengers by driving them to different locations to rob or rape them.

Montiel v. Chappell: Montiel entered the home of a 78-year-old man, murdered him by slicing open his throat, and stole his money. He was convicted of first-degree special-circumstance murder and robbery and was sentenced to death. After the California Supreme Court affirmed the conviction and sentence and denied habeas corpus relief, the Ninth Circuit rejected Montiel's claim that his trial attorney rendered ineffective assistance at the penalty phase. The decision became final when the United States Supreme Court denied certiorari, leaving intact the decision of the Ninth Circuit Court of Appeals affirming the district court's decision denying federal habeas relief.

Michaels v. Davis: Michaels murdered his girlfriend's mother by slicing her throat with a knife after entering her apartment while she was asleep. He was convicted of first-degree special-circumstance murder and sentenced to death. After the California Supreme Court affirmed the conviction and sentence and denied habeas corpus relief, the Ninth Circuit rejected Michaels's claim that the admission of his confession in violation of his *Miranda* rights resulted in an unfair trial. The decision became final when the United States Supreme Court denied certiorari, leaving intact the decision of the Ninth Circuit Court of Appeals affirming the district court's decision denying federal habeas relief.

Reno v. Davis: Reno (formerly Harold Ray Memro) was sentenced to death for the 1976 murders of 12-year-old Scott F. and 10-year-old Ralph C., and the 1978 sexual assault and murder of 7-year-old Carl C. After the California Supreme Court affirmed the conviction and sentence and denied habeas corpus relief, the Ninth Circuit rejected Reno's claims that: his due process rights were violated when police personnel records were destroyed prior to his second trial, the trial court erred by failing to give an instruction on a misdemeanor offense, his confessions were coerced and therefore improperly admitted as evidence, double jeopardy violation occurred when he was retried in 1987 for the murder of Carl C., and the jury was incorrectly instructed that it was required to reach a unanimous penalty verdict. The United States Supreme Court denied certiorari, leaving intact the decision of the Ninth Circuit Court of Appeals affirming the district court's decision denying federal habeas relief.

Hague Abduction Convention Cases: The Attorney General's Office assisted the State Department in discharging its duties under the Hague Convention in California. All Hague Convention cases received from abroad that involve internationally abducted children believed to be located in California ("incoming cases") are directed to AWT. When California children are abducted abroad ("outgoing cases"), and specifically to Mexico, AWT assists local prosecutors with using the Hague Convention to secure their return to California. California is the only state that systematically uses public agencies to assist in Hague Convention cases, a component of local prosecutors' statutorily mandated responsibilities to recover parentally abducted children. Our expertise in this area is nationally and internationally recognized. The State of California alone receives more incoming Hague cases than many countries. In 2023, AWT handled a total of 69 incoming cases. Of these, 39 were from Mexico; the rest were from 22 other countries, involving children believed to be located in 21 different countries. This is the highest number of incoming cases since 2016. The cases involved children abducted from such geographically diverse countries as England, Brazil, New Zealand, Montenegro, and Jamaica, one of our newest treaty partners. We also assisted district attorneys throughout the state with 11 outgoing

cases to Mexico.

Correctional Writs and Appeals Section

Overview

The Correctional Writs and Appeals Section (CWA) is responsible for the following:

- Representing the state agencies charged with operating California’s correctional and parole systems, including the California Department of Corrections and Rehabilitation (CDCR), Board of Parole Hearings, and the Governor, in habeas corpus and mandate proceedings, related appeals, and third-party discovery disputes;
- Responding to legal challenges brought by incarcerated persons and parolees about conditions of confinement in prisons, parole suitability, and parole conditions; defending against legal action initiated to access confidential material, including peace officer personnel information; and defending our agency clients in mandamus actions brought by incarcerated persons or persons (or entities) not in custody seeking to change various correctional or parole policies.
- Petitioning for determinations that an incarcerated person has the capacity to make a health care decision concerning an existing or continuing condition as requested by treating physicians to assist incarcerated persons with severe mental health issues.
- Advising our client agencies on a myriad of legal issues, including reviewing and advising on proposed regulatory changes;
- Handling over 700 matters during the biennial period.

Major Accomplishments

During the 2023-2024 biennial period, some highlights include CWA’s continued defense against challenges to CDCR’s implementation of Proposition 57, which, among other things, increased credit-earning opportunities for incarcerated persons and created a new category of offenders eligible for parole. The unit also litigated some lingering challenges to COVID-19 in California’s prisons, leading to three more evidentiary hearings, in Solano and Riverside Counties, the latter of which involved a consolidated matter of over 140 petitioners. CWA attorneys are also experts in parole suitability, and this reporting period involved challenges to parole denials, including successful defenses to petitions filed in superior court by Sirhan Sirhan and Manson “Family” member Patricia Krenwinkel. Significant cases during this reporting period include:

In re Koenig & In re Hicks: On behalf of CDCR, CWA successfully defended a state regulation that bars from nonviolent parole consideration under Proposition 57 for any incarcerated person convicted of a violent felony, even if the incarcerated person is also convicted of nonviolent felonies, in the Third and Second Districts Court of Appeal. The appellate courts answered the question left open by the concurrence in *In re Mohammad* (2022) 12 Cal.5th 518 — whether Proposition 57 requires CDCR to break up an aggregate sentence into its component parts to determine which term the incarcerated person is currently serving for nonviolent parole eligibility. The courts held that Proposition 57 authorizes parole consideration for persons convicted only of nonviolent felonies and does not require CDCR to disaggregate sentences. The courts concluded the regulation disqualifying incarcerated persons from nonviolent parole based on a violent felony conviction reasonably interprets Proposition 57 and is a valid exercise of CDCR’s rulemaking authority. The California Supreme Court also denied petitions for review filed in both cases.

CDCR v. Superior Court of Alameda County (Escobedo): On behalf of CDCR, CWA successfully defended a statutory remand-to-custody requirement for persons released to parole from a life sentence when they are convicted of a new crime or violate a parole condition ultimately resulting in revocation. CDCR petitioned for a writ of mandate seeking review of a superior court order placing defendant Robert Escobedo on felony probation in accordance with a negotiated plea agreement. To execute the agreement, the superior court permitted the People to withdraw a pending parole revocation petition CDCR filed against Escobedo, who was on parole from a murder conviction when he committed a new crime. The Court of Appeal held that remand to CDCR custody is required any time a defendant who is on parole from a life offense is convicted of a new crime, even a misdemeanor, and that the People lack the authority to unilaterally withdraw CDCR-initiated parole revocation petitions.

In re Casey: On behalf of the Governor, CWA successfully appealed a superior court order granting writ relief to Royce Casey, an indeterminately sentenced inmate convicted of brutally murdering his 15-year-old classmate in 1995. Casey was found suitable for parole by the Board of Parole Hearings in 2021. The Governor reversed the decision, which Casey successfully challenged via a petition for writ of habeas corpus in the superior court. The Court of Appeal reversed, holding that the Governor's decision was supported by some evidence. The court held there was no dispute that the murder's circumstances were aggravated and that the Governor could reasonably conclude that Casey lacks insight into his crime because nothing Casey said explained the brutal murder of a 15-year-old girl. The causal connection between Casey's lack of insight and his current public safety risk was obvious because Casey is relatively young and is physically capable of more violent crimes, and without insight, he also remains mentally capable of more violence.

CyberCrime Section

Overview

The CyberCrime Section (CYS) (formerly the e-Crime Unit) was created in 2011 and continues its mission to further public safety by investigating and prosecuting advanced and emerging technology crimes. During the biennial period, CYS opened 56 investigations, filed 6 cases, reviewed 34 complaints from the CA DOJ Public Inquiry Unit, sentenced 21 defendants to a total of 4,825 days in custody, and secured \$1,739,967.54 in restitution orders. The unit is prosecuting nine Organized Retail Theft cases, with six more under investigation.

CYS reviews, reports, and advises local and state law enforcement on California Electronic Communications Privacy Act (CalECPA) compliant search warrants, a California Department of Corrections and Rehabilitation (CDCR) statewide cellphone interdiction program, and reports of cyber incidents from the California Cybersecurity Integration Center. In conjunction with the Department of Financial Protection and Innovation (DFPI), CYS has begun taking down websites reported to DFPI as involving fraudulent cryptocurrency scams.

CYS maintains a database of CalECPA search warrant data, as mandated by Penal Code section 1546.2(c), which is collected, reviewed for compliance, and published on the OpenJustice website. CYS reviewed 4,178 CalECPA-compliant search warrants between January 1, 2023 and April 2024. On January 1, 2024, CYS introduced a revised and upgraded California Law Enforcement Web (CLEW), making the data collection process more statutorily compliant.

Many CYS members provided their expertise in presentations to both law enforcement and community groups. At the California District Attorneys Association High Tech Crime Symposium in December 2023, CYS professionals presented on Organized Retail Crime, High Tech Search Warrants, Geolocation Data Law, the Domain Name System, and Artificial Intelligence for Law Enforcement. During this time, CYS members also gave presentations to the FBI, the U.S. Secret Service's National Criminal Forensics

Institute (NCFI), the Robert Presley Institute of Criminal Investigations (ICI), the California Chapter of the Financial Services Professionals, the National Association of Prosecutors, and the Blockchain for Social Good Center of the University of San Francisco School of Law.

Major Accomplishments

Victim N.T.: Between June and December 2022, victim N.T. was fraudulently induced to invest \$280,000 on a scam website and discovered she was unable to withdraw any of her funds. CYS traced several of the transactions to exchanges Binance and OKX and used a search warrant to seize some of the stolen funds from the exchanges. Exchange OKX transferred \$5,688 to a government-controlled wallet in February 2023, and Binance transferred \$100,872 to a government-controlled wallet in March. The matter is still under active investigation, but the victim was reimbursed \$106,560 in the first known cryptocurrency seizure completed by DOJ.

Victim D.P.: From January 2023 to February 2023, Napa resident D.P. was fraudulently induced to invest over \$1,000,000 in cryptocurrency through a site called “changellytrader.com.” Soon after investing, D.P. was denied access to his funds and realized it was a scam. CYS traced the transactions and discovered some of the funds went to wallets on the OKX and Binance cryptocurrency exchanges. With assistance from the U.S. Secret Service, CYS traced and seized, pursuant to a search warrant, \$41,608, which was ordered returned to the victim.

People v. DeVera: In April 2023, DeVera pleaded guilty to four counts of unlawfully using another person’s personal identifying information for her involvement in a multi-year fraudulent account takeover scam. DeVera contested the reliability of evidence supporting the restitution amount claimed by Macy’s business records. On November 17, 2023, after a lengthy hearing that included comparing evidence from a GPS tracker on the defendant’s vehicle to the defendant’s real-time locations at Macy’s stores, the Santa Clara County Superior Court ordered defendant Sheila DeVera to pay \$322,557.94 in restitution to Macy’s Inc. DeVera’s was sentenced to a split sentence of four years in county jail.

People v. David Daleiden & Sandra Merritt: David Daleiden, with the assistance of co-conspirator Sandra Merritt, posed as a representative of a nonexistent fetal tissue procurement company and met with representatives from Planned Parenthood and the National Abortion Federation, covertly recording the conversations. He is charged with seven counts of unlawfully recording a confidential communication, conspiracy, and manufacturing a deceptive identity document. Jury trial is set to begin on December 2, 2024.

Special Prosecutions Section

Overview

The Special Prosecutions Section investigates, reviews, and prosecutes complex, inter-jurisdictional criminal cases occurring in California, primarily in the areas of:

- Financial, securities, mortgage, and environmental fraud;
- AB 1506 officer-involved shooting incidents;
- Public corruption, including violations of the California Political Reform Act;
- “Underground economy” offenses investigated by the Tax Recovery in the Underground Economy Task Forces, including tax fraud, counterfeiting, and fraud perpetrated against workers;
- Trafficking of fentanyl;
- Multi-jurisdictional Organized Retail Thefts; and
- Human trafficking.

During the biennial period, the Special Prosecutions Section continued criminal litigation on existing matters, while opening an additional 180 investigative matters and filing 41 new matters in various courts across the state.

Major Accomplishments

People v. Robert Sedlar et al.: Robert Sedlar was the president of Grand View Financial LLC, a purported mortgage “investment” company that advertised assistance to desperate homeowners facing foreclosure. The company promised consumers that if they transferred the title of their house to Grandview Financial and paid money, it would eliminate the mortgage lien and deed the home back to the homeowner, clear of any liens. During this time, the company filed false court documents, false documents with the county recorders offices, and false bankruptcies that stalled the foreclosures but did nothing to eliminate the liens. Every single victim lost their home as a result, and the scheme resulted in a combined loss of more than \$7 million. Sedlar was convicted by a jury of over 100 felony counts and ultimately sentenced to 25 years and 4 months in prison. Two other codefendants, Steven Rogers and Audrey Gan, previously pled guilty for their involvement in this scheme.

Cracking Down on Tax Evasion

People v. Sadiq Mohamed: Sadiq Mohammed filed tax returns that underreported sales from his tobacco distribution business, L.A. Trading and Distribution, Inc., located in the Los Angeles area. Mohammed imported tobacco products from Florida and Illinois and falsely claimed they were interstate sales to unlawfully evade California’s excise taxes, which are required for out-of-state products. All told, Mohammed’s operation evaded over 3 million dollars in excise tax. In September 2023, the Special Prosecution Section obtained guilty pleas to Tobacco Excise Tax Evasion, and Mohamed was sentenced to 32 months in prison and ordered to pay \$3.04 million in restitution. DOJ’s Tax Recovery in the Underground Economy (TRUE) task force investigated this case.

People v. Xu Dong, et al.: Seven restaurant owners in the Los Angeles area were arrested and prosecuted in a multi-agency investigation into pervasive wage theft, tax evasion, and income tax fraud. Xu Dong, the owner of Asia Buffet and Americana Buffet and Grill, pleaded guilty to wage theft, sales

tax evasion, income tax evasion, payroll tax evasion, and insurance fraud. He paid more than \$3.94 million in restitution and was sentenced to 32 months in prison. Yan Zheng, the owner of China Great Buffet, pleaded guilty to sales evasion, income tax evasion, payroll tax evasion, and insurance fraud. She paid more than \$2.81 million in restitution and was sentenced to 24 months in prison. Jiahan Zheng, the owner of Tropical Buffet and Grill, pleaded guilty to sales tax evasion, income tax fraud evasion, and payroll tax fraud evasion. He paid \$599,508 in restitution and was sentenced to one year of probation and was ordered to complete 60 days of community service. Elva Chen, Ya Lu, and Yituan Chen owned and operated Gold Hibachi Buffet. Elva Chen pleaded guilty to sales tax evasion, income tax evasion, payroll tax evasion, and insurance fraud. She paid over \$1.67 million in restitution and was sentenced to 32 months in prison. Defendant Ya Lu pleaded guilty to grand theft and commercial burglary. She paid nearly \$1.7 million in restitution and was sentenced to 32 months in prison. Defendant Yituan Chen pleaded guilty to sales tax evasion. He paid \$428,226 in restitution, and was sentenced to two years of formal probation, and ordered to serve 364 days in prison. Jian Zhang, the owner of Kami Buffet and Grill, pleaded guilty to sales tax evasion and income tax evasion. He paid \$785,177 restitution and was sentenced to 32 months in prison. DOJ's TRUE task force investigated this case.

Targeting Organized Retail Theft

People v. Michelle Mack, et al. In 2024, the Special Prosecution Section brought charges against Michelle Mack and eight other individuals for their alleged involvement in a multi-year organized retail theft scheme. Mack is alleged to have recruited young girls and directed them to steal beauty products from retailers such as Ulta and Sephora. Those products were then sold on Mack's online storefront. The scheme spanned over twenty-one counties and is alleged to involve over eight million dollars in losses to retailers. This case was investigated by DOJ, California Highway Patrol (CHP), Department of Homeland Security, and U.S. Postal Inspection Service, along with Ulta's Loss Prevention Organized Retail Crime team and Sephora Representatives. A 139-count complaint was filed in San Diego Superior Court, and a preliminary hearing is anticipated for the summer of 2024.

Reviewing Officer-Involved Shootings

Report on Death of Daniel Elena Lopez and Valentina Orellana Peralta. On December 23, 2021, LAPD responded to a report of an active shooter at Burlington Coat Factory. Officers found a victim covered in blood, and Mr. Elena Lopez was next to her with an object in his hand and another object that he used as a shield. An officer fatally shot Mr. Elena Lopez, and one of the rounds struck the floor, changed direction, entered the wall of a fitting room, and struck and killed 14-year-old bystander Valentina Orellana Peralta. Pursuant to AB 1506, DOJ, including the Division of Law Enforcement, Criminal Division/Special Prosecution Section, and the Public Rights Division, conducted a comprehensive review of the incident and ultimately issued a report concluding there was insufficient evidence to prosecute the shooting officer for the deaths of Elena Lopez and Valentina Orellana Peralta.

Going After Labor Trafficking

People v. Joshua Gamos, et al. Four members of the Gamos family operated Rainbow Bright, an adult residential and childcare company in the Bay Area. From 2008 to 2018, they targeted members of the Filipino community, many of whom were recent immigrants to the United States, to work at their facilities. The defendants proceeded to exploit their targets through degrading treatment, threats of arrest and deportation, false promises to assist with immigration, passport confiscation, and even physical abuse of one victim. Following a seven-month trial, a San Mateo County jury found Joshua, Carlina, and Noel Gamos guilty of multiple counts of human trafficking, theft of labor, worker's compensation fraud, and unemployment insurance fraud. Joshua Gamos was sentenced to 9 years 8 months in prison; Noel Gamos was sentenced to five years in prison; and Carlina Gamos was sentenced to 5 years and 4 months in prison. Codefendant Gerlen Gamos previously pleaded guilty to her involvement in the scheme.



DIVISION OF MEDI-CAL FRAUD AND ELDER ABUSE

Overview

The Division of Medi-Cal Fraud and Elder Abuse (DMFEA) is California's Medicaid Fraud Control Unit. It executes its twin mission of investigating and prosecuting fraud against California's Medicaid program (Medi-Cal) by providers and investigating and prosecuting physical or financial abuse or neglect of Medi-Cal recipients statewide. DMFEA's cases are assigned to teams that handle the matter from inception to resolution using a vertical prosecution model. The DMFEA adopts a multi-disciplinary approach to all matters, employing the law enforcement expertise of Special Agents, the financial and auditing expertise of Investigative Auditors and data analytics specialists, and the legal experience of its civil and criminal attorneys and paralegals. DMFEA collaborates closely with federal, state, and local partners to fulfill its mission.

DMFEA is comprised of 333 employees working in nine regional offices statewide and is organized into the following four areas:

- Administration Branch
- Investigations Section
- Civil Section
- Criminal Prosecutions Section

DMFEA Statistics	2023-2024 Biennial Volume
Complaints Received (Criminal and Civil)	10,554
Cases Opened	503
Cases Closed	8718
Criminal Convictions	96
Civil Settlement Dollars	\$341,218,741.87
Criminal Restitution Dollars	\$ 8,090,289.60

Administration Branch

Overview

The Administrative Branch supports the day-to-day operations of the Division and assists sections in administrative and technical areas such as accounting, budgeting, human resources, asset management, facilities, procurement, contracting, outreach, regulations, training, and special projects. The Administrative Branch provides administrative support for the Division's offices in Sacramento, Fresno, Dublin, Burbank, Riverside, Orange, San Diego, Redding, and West Covina, servicing a diverse staff of attorneys, Special Agents, Investigative Auditors, legal support, and analytical classifications.

Major Accomplishments

Increased Funding and Positions: The Administration Branch successfully increased federal funding and received additional positions through the federal application process and the state budget change process.

Investigations Section

Overview

The Investigation Section houses the following units:

- **Digital Forensics Unit:** The Digital Forensics Unit processes and analyzes digital evidence (personal computers, data servers, laptops, cellular phones) seized from investigative actions such as search warrants. Additionally, the Digital Forensics Unit manages confidential websites, undercover social media, and email presences for investigative personnel.
- **Backgrounds Unit:** Using sworn and non-sworn investigators, the Backgrounds Unit conducts investigations for pre-employment candidates or employees transferring into sworn positions or non-sworn positions requiring a background investigation pursuant to California Commission on Peace Officer Standards and Training (POST) or Division policies.
- **Investigative Auditors:** Independently and working with Special Agents and Deputy Attorneys General, Investigative Auditors perform complex criminal Medi-Cal fraud and abuse or neglect investigations. Investigative Auditors specialize in financial record tracking and have Penal Code-mandated warrant authority.
- **Special Agents:** Working across the State, sworn Special Agents conduct complex and highly sensitive investigations arising from allegations of Medi-Cal fraud or elder or dependent adult abuse or neglect situations. Additionally, DMFEA Special Agents investigate drug diversion when connected to Medi-Cal beneficiaries or providers.

Major Accomplishments:

People vs. Martinez-Grunnger, Maki Yoshino: Maki Martinez-Gruninger was accused of defrauding the Medi-Cal In-Home Support Services (IHSS) program, by submitting over \$400,000 in false claims for services not rendered. The investigation conducted by DMFEA staff confirmed that Martinez-Gruninger defrauded the Medi-Cal program by presenting and receiving IHSS payments totaling \$413,643 for services she never provided. On December 27, 2022, a felony complaint was filed by DMFEA. The preliminary hearing is set for July 23, 2024.

United States v. Parto Karimi: The United States Drug Enforcement Agency (DEA) received a tip regarding suspicious prescribing practices involving controlled substance medication by Dr. Parto Karimi. Karimi was suspected of exchanging prescriptions for cash utilizing a garage/in-law-unit and her mailbox, without seeing or conducting medical exams of patients. DEA requested assistance from DMFEA to lead an undercover investigation. DMFEA Special Agents conducted a total of 13 undercover encounters with Karimi and obtained numerous prescriptions for highly diverted controlled substances (Hydrocodone with Acetaminophen, Alprazolam, and Promethazine with Codeine) without exams and/or visits. On February 15, 2023, Karimi was indicted in US District Court on two counts of 21 U.S.C. § 841(a)(1) and (b)(1)(C) – Distributing controlled substances outside the scope of professional practice. On March 15, 2024, Karimi was sentenced to 1 year and 1 day in federal custody, 3 years supervised release, and a fine of \$4,000.00.

People v. Hanny Tadros, Ben Ho, and Ted Eliopulos: Tadros, the owner of Best Marina Corporation, conspired with Eliopulos, Ho, and others to intentionally bill the Medi-Cal program for unnecessary and excessive services. Tadros and Ho financially enriched themselves by orchestrating a scheme to provide kickbacks to beneficiaries and drivers, falsifying prescriptions, and recycling undelivered drugs with the purpose of billing the state and federal government for the same drug multiple times, totaling \$5.3 million in fraudulent billing. On February 14, 2023, a 14 felony count complaint was filed. On March 8,

2023, defendant Eliopulos was discovered deceased from a self-inflicted gun wound. A pre-trial hearing for defendant Tadros is scheduled for September 12, 2024. Arraignment for defendant Ho is scheduled for August 2, 2024.

People v. Mike Rostami: DMFEA received a complaint alleging that Rostami was involved in a scheme to fraudulently bill Medi-Cal/Medicare for patient visits, lab work, and Family Planning, Access, Care, and Treatment (FPACT) services that were not rendered. According to the complaint, staff were asked to complete fraudulent super bills showing that patients visited Rostami's clinic when, in fact, they had not. Staff documented false patient charts showing patients completed a physical and also provided fraudulent specimens in support of the fraud. The investigation confirmed that Rostami defrauded the Family PACT and other programs by submitting claims for beneficiaries he never saw in the amount of \$13,126,178.00. On March 14, 2023, two counts of Insurance Fraud (PC550), two counts of Grand Theft (PC487), and two counts of Health Care Fraud (WIC14107) were filed against Rostami, all felonies. Preliminary hearing is scheduled for August 13, 2024.

Digital Forensic seizures: The Digital Forensics Unit seized 57,299 gigabytes (GB) of electronic data, which consisted of 63 personal computers, seven laptops, four servers, four network-attached storage devices, nine external HDDs, six USB drives, 11 smartphones, one tablet, seven cloud/email/social media returns, and four other media devices. For scale, one GB yields approximately 100,000 e-mail messages, 65,000 document files, or 15,000 images.

Civil Section

Overview

The Civil Section investigates and prosecutes fraud by Medi-Cal providers, at both the state and national level. The Civil Section frequently works with other federal and state prosecutors to combat fraud in the Medicaid system using the California False Claims Act and other civil enforcement statutes. This involves investigating, litigating, and resolving cases involving misconduct on the part of doctors, clinics, laboratories, hospitals, medical equipment manufacturers, electronic software providers, Silicon Valley healthcare-related startups, managed care organizations, pharmacy benefit managers, pharmacies and pharmacy retail chains, drug wholesalers, drug manufacturers, medical transportation companies, and other entities playing a role in the provision of healthcare to Medi-Cal beneficiaries.

Major Accomplishments

Settlement with Centene Corporation: DMFEA pursued Medicaid fraud claims against Centene Corporation, the largest Medicaid insurer in the country. Centene, through the two plans it operates in California under contract with Medi-Cal, reported encounter data that included falsely inflated costs of drug transactions regarding the prescription drugs that were provided to Medi-Cal beneficiaries. This, in turn, impacted the accuracy of the data employed in calculating capitated payments due to the Centene plans. In resolution of California's claims against Centene and its two plans, California Health and Wellness and Health Net, Centene paid the state \$215,392,758.17.

Settlement with Hey Favor, Inc. fka The Pill Club: In January 2023, DMFEA executed a \$15,000,000 settlement to resolve allegations that The Pill Club engaged in a scheme orchestrated and maintained by the company's founders and executives in search of a "gold mine" of personal profit. DMFEA's investigation revealed that The Pill Club sought to exploit protections for access to birth control and defraud California's Medicaid program, Medi-Cal, of millions of dollars in reimbursement for ineligible services and prescriptions, including for medical visits that did not occur, prescriptions dispensed by an unlicensed out-of-state pharmacy, and mandatory bundling of expensive high-margin products like the female condom, which were medically unnecessary and dispensed in large quantities without patient consent.

Settlement of the Heritage Pharmaceuticals Action: This \$10 million settlement with drug manufacturer Heritage Pharmaceuticals, Inc., is the result of three multi-defendant, federal antitrust actions brought by antitrust and consumer protection attorneys assigned to state attorney general offices throughout the country. These actions allege that numerous generic drug manufacturers engaged in unlawful collusion, which was part of a larger conspiracy to fix the prices of numerous generic drugs. DMFEA leads a National Association of Medicaid Fraud Control Units-appointed, multi-state working group that, for the past several years, has worked closely with the state attorneys leading this national antitrust effort, including attorneys from DOJ's Healthcare Rights & Access Section. DMFEA's goal is to ensure that the Medicaid aspects of these actions are both promoted and protected. With respect to Heritage, while the state-by-state allocation of the \$10 million recovery has yet to be determined, California, which has the largest Medicaid program in the country, will likely recover more Medicaid dollars from this settlement than any other participating state.

DMFEA continues to lead this innovative, nationwide effort among state Medicaid Fraud Control Units to assist in the recovery of additional Medicaid dollars from non-traditional sources, including a forthcoming \$39 million settlement against drug manufacturer Apotex Corporation. As with Heritage, California's Medicaid program stands to recover a significant portion of the Apotex settlement.

Settlement with ReNew Health Group In March 2024, DMFEA and the federal government reached a settlement with ReNew Health Group LLC, ReNew Health Consulting Services LLC, and two corporate executives (ReNew) for knowingly submitting false Medicare Part A claims for nursing home residents. During the COVID-19 pandemic, the Centers for Medicare and Medicaid Services waived the requirement that a person must have had a hospital stay of at least three days (signaling an acute illness or injury) before reimbursing for skilled care in a nursing home. The settlement resolves allegations that ReNew knowingly misused this waiver by routinely submitting claims for nursing home residents when they did not have COVID-19 or any other acute illness or injury but merely had been near other people who had COVID-19. California's recovery in the settlement was \$242,273.

Settlement with Rite Aid: After DMFEA's investigation confirmed widespread non-compliance with pharmacy claim billing requirements, DMFEA intervened in a *qui tam* action that alleged that the national pharmacy chain Rite Aid, motivated to quickly obtain claim payments, defrauded Medi-Cal by submitting pharmacy claims by means of false electronic certifications that patients had medical conditions qualifying for the payment of pharmaceutical drugs for Medi-Cal patients. Rite Aid knowingly failed to verify or document mandatory compliance for a large number of claims, resulting in the payment of tens of millions of dollars of false claims by Medi-Cal. The resulting settlement, in October 2023, generated \$33.3 million for California.

Settlement with Shlomo Rechnitz: DMFEA entered into a \$3.8 million settlement to resolve allegations against Riverside skilled nursing facility Alta Vista Healthcare & Wellness Centre (Alta Vista), and its management company, Rockport Healthcare Services (Rockport), that from 2009 to 2019, Rockport and Alta Vista paid illegal kickbacks, in the form of cash, gifts, and salaries, to certain Riverside-area doctors to induce them to refer Medi-Cal and Medicare beneficiaries to Alta Vista. Based on the proportion of losses to state and federal funds, California's recovery was \$994,500.

Settlement with Trividia Health, Inc.: In January 2024, DMFEA settled allegations that a manufacturing defect caused Trividia to produce thousands of vials with contaminated test strips that would result in an inaccurate blood glucose reading. It was alleged that Trividia had actual knowledge of both the defect and its adverse health effects, but nonetheless continued to place defective test strips into the stream of commerce. California's investigation, supplemented by the *qui tam* plaintiff's work on the case, resulted in a settlement in which California's recovery was \$900,000.

Criminal Prosecutions Section

Overview

The Criminal Prosecution Section prosecutes Medi-Cal providers suspected of defrauding the Medi-Cal program and prosecutes crimes against elder and dependent adults where there is a connection to the Medi-Cal program. These crimes include physical abuse, financial abuse, homicide, sexual assault, false imprisonment, assault, and battery. Additionally, the Criminal Prosecution Section includes the Facilities Enforcement Team (FET), which investigates and pursues criminal and civil actions against owners and operators of skilled nursing homes, hospitals, and residential care facilities for the elderly, for adopting policies and/or promoting practices that lead to neglect and poor quality of care. The FET also runs the Operation Safe Program, which conducts inspections of long-term care facilities when referrals indicate instances of potential criminal abuse or neglect.

Major Accomplishments

People v. Jose De Jesus Quiroz: Between August 6, 2018, and September 10, 2018, defendant Jose Quiroz, a certified nurse assistant working at a skilled nursing facility, sexually assaulted Jane Doe 1 and attempted to assault Jane Doe 3, two elderly female residents. On Wednesday, April 6, 2022, following a three week-long jury trial, Quiroz was convicted on one count of felony sexual battery on an elder/dependent adult, and one misdemeanor count of elder abuse. The jury also found “True” special allegations regarding aggravating circumstances that Quiroz preyed on a particularly vulnerable victim and that he took advantage of a position of trust or confidence to commit his crimes. Quiroz was sentenced to two years in state prison.

People v. Joel Ombao, Ronnel Tiburcio, & Nimfa Molina: Ombao was the owner of several hospice companies. He and codefendants Ronnel Tiburcio and Nimfa Molina warehoused six disabled residents at their unlicensed facility where the residents were found living in filth, without basic care, and malnourished in a house that did not have the staff, equipment, or licensing needed to care for the residents. On July 31, 2023, a Riverside County jury found Tiburcio guilty of six felony counts of elder abuse, Ombao guilty of four felony counts of elder abuse, and Molina guilty of one count of misdemeanor elder abuse. Defendant Molina was sentenced to serve four months in county jail in October 2023. On July 1, 2024, Defendant Joel Ombao was sentenced to five years in state prison. Sentencing for Defendant Tiburcio is set for October 24, 2024.

People v. Velasquez, et al.: On June 5, 2024, dentist Magaly Velasquez, and her office manager, Maria Talavera, pled no contest to felony insurance fraud, and their biller, Jessica Monique Perez, pled to misdemeanor grand theft. Velasquez contracted with Borrego Community Health Foundation, a Federally Qualified Health Center (FQHC) that participates in Medi-Cal. As a FQHC, Borrego received reimbursement for each day of service billed rather than for the individual services provided to the patient. FQHCs receive the same reimbursement rate regardless of how many services are provided to a patient in a single day. U-First Dental treated each of their Borrego FQHC patients on single days but then fraudulently split their services over multiple days on their claims in order to maximize reimbursement from Medi-Cal. The defendants defrauded Medi-Cal in this manner for more than \$770,000, based on an analysis of claims billed for patients who had claims submitted showing they were treated on seven or more consecutive days rather than the one single day of services that they had indeed received.

People v. Nafessah Townsend: Townsend worked in the finance offices of three San Diego area nursing homes where she intercepted patient payments to her employer, forged signatures, and deposited the checks into her own account. Several of the crimes occurred while she was on bail while facing charges of identity theft in Orange County Superior Court. On December 18, 2023, the defendant pled guilty to 40 felony counts and admitted to stealing \$138,000.

People v. Betty Ann Engelbrecht: On November 14, 2023, after a four-week jury trial, defendant Engelbrecht was convicted of two felony counts of theft from an elder in violation of Penal Code section 368, as well as white-collar crime enhancement, a violation of Penal Code section 186.11 (a) (3). DOJ's investigation revealed that Engelbrecht was given power of attorney (POA) to manage the finances of her elderly mother, who was residing in an assisted living facility and suffering from a neurodegenerative disease. Between 2013 and 2017, while acting as her mother's POA, Engelbrecht transferred more than \$500,000 from her mother's bank accounts into her own, using it for her own personal needs, and leaving almost no funds for her mother's continued care and treatment. Engelbrecht was sentenced to three years in state prison and ordered to pay a fine of \$614,248.16 and pay \$307,124.08 in restitution.

People v. Mohamed El Nachev: El Nachev, a licensed physician operating at two local community clinics, one in Los Angeles and the other one in Anaheim, was the prescribing provider for HIV and other anti-psychotic medications which resulted in the loss to the Medi-Cal program of over \$20 million. El Nachev prescribed the high-cost drugs without any medical necessity and in exchange for kickback payments. Some of the prescribed drugs were subsequently sold on the illegal drug market. DMFEA brought criminal charges against El Nachev; and, in August 2023, El Nachev pled guilty to multiple felonies, was sentenced to five years in prison, and ordered to pay restitution in the amount of over \$2.4 million. El Nachev agreed to surrender his medical license, pay \$150,000 for costs of investigation, and stipulated to a loss amount of over \$20 million.

Spotlight On: The Facilities Enforcement Team

People v. Mariner Health Care Inc.: On April 8, 2021, DMFEA and four county District Attorneys filed a civil complaint in Alameda Superior Court under Business and Professions Code section 17200 (Unfair Business Practices) against nineteen skilled nursing facilities (SNFs) run by the Mariner chain which provided administrative and managerial oversight for the SNFs. On January 6, 2023, the court granted a preliminary injunction requiring the Mariner facilities to comply with all regulations and laws regarding patient discharge and nurse staffing levels. During the pendency of the People's case, two of the named Mariner defendants filed for Chapter 11 Bankruptcy. On March 14, 2024, our office filed a judgment in Superior Court that placed Mariner under an injunction for a minimum of three years or until the bankruptcy plan was successfully terminated. The terms of the injunction included Mariner accepting a team of independent monitors, paid for by Mariner, to track their compliance with regulations, laws and the terms of the filed judgment. Additionally, the judgment includes terms that provide if Mariner violates the injunction, they will be liable for up to \$15.5 million dollars in civil penalties (all of which will become due immediately if the Mariner entities fail to perfect their Bankruptcy Plan) and to pay California \$2.25 million in costs.



CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION

Overview

The California Justice Information Services (CJIS) Division, through its 1,211 authorized positions, provides accurate, timely, and comprehensive criminal history data and analysis to law enforcement, district attorneys, and local and state regulatory agencies. In addition, the division supports the critical Department of Justice (DOJ) information technology (IT) infrastructure.

The CJIS Division consists of the following bureaus:

- Justice Data and Investigative Services
- Criminal Information and Analysis
- Application Development
- Enterprise Services
- Technology Support

Justice Data and Investigative Services Bureau

Overview

The Justice Data and Investigative Services (JDIS) Bureau is comprised of two branches that offer investigative and field service functions to criminal justice and public safety partners, regulatory agencies and the people of California. Information and technical assistance are provided on a variety of manual and automated systems.

The JDIS is responsible for the following services and systems:

- Missing and Unidentified Persons Section and Applications
- Megan's Law
- Violent Crime Investigative Support Section
- California Sex Offender Registry
- California Sex and Arson Registry Application
- Training and Outreach Unit
- Controlled Substance Utilization Review and Evaluation System Program and application
- CalGang Section System and Audits
- Stolen Vehicles
- Automated Property
- Supervised Release File

- Wanted Persons System
- California Pawn and Secondhand Dealer System
- California Restraining and Protective Order System
- Command Center
- California Law Enforcement Telecommunications Systems Audits and Inspections, Criminal Offender Record Information Audits and Database Audits
- Cal-Photo System
- Electronic Recording Delivery System
- NexTEST/CJIS Online – online security awareness testing and certification service for California law enforcement agencies (LEAs) and vendors
- Stop Data Collection System (Racial and Identity Profiling Act)
- AB 1747 – Law Enforcement Immigration
- OpenJustice
- URSUS Data Collection application
- California’s transition to the National Incident Based Reporting System
- Criminal Justice Statistics Center
- National Data Exchange (N-DEx) Audits

Major Accomplishments

Aiding in Investigations

Providing Investigative and Field Service Technology Functions for the Missing and Unidentified Persons Section (MUPS): MUPS assists the public and criminal justice community with missing and unidentified person investigations. MUPS utilizes various methods to assist, including internet resources, governmental databases, and forensic dental and medical comparisons. During 2023, MUPS assisted in locating 1,325 missing persons, identified 12 unidentified individuals, and assisted with 88 living doe cases. So far in 2024, MUPS has assisted in locating 672 missing persons, identified 10 unidentified individuals and assisted with 27 living doe cases. In March of 2023, MUPS hosted a POST Certified Training on Missing & Unidentified Person Investigations in Redondo Beach. Following MUPS overview presentation, an analyst in the audience requested assistance with a possible identification involving a Laguna Beach missing woman from 1993 and a Wyoming Jane Doe found in 1998. MUPS staff worked to obtain dental records for both cases and a positive identification was made and presented at the training.

Violent Crime Investigative Support Section (VCISS): VCISS analyzes investigative data and provides an analytical case report detailing findings and investigative leads to local LEAs for violent crime investigations. VCISS also provides expert testimony often using presentations, maps, charts, and timelines to illustrate facts and conclusions related to the crimes. During 2023, VCISS received 24 new violent crime case requests, 15 requests for additional analysis on new case data, and testified in 11 cases. A VCISS analyst testified regarding cell phone record analysis in February 2023 in the *People v. Derrick Dogan and Alfie Broussard* in Solano County. Dogan was found guilty of second-degree murder, robbery, and the gun enhancements. Broussard was found guilty of robbery. Both men were identified

and arrested months after the crime through cell phone records. So far in 2024, VCISS has received 16 new violent crime case requests, 16 requests for additional analysis on new case data, and has testified in 8 cases.

California Sex and Arson Registry System Support (CSAR-SS) Section: This Section provides support, development, and training of CSAR, the state's repository for sex and arson registration information, working with both business and technical teams to enhance, improve and update the application. Due to SB 384 changes to the CSAR application were required. Initial non-production releases included enhancements related to the CSAR, the Automated Criminal History System (ACHS), California Department of Corrections and Rehabilitation, Supervised Release File (SRF), Board-certified treatment program, court decisions, and court impacts on petitions.

The CSAR-SS, Offender Registration Application Unit (ORAU), and consultants have continued to complete both petitioning and database optimization. The teams have collaborated to further refine tiering and petitioning system enhancements, which consists of petitioning core functionalities, interfaces, petitioning reports and risk assessments.

Additionally, the team enhanced the interface between the CSAR application and Multi- Health Systems (MHS), a system that provides risk assessment file information. Through the enhancements, the CSAR application will automatically ingest a Stable-2007 risk assessment file from the MHS on a weekly basis. The automation is a streamlined approach to ensure files with a complete match to a CSAR record will automatically populate the CSAR record with Stable-2007 risk assessment data. This will optimize the end-user's capacity to process the Stable-2007 risk assessment files; thus, improving workload efficiency and communication between the supporting systems.

The CSAR-SS also worked with the ORAU and consultants to deploy several optimization releases of the CSAR application, as well as implementing legal changes to sex registrant posting levels on the Megan's Law website. The optimization project is continuous, releases are deployed into production on a monthly basis. These CSAR updates consist of maintenance and operations fixes or enhancements to various parts of the CSAR application.

California Sex Offender Registry (CSOR): The CSOR provides a wide range of services to support and assist the law enforcement community with registration and notification of over 150,000 California sex offenders. Services include maintaining and providing information to the general public on the Megan's Law website. In 2019, pursuant to SB 384, CSOR began working to transition from a lifetime sex offender registration system to a tier-based sex offender registration schema, which went into effect January 1, 2021.

Senate Bill 384: On October 6, 2017, the Governor signed into law SB 384, which requires California to transition from a lifetime registration schema that has been in place since 1947, to a significantly more complex tier-based registration schema by January 1, 2021. Tier-based registration establishes three tiers of registration for adult sex offender registrants for periods of 10 years, 20 years, and lifetime. Juvenile registrants would be subject to registration periods of five years and 10 years. This law also requires the registrant to petition the superior court for termination from the Registry at the expiration of his or her mandated, minimum registration period. Based on specified criteria, the court will either grant or deny the petition.

To comply with these new requirements, existing DOJ systems underwent extensive enhancements and modifications to support new business processes that commenced on July 1, 2020. These systems include CSAR and many of its interfaces that support registration at both the state and national levels. The Automated Criminal History System (ACHS), the Disposition Processor, and the Batch Processor also underwent significant enhancements and modifications. DOJ had to develop new policies, procedures, and training modules to support the new tier-based registration schema. To reach compliance, DOJ

educated and trained courts, district attorneys, probation, parole, and law enforcement entities on these new policies, data exchange methods, and enhanced systems. DOJ also required additional positions and consulting resources to implement these significant systems enhancements and modifications to develop mid-level requirements to determine tier placements, community notification statuses, and to process granted petitions for terminations within an ambitious two-year timeline.

SB 384's overall project timeline extended from July 1, 2018, through January 1, 2023, which included developing and implementing the technology enhancements, performing the tier assessments, posting community notification statuses, and processing the initial surge of petitions for terminations. DOJ continues to conduct statewide training efforts for criminal justice business partners on the mandates of this new law. Additionally, out of 150,000 records processed by DOJ, approximately 140,000 have been placed in their final tier designation.

Training and Outreach Section: The Training and Outreach Section (TOS) has conducted various in-person trainings for California criminal justice partners statewide that spanned from January 2023, through December 2023. These CSAR End User Trainings have provided key information to criminal justice partners on SB 384's tier-based sex registration processes and procedures, as well as overall use of the CSAR System and Reporting functionality. Overall, this Section held a combined total of 39 in-person training sessions with approximately 805 participants in attendance. TOS also provided multiple training sessions, including to approximately 60 participants at the California Law Enforcement Telecommunications System (CLETS) Users Group at their annual conference on September 14 and 15, 2023, and to approximately 45 participants at the California Law Enforcement Association of Record Supervisors (CLEARS) at their annual conference on November 9, 2023. So far in 2024, TOS has held five training sessions with 90 participants.

California Sex Offender Registry (CSOR) Grants: The CSOR was awarded a combined total of approximately \$1.2 million in 2023 Adam Walsh Act (AWA) Implementation and Sex Offender Registration and Notification Act (SORNA) Reallocation grant funds. The CSOR intends to utilize the 2023 AWA Implementation grant to procure consulting services to assist with reviewing existing sex registration business processes and conducting business process re-engineering. In addition, the consulting services will review existing CSAR application technology architecture and design and develop a detailed technical assessment. This grant will also fund technical training to support information technology staff that maintain the CSAR application and its environment. The CSOR is also using 2023 SORNA Reallocation grant funds to fund overtime for the Violent Crime Information Center (VCIC) personnel. Through this effort, VCIC personnel will process and complete tier designations, termination petitions, assist in ongoing sexual assault investigations and cases, and complete other assignments that support sex offender registration and notification. This grant will also fund training and development programs for VCIC personnel.

Additionally, the CSOR is currently competing for the 2024 AWA Implementation grant and will compete for the 2024 SORNA Reallocation grant in June 2024. In collaboration with DOJ's Bureau of Forensic Services CAL-DNA Data Bank program, CSOR aims to receive a \$600,000 2024 AWA Implementation grant award to procure and deploy two new liquid handling instruments and a DNA genetic analyzer instrument. This effort will support the efforts of local LEAs and courts investigating sexual assault cases leading to the identification, apprehension, and conviction of sex offenders.

CSOR will also be competing for the 2024 SORNA Reallocation grant that could be in the award amount of \$800,000. Through this grant, they will partner with its supporting information technology programs to procure network-specific hardware and software to deploy Wi-Fi across its selected supporting offices. Through this effort, DOJ will tailor wireless deployment to meet the specific needs of the supporting staff that impact and execute mandated sex offender registration and notification processes through the CSAR application and supporting systems. Additionally, CSOR will aim to utilize this grant

to refresh the Splunk hardware storage, an essential program to support sex offender information and data. The new array will optimize Splunk's ability to support large volumes of sex offender information and data.

Controlled Substance Utilization Review and Evaluation System (CURES) Program: The CURES Program is the State's Prescription Drug Monitoring Program (PDMP). The CURES database stores and reports prescription data for Schedule II-V controlled substances dispensed in California. As of May 2024, there were over 263,000 registered CURES users: approximately 186,000 prescribers, 16,000 non-Drug Enforcement Administration (DEA)-licensed practitioners, 52,000 pharmacists, 5,500 delegates, 1,750 law enforcement officials, and 280 regulatory agency officials. During 2023, there were over 169 million CURES patient activity report (PAR) searches. Between January through May 2024, the monthly average number of PAR searches was 16 million. During 2023, the CURES Help Desk team assisted system users by responding to nearly 40,000 calls and emails. Between January through May 2024, the monthly average number of Help Desk calls and emails was 3,600.

On May 8, 2023, CURES successfully launched interstate data sharing by enabling CURES users to query the Oregon PDMP database.

CalGang®: Following passage of AB 90 in January 2018, the CalGang Unit was established to administer and oversee the CalGang database, a shared database that houses criminal intelligence data on members of criminal street gangs and their associates and required DOJ to promulgate regulations governing the use, operation, and oversight of any shared gang database, including CalGang. The Unit successfully coordinates, presents, and conducts audits at California Gang Node Advisory Committee meetings three times a year. Every February, CalGang is responsible for publishing the *Attorney General's Annual Report on CalGang* as mandated by AB 90, which provides transparency to the public as it displays demographic information about the records contained in the system, the LEAs using the system, and audit results.

In October 2023, CalGang was reorganized from the JDIS Executive Office to the Client Services Program (CSP). Throughout 2023, the Unit participated in the development, testing and implementation of four quarterly deployments of improvements to the CalGang database. Over the course of 2023, the Unit also developed and initiated a long-term plan to expand the usage of CalGang in Northern California. CalGang also developed a large library of PDF training materials, curated to the User's permission level to be housed and accessed inside of the database. CalGang audited 670 subject (suspected gang members) records, and 1,048 Gang records contained in CalGang over the 2023 calendar year.

During the first half of 2024, CalGang has concentrated on the outreach efforts to Northern California LEAs mentioned above. CalGang hosted virtual meetings with Northern California LEAs, demonstrating the uses and benefits of the CalGang database. The Unit also attended the California Gang Task force meeting in Folsom on May 10, 2024, and the Yolo County Gang Task Force Meeting on June 6, 2024, where they discussed CalGang with these groups. On March 26-27, 2024, CalGang successfully hosted the California Gang Node Advisory Committee (CGNAC) meeting at the DOJ Kilgore facility in Rancho Cordova, California. During CGNAC Meetings, the committee discusses policy and procedure, current gang trends, usage of CalGang, training, and technical improvements to the system.

California Pawn and Secondhand Dealer System (CAPSS): Pursuant to Senate Bill 1317 (SB 1317), DOJ was required to implement functionality into CAPSS, disallowing personal identifying information (PII) from being entered into the system. Instead of displaying "on file" in those exempt fields, PII is solely recorded and retained by the respective business. By law, pawnbrokers and secondhand dealers were already mandated to record and retain all transaction information, including PII, for at least three years. As of January 1, 2024, CAPSS has been updated and adapted to comply with this mandate.

From the closing of 2022 and well into 2023, the CAPSS team worked on updating regulations, business requirements, and documentation pertaining to the pending system changes. This included the California Code of Regulations (CCR) as well as Business and Professions Code section 21628, as they related to SB 1317 mandates. SB 1317 precludes any seller or pledger from the requirements that their PII be reported to and/or retained in CAPSS by DOJ. On September 13, 2022, it was chaptered by the Secretary of State and amended sections 999.500, 999.502, 999.503, 999.504, 999.505, and 999.506 of the CCR and Business and Professions Code 21628. CAPSS implemented the changes into the user interface pursuant to the regulations, effective January 1, 2024.

On September 8, 2023, a major milestone was achieved with the completion of the CAPSS Ping Directory Migration. This migration was a crucial step in aligning the CAPSS Production environment with DOJ's Security Policy and mandates. The successful completion of this migration not only enhances the security of the CAPSS but also brings it in line with standard business practices for security standards across systems maintained by DOJ.

From January 2023 through May 2024, the California Pawn and Secondhand Dealers Section processed 9,675 requests for related services and functions.

Automated Property System (APS): In 2023, the Automated Property Unit continued to modify incorrect brand codes in the APS, create new brands, block erroneously used serial numbers, modify or cancel incorrect entries as needed, and assist various agencies with property-related questions and issues. The Unit also released quarterly updates, providing LEAs and all California law enforcement web (CLEW) users with the most up-to-date lists for brand and article codes.

Additionally, between May and December of 2023, several LEAs experienced network issues while connecting to CLETS. The Automated Property unit extended its support to various agencies such as the Santa Barbara Sheriff's Department, Contra Costa Sheriff's Department, Orange County Sheriff's Department, Santa Barbara Police Department, Santa Cruz Sheriff's Department, and Colton Police Department. The Automated Property Unit assisted these agencies with entries, modifications, clears, and cancellations until they were able to get their networks back up and functioning.

From January 2023 through May 2024, APS section processed 16,955 requests for assistance and searches. The APS has provided one virtual training session from January 2024 through May 2024 to an external law enforcement agency.

National Crime Information Center (NCIC) Monthly Validations: The Federal Bureau of Investigation (FBI), NCIC requires automated records in selected files be periodically validated by their contributors. It is the responsibility of DOJ, and the CJIS Division, to coordinate the dissemination of these records and to notify NCIC of the status of validations each month. The purpose of this validation process is to ensure that the automated records are accurate, complete, and represent an active case.

In April of 2023, the San Bernardino County Sheriff's Office experienced a network outage that affected the ability of agencies within the county to access CLETS and their computer systems. To help resolve the issue, the Validations Team sent the Sheriff's Office a validation list via email. The Sheriff's Office marked the validation list and returned it to the CJIS Validation analyst, who then validated the records for them.

Throughout 2023, the Validation Team contacted LEAs via phone and email to remind them to complete their validations. Non-compliance letters outlining the NCIC policies were also sent to the heads of those agencies.

From January 2023 through May 2024, the Validations Team processed 4,264 requests.

Stolen Vehicle System (SVS): In April 2023, the San Bernardino County Sheriff's Office had a network outage that affected their access to CLETS. The SVS team provided daily assistance and worked overtime to fulfill additional SVS requests. In May 2023, the SVS team continued to support the LEAs in San Bernardino County by entering, modifying, and canceling SVS records as the requests were received. On the afternoon of May 25, 2023, the San Bernardino County Sheriff's Office was able to restore the connection to CLETS.

During the period between May and December of 2023, several LEAs faced network issues while connecting to CLETS. During this challenging time, the Stolen Vehicle unit stepped up and extended its support to various agencies such as the Santa Barbara Sheriff's Department, Contra Costa Sheriff's Department, Orange County Sheriff's Department, Santa Barbara Police Department, Santa Cruz Sheriff's Department, and Colton Police Department. The team provided crucial assistance with entries, modifications, clears, cancels, locates, and hit confirmations, demonstrating their dedication and the value of their service.

From January 2023 through May 2024, the SVS processed 1,509,737 transactions, requests, and searches. The SVS provided one virtual and one in-person training to external LEAs from January 2024 through May 2024.

California Restraining and Protective Order System (CARPOS): CARPOS is a CJIS database that contains restraining and protective order data entered by criminal justice agencies. CARPOS is accessible via CLETS 24 hours a day, seven days a week. Law enforcement agencies utilize CARPOS to obtain information relating to restraining and protective orders. The DOJ Firearms Section accesses the database to process Dealer Record of Sales documents for firearms clearances. Penal Code sections 29825(a) and 30305(a) prohibit any person identified as the subject of certain restraining orders from possessing, owning, purchasing, or receiving firearms.

Legislative and Judicial Council of California (JCC) Form Changes: The CARPOS Unit works in tandem with JCC on legislative changes that lead to updates on various California restraining and protective order forms. These form updates require CARPOS to be updated as well to ensure that the forms are accurately captured in the database. In 2023, the CARPOS Unit, working closely with the Hawkins Data Center (HDC), implemented many updates and enhancements due to legislative updates and JCC form changes.

There were several pieces of legislation in the 22-23 cycle which required CARPOS updates. AB 2870 was codified in Penal Code section 18150 which resulted in CARPOS updates to include three additional categories of persons to file a petition for a Gun Violence Restraining Order. AB 1057 was codified in Family Code section 6216, which required an update of firearm verbiage for gun violence and domestic violence orders. The verbiage was revised to include a frame, or receiver of the weapon, or a firearm precursor part.

Restraining and protective order form changes implemented by JCC also required updates to CARPOS. Among other updates, two new data fields were added to allow the entry of restraining order terms requiring the restrained person to stay away from protected animals. Form changes also required CARPOS to increase the maximum number of entries of restrained firearms, firearm parts, and ammunition from three to nine total entries. The existing Juvenile Protective Order type codes were also replaced with new codes.

Training: The CARPOS Unit conducted 15 training sessions in 2023 for criminal justice agencies throughout California. Notably, CARPOS attended and spoke at the Safer Together: Working to Ensure Firearms Compliance conference hosted by JCC. CARPOS conducted ten virtual training session for various LEAs from January through May 2024.

System Outages: In 2023, two major agency system outages impacted the CARPOS Unit. In April, San Bernardino County experienced a major outage that required the CARPOS Unit to assist in completing restraining and protective order entries and updates. Additionally, from October 2023 through early November 2023, Orange County experienced a major system outage. The CARPOS Unit assisted multiple agencies in Orange County in entering Emergency Protective Orders on behalf of the agency. From January 2023 through May 2024, the CARPOS section processed 61,240 requests for assistance, data queries, and related functions.

Supervised Release File (SRF): The SRF is a California CJIS database that contains information regarding individuals that are on active supervision. SRF contains records such as California Department of Corrections Parole, Probation, Post Release Community Supervision, Mandatory Supervision, Federal Probation, and other general supervision types. SRF is accessible via CLETS 24 hours a day, seven days a week. LEAs utilize SRF to obtain pertinent information on subjects that are on active supervision(s) within the community.

In 2020, the SRF Unit received federal funding under the 2020 SORNA Reallocation Grant to assist local jurisdictions transition to a new secure file transfer protocol (SFTP) file structure. This new file structure improves data integrity, security, and provides the ability to forward records to the NCIC. In 2023, all agencies who had received grant funding successfully completed testing and began utilizing the new file structure to transmit records.

From January 2023 through May 2024, the SRF Unit processed 1,286 requests for assistance and related functions. The SRF Section provided one virtual training session to an external law enforcement agency between January through May of 2024.

Wanted Person System (WPS): WPS is a California CJIS database that contains felony arrest, misdemeanor arrest, and protective custody non-arrest warrant records. WPS is accessible via CLETS 24 hours a day, seven days a week. LEAs utilize WPS to obtain warrant information on contacted individuals. From January 2023 through May 2024, the Wanted Persons Section processed 13, 187 requests for assistance and related functions.

In October 2023 through early November 2023, Orange County experienced a major system outage. The WPS Unit assisted multiple agencies in Orange County in entering and updating warrants on behalf of the agency. More than 250 requests were processed in a two-week timespan by the WPS Unit due to the outage.

Information Expedite Services Section (IESS) Command Center: The Command Center supports LEA's 24 hours a day, seven days a week, with time sensitive information for investigative purposes. Specifically, the Command Center is responsible for assisting agencies with emergency child placement and criminal history checks related to investigations. After hours, weekends and holidays, the Command Center becomes the department's back-up call center for Missing Persons, Sex Offender Registry, Stolen Vehicles and Automated Boats, Wanted Persons, Automated Property, Restraining and Protective Order Units, and the Automated Latent Print Section (ALPS). Additionally, the Command Center is responsible for providing after hours assistance to LEA's related to crime scene processing.

IESS is now fully staffed, with the addition of a third Crime Analyst Supervisor, filling four vacant Crime Analysts positions, and adding three Student Assistant positions. Employees are now able to complete the duties and responsibilities of their job in a timely manner. Additionally, staff have eliminated the backlog of criminal history requests by obtaining overtime assistance from other units within the Law Enforcement Support Program, ensuring that the Bureau of Criminal Information and Analysis (BCIA) assumed responsibility of the Child Abuse Central Index and Public Defender/Private Attorney request workloads, thus allowing IESS staff to focus on the requests for criminal history.

The Command Center also had an increase in workload due to multiple outages in San Bernardino and Orange County, which impacted the downstream LEAs. Collaboration efforts between the Investigative Database Services Section and the IESS, in addition to overtime, ensured that database support calls were handled timely during the outage.

From January 2023 through May 2024, the Command Center responded to 201,587 requests for criminal history and responded to 209,372 requests for other assistance and functions.

California Law Enforcement Telecommunication System (CLETS) Audits and Inspections and Database Audits Section (CIDAS)

CIDAS consists of two audit programs, CLETS Audits, and Database Audits. Pursuant to state and federal requirements, CIDAS conducts triennial audits on all agencies utilizing CLETS (CLETS Audits) and agencies classified as “full access” agencies (**Database Audits**), which enter and maintain records into critical databases.

CLETS Audits: The purpose of CLETS Audits is to ensure the state’s overall compliance with requirements to protect criminal justice information, ensure the physical security of CLETS terminals and locations via inspections, and ensure agencies have proper policy and procedures in place. Training and outreach are also an important part of CLETS Audits; the goal is to educate and prepare CLETS agencies compliance with the policies set forth by DOJ Policy, Practices, and Procedures (PPPs), and the FBI CJIS Security Policy.

During the 2023-2025 audit cycle, staff will complete 1,285 CLETS audits and conduct various trainings (both in-person and via webinar) throughout California. To date, CLETS Audits have completed 519 audits with 766 audits remaining.

Finally, CIDAS implemented updates per the FBI CJIS Security Policy Awareness & Training requirements, which requires CLETS users with access to criminal justice information to test annually rather than biannually. The CIDAS participated in the creation and dissemination of a CJIS information memorandum regarding the new requirement.

Database Audits: The purpose of Database Audits is to ensure records entered into multiple law enforcement databases meet the state and federal requirements for data quality and CJIS/NCIC compliance. Simply defined, data quality ensures the electronic record is complete with all available information and the accuracy of the record coincides with the Master Case Record. Database auditors review and verify records for compliance with timeliness of entry, completion of the required second party checks, completion of the required validations and consultations, and hit confirmations. The Databases audited are the Automated Boat System, Automated Firearms System, CARPOS, CSOR, Missing Persons System, Stolen Vehicle System, and Wanted Persons System. During the 2023-2025 audit cycle, staff will complete 605 database audits and conduct various trainings (both in-person and via webinar) throughout California. To date database auditors have completed 257 audits with 348 remaining.

Criminal Offender Record Information (CORI) Audits: During CORI audits, auditors review usage of the ACHS to ensure that agencies substantiate and document inquiries with a valid “need to know, right to know,” and that all inquiries are properly documented. The audit process also reviews inquiries into the Federal Interstate Identification Index. During 2023-2024 (to date), staff completed 180 agency audits.

Cal-Photo and License Plate Reader NCIC Extract File: In 2023-2024, professionals from more than 1,000 California LEAs accessed Cal-Photo to help identify or eliminate subjects an average of over

11,000 times per day. In 2024, the team launched a pilot project to begin a formal audit process for all California LEAs that utilize Cal-Photo. Through June 2024, 14 audits have been completed. The goal is for all agencies to be audited at least triennially.

Currently, nearly 40 California LEAs link to the NCIC License Plate Data File. Thousands of searches are conducted each day to determine whether a license plate is linked to a known terrorist, sex offender or wanted person, or other NCIC files. Revised Memorandums of Understanding that are required for each agency to access NCIC files are currently being drafted by Client Services and Office of General Counsel (OGC) staff.

Electronic Recording Delivery System (ERDS): Pursuant to the Electronic Recording Delivery Act of 2004 and its implementing regulations, county recorder offices developing systems to handle the electronic recording of title documents must meet specified security standards, and all persons with a secure access role are required to undergo fingerprint criminal history checks. DOJ is required to certify and provide oversight for any ERDS used by a county. During the 2023-2024 reporting period, 52 ERDS inspections were conducted of county recorder offices as part of the DOJ's oversight function.

NexTEST/CJIS Online: Over 1,300 California agencies use DOJ's hosted NexTEST system to comply with the FBI's requirements that all staff with access to criminal justice information complete testing prior to their initial assignment, and annually thereafter. (Prior to an FBI 2023 policy change, testing requirements were within six months of initial assignment, and biennially after that). Historically, each agency had to either develop their own local training solution, which then had to be approved by DOJ, or send agency trainers to an in-person course to become DOJ-certified trainers, and then carry out training locally. By hosting a training course online, DOJ will provide a free option that all agency staff can access statewide.

National Data Exchange (N-DEx) Audits: During 2023-2024, DOJ staff completed 240 audits of California LEAs that access the federal National Data Exchange (N-DEx) Database to ensure that N-DEx searches are conducted by agency personnel in accordance with FBI policies. In March 2024, Client Services staff served as the FBI contact for the N-Dex audit of DOJ. No compliance issues were discovered by the FBI.

Stop Data Collection System (SDCS): Pursuant to AB 953, agencies have set timeframes within which they are required to collect and submit stop data (i.e. the information gathered when police officers make discretionary stops and stops resulting from a dispatched call for service) to DOJ's statewide repository, SDCS. As of January 1, 2022, all 500+ agencies have been onboarded and are collecting Stop Data. Records for 2023 were due on April 1, 2024, and over 4.5 million records were received from the 532 agencies that submitted data. During 2023, SDCS underwent significant technical updates to implement additional data reporting required by regulatory amendments effective on January 1, 2024. CJIS has collected 713,115 records between January 1, 2024, and May 31, 2024. CJIS continues to work with vendors to eliminate errors in the record submissions by having the errors identified before the agency submits the record to the DOJ.

AB 1747 Law Enforcement: Pursuant to AB 1747, CLETS users are prohibited from using non-criminal history information for immigration enforcement purposes. The law also prohibits CLETS users from using CLETS to investigate a violation of Section 1325 of Title 8 of the United States Code (USC) if a violation of that section is an individual's only criminal history. Effective July 1, 2021, the law requires CLETS users to include a purpose code for each inquiry to distinguish the reason as criminal justice, immigration enforcement, or a violation of Title 8, section 1325 of the USC. Lastly, DOJ is authorized under the law to conduct inspection audits to ensure compliance with AB 1747.

Since passage of the law, the AB 1747 team has worked closely with CLETS-subscribing agencies to

ensure that they have modified their systems to submit purpose codes. As of May 1, 2024, 98 percent of the CLETS-subscribing agencies are submitting a purpose code with each CLETS query. The remaining agencies are being monitored and required to submit quarterly reports about their implementation efforts, progress, and estimated date of completion.

In addition to the focus on compliance in submitting purpose codes, the AB 1747 team monitors the purpose codes that are submitted. The team reviews a daily report listing the CLETS transactions submitted with a purpose code indicating immigration enforcement. Weekly reports are sent to the applicable agencies to make them aware of the frequency with which those purpose codes are used to enable them to rectify any training issues on their side. Beginning in the third quarter of 2024, the reports will be used by the AB 1747 team to analyze the associated transactions.

CJIS Validations Tool: The CSP team worked to leverage the CJIS Validations tool, which is used by agencies for the monthly NCIC Validations, to enable it to also be used for the AB 1747 project. When implemented, it will provide each CLETS-subscribing agency a random sampling of Department of Motor Vehicle queries submitted through CLETS during the previous month and ask the users to validate the purpose code that was submitted or advise that it should have been a different purpose code. It will also ask the agencies to provide more information about the query by choosing a more detailed reason from a drop-down menu. The CSP team plans to run a pilot with select agencies in May 2024, and roll out the application to the first wave of agencies in the third quarter of 2024.

Criminal Justice Statistics Center Publications: DOJ collects statistics on: crimes, clearances, arrests, homicides, arsons, domestic violence-related calls for assistance, hate crimes, adult probation, citizens' complaints against peace officers, violent crimes committed against senior citizens, death in custody, law enforcement personnel, juvenile court and probation, law enforcement officers killed or assaulted, disposition of adult felony arrest, use of force incidents, task force and transfer data, and anti-reproductive-rights crimes.

In 2023, the data was published in six mandated reports:

"Crime in California"

- "Juvenile Justice in California"
- "Hate Crime in California"
- "Homicide in California"
- "Use of Force Reporting in California"
- "The Values Act: SB 54 Transfer Data"

California's Transition to The National Incident Based Reporting System (NIBRS): DOJ successfully implemented the California Incident-Based Reporting System (CIBRS) in 2021. The CIBRS repository is a combination of the NIBRS format and California data elements and values to accommodate state-specific mandates. California received official FBI NIBRS Certification in March of 2022. Throughout 2022, DOJ continues to onboard newly transitioned agencies and provide statewide training on the new Incident Based Reporting format. To date, CJIS has over 70 percent of California's population covered with transitioned agencies.

CJSC has worked closely with the FBI and Bureau of Justice Statistics to receive over 3.2 million dollars in grant funding to assist local agencies with their transition efforts in 2023.

Bureau of Criminal Information and Analysis

Overview

The Bureau of Criminal Information and Analysis (BCIA) is comprised of three branches: Record Management, Record and Biometric Identification, and the Applicant and Record Quality Services Branch. Together they maintain and update California's Criminal Offender Record Information (CORI) repository and Child Abuse Central Index, process state and federal level applicant background checks, issue department certifications, and provide oversight of the state's Automated Biometric Identification System (ABIS).

Major Accomplishments

Automatic Record Relief: In July 2022, CJIS implemented an Automatic Record Relief (ARR) program pursuant to AB 1076. The program reviews state summary criminal history information records retroactive to January 1, 1973. Each month the program evaluates every subject record (approximately 12 million subjects) to evaluate all arrest cycles (approximately 55 million cycles) to determine if an arrest or conviction is eligible for relief as allowed for by PC 851.93 and 1203.425. BCIA ensures that courts are provided with a list of the cases every month where the ARR program granted relief. This allows the courts to comply with the mandate that the court shall not disclose information concerning an arrest or conviction granted relief pursuant to either section. As of June 2024, over 12 million arrests and conviction events were granted relief. BCIA continues to work on enhancements to the ARR program as mandated by new legislation such as SB 731, AB 898, and AB 567, as well as enhancements based on legal guidance and continuous process improvement efforts.

Automatic Cannabis Relief: Pursuant to HSC 11361.9 (added by AB 1793 and amended by AB 1706), on or before March 1, 2023, courts shall update their records and report to DOJ all convictions that have been recalled, dismissed, re-designated, or sealed. DOJ had until July 1, 2023, to update these records within the state summary criminal history information repository. DOJ has continued working with counties to provide subjects with relief of eligible cannabis criminal history information, including sealing records as ordered by the courts. As of June 10, 2024, BCIA has assisted county courts with updates to 216,157 cases in the state summary criminal history information repository, including processing 10,638 sealing transactions. In June 2024, DOJ submitted the sixth, and final, AB 1706 quarterly report to the legislature providing a status on the implementation of AB 1793; all AB 1706 quarterly reports have been successfully submitted to the legislature on time.

Disposition Processing Improvements: In 2024, DOJ continues to make significant improvements to the procedures, processes, and business rules related to how dispositions are received and processed. BCIA continues to provide outreach and training related to disposition reporting services by participating in conference calls and webinars with criminal justice agencies, attending and performing training at regional training events, documenting services, participating in working groups and subcommittees of criminal justice associations, and meeting with criminal justice agency executive leaders. These activities enable BCIA to better understand the challenges and opportunities that criminal justice agencies face related to arrest, disposition, and custody data reporting.

Agency Outreach and Accomplishments: Below is a summary of collaborative efforts with internal and external stakeholders.

- Agencies on-boarded for Electronic Disposition Reporting:
 - Received into testing: 4
 - Moved to production: 5

- Agencies on-boarded for Justice Automated Data Exchange: 27
- Agencies on-boarded for CJDE: 42
- Master Code Tables updates:
 - Offense codes added/amended/removed to the table: 1,490
 - New law offense code table additions: 47
- Trained more than 4,854 officers and other personnel, at at200 Record of Arrest and Prosecution (RAP) Sheet training sessions
- Processed 137 Public Records Act requests

Criminal Record Background Check Requests: Pursuant to Penal Code 11105, California law authorizes certain governmental and private organizations to conduct criminal record background checks to help agencies make public safety determinations regarding the suitability of a person applying for a license, permit, employment, or volunteer position working with children, elderly people, disabled people, or serving the general public. Public and private schools, non-profit organizations, in-home supportive care agencies, and law enforcement are some of the organizations authorized to conduct these fingerprint-based background checks. From January 1, 2023, through June 1, 2024, DOJ authorized 2,745 new agencies for access to conduct fingerprint-based background checks. From January 1, 2023, through June 1, 2024, DOJ processed 3.9 million California level-of-service background check requests and 2.6 million federal level-of-service background check requests.

The Applicant Agency Justice Connection (AAJC) Portal: In 2019, the AAJC portal was released to the applicant agency community. AAJC provided authorized agencies with a secure web-enabled environment and self-service tools to assist with managing the criminal history background check processes. These tools allow authorized users to submit agency change requests, check the status of background checks, retrieve background check responses, run agency specific reports, access resource information related to the fingerprint background-check process, and contact DOJ Applicant Services Program directly for support. In 2021, DOJ's Applicant Services Program initiated the FBI Rap Back Project pursuant to AB 2461, which will allow applicant agencies to subscribe to receive federal subsequent notifications. The FBI Rap Back Subscription service is anticipated to go live 2024.

Applicant Agency Audits and Oversight: In February 2023, the BCIA Training and Administrative Support Section (TASS) launched a statewide applicant agency audit program. Since the launch, CJIS has audited over 1,463 applicant agencies receiving criminal history information for employment, licensing, or certification purposes and has worked with those agencies to ensure compliance with state and federal laws and regulations.

In preparation for the 2024 FBI audits, TASS coordinated with CJIS Division Bureaus, Office of General Counsel, and 11 applicant agencies to successfully complete the FBI Next Generation Identifier, and the FBI Criminal Justice and Noncriminal Justice Information Technology FBI Pre-Audit Questionnaires.

The audit team drafted and distributed recommendations for agencies to update their statutory authorities for fingerprinting and criminal history record checks to adhere to the federal standards required to receive federal CORI. This included working with the Governor's Office to update statutory authorities for 14 state agencies in SB 135 (Chapter 190, Statutes of 2023). TASS also collaborated with legislative committees and the Office of Legislative Affairs in the passage of SB 152 (Chapter 198, Statutes of 2023), establishing the California Volunteer & Employee Criminal History Service (CalVECHS), which allows qualified entities to receive federal CORI on employees and volunteers working with children.

Criminal Record Challenges: From July 1, 2023, to June 1, 2024, DOJ processed over 82,000 record reviews and over 3,400 record challenges. In 2019, DOJ deployed an online form to electronically process and manage applications to waive the record review fingerprinting fees for qualifying applicants. Through this effort, DOJ continues to electronically approve fee waivers for approximately 4,000 record review applicants annually.

Certified Record Requests: California law authorizes LEAs and certain governmental departments to have access to certified criminal record information when representing a person in a criminal matter or conducting a criminal related investigation of a person. In 2019, state law expanded access to certified criminal records to include public defenders under certain criteria. In support of legislative changes, BCIA modified procedures to provide information pertaining to certified records to the public on the AG's website. DOJ processed over 13,000 requests from July 1, 2023, through June 1, 2024.

Automated Biometric Identification System: The Cal-ID Program's ABIS is one of the largest identification systems in the nation, containing more than 29.7 million criminal and applicant fingerprint records and 5.8 million palm print images. From January 1, 2023, through June 30, 2024, ABIS received 1.5 million criminal, 3.8 million applicant, and 200,000 palm print transactions. These transactions are submitted to DOJ and consist of arrest, bookings, custody, deceased, and sex registration from various California LEAs in addition to civil applicant background check submissions.

Automated Latent Print Section (ALPS): ALPS performs automated searches of finger and palm prints and conducts comparisons of latent prints developed from crime scene evidence received from California LEAs. From January 1, 2023 through June 1, 2024, ALPS received 1,500 cases that contained latent print impressions in which identifications were being sought. A total of 1,167 cases contained evidence that was suitable for identification. ALPS was able to make identifications in 428 of those cases, equaling a hit rate of 37 percent.

Latent Gateway: The Latent Gateway offers an efficient and streamlined process for local LEAs to search latent fingerprints against the FBI and DOJ repositories. As of May 2024, 10 counties and one police department are using the Latent Gateway and nine additional counties have either requested implementation, are in testing, or are undergoing the enrollment process.

Live Scan Support Section (LSSS): LSSS is responsible for overseeing approximately 1,765 law enforcement-owned and operated live scan devices, and 3,316 privately-owned and applicant agency-owned live scan devices. These live scan devices are utilized for law enforcement arrest and custody reporting, as well as applicant background check purposes, respectively. LSSS is responsible for approving all new live scan device connections, answering questions and reviewing applications for completeness, testing and facilitating connectivity, and troubleshooting submission errors.

To enhance the security of all live scan data transmitted to DOJ, the LSSS is currently working in conjunction with its technical partners in the Biometric Support Unit (BSU) and DOJ-approved vendors to coordinate the migration from Anonymous File Transfer Protocol to SFTP or Web Service Submissions. The LEAs were the first group to start this migration in 2022 and are expected to be completed by the end of 2024.

LSSS is also currently working with BSU and a vendor for an initial design phase to identify live scan specifications for validation requirements to modernize and strengthen the current live scan infrastructure and landing zone. The goal of this modernization is to reduce manual work processes and create more process efficiency, while reducing the reliance on external proprietary vendors, and providing increased transparency regarding the status of a live scan transaction.

Lastly, the Fingerprint Rolling Certification Program, located within LSSS, received and processed

approximately 8,614 applications and referred five application denials to Administrative Hearing during this reporting period.

Imaging and Record Services Section: The Imaging and Record Services Section is responsible for digitally converting CORI documents into the department's Automated Archive System. The section has indexed 3,072,598 new CORI images during January 1, 2023, to May 31, 2024, that are now available in digital format.

The Section also includes the Pre-Scan Unit, which is responsible for processing all incoming manual criminal, custody, deceased, and applicant fingerprint card submissions. The Section processes manual payment of applicant fingerprint cards and then scans and performs data entry for each card to submit as a live scan transaction. Moreover, the Section successfully processed and transitioned manual fingerprint cards into live scan transactions, with a total of 101,089 manual fingerprint cards processed during January 1, 2023, to May 31, 2024.

The Application Development Bureau

Overview

The Application Development Bureau (ADB) consists of three branches: Division of Law Enforcement (DLE), Biometrics & Prescription Drug Monitoring Program (PDMP) Systems Branch, Criminal Justice Information Systems Branch, and the Firearms & Enterprise Systems Branch, which is responsible for designing, implementing, and maintaining DOJ's custom application portfolio. ADB provides application development for the Department's computing applications to the Department's CJIS Division, DLE, Legal, and Executive and Administrative divisions. ADB supports the DOJ's statewide criminal justice information systems, providing analytical reporting, and information services.

Major Accomplishments

Designing, Implementing, and Maintaining DOJ's Custom Application Portfolio

Standards and Policy Updates: ADB continues to progress in maturity of its software development process. Over 100 applications have been on boarded to a standardized automation platform for software delivery. ADB's solution seamlessly integrates source code retrieval, software builds, artifact storage and software deployment as well as static and dynamic code analysis, vulnerability detection, and code quality measurement. The data generated from this progress is utilized to improve overall code quality and application security.

DLE, Biometrics & PDMP Systems (DBP) Branch's Integrated Applications and Services Section (IASS): SDCS successfully on boarded Infinite Solutions Incorporated (ISI) vendor consultant resources to assist with ongoing SDCS maintenance and operations enhancements. Concurrently, the ADB SDCS team initiated the Civil Rights Enforcement Section 2024 regulation changes and performed analysis, technical specification documentation updates, and design for the effort. The ADB SDCS team also worked with the ISI vendor to integrate a new Identity Management Ping single-sign-on solution for the SDCS web application in October of 2023.

DBP's Offender Registry Application Unit (ORAU): ORAU received approximately \$750,000 in Sex Offender Registration and Notification Act (SORNA) grant funding to assist with California Sex and Arson Registry (CSAR) application technology enhancements and will successfully complete and close out this project in June 2024. ORAU began the process to procure vendor consultant services to assist with the 2023 AWA Grant project in the amount of \$400,000, which includes technology improvements,

business process re-engineering, and training of DOJ staff. ORAU worked with Promiles Software Development Corporation to release a redesigned version of the Megan's Law website. ORAU also worked to implement the CSAR Disaster Recovery environment in the Santa Clara data center in an effort to more quickly recover in the event of a disaster.

Solutions Development Services Section (SDSS): Similar to the previous sections noted above within ADB, SDSS is responsible for delivery of a multitude of services for the entirety of DOJ divisions, bureaus, and programs. The following are the section's project portfolio highlighting a number of high-level services provided to clients throughout DOJ ranging from installations, migrations, implementations, upgrades, and deployments:

- Bureau of Forensic Services (BFS) LAB-X and RippleStone software were successfully installed.
- BFS Sexual Assault Forensic Evidence Kit Tracking (SAFE-T) and Cold Hit Outcome Project applications were migrated to DOJ Infrastructure. The application has been standardized to DOJ's three-tier architecture, for improved security which was completed in March 2024.
 - DOJ successfully implemented BFS Alcohol Billing Program Statistical and Billing reports to accommodate new driving under the influence types.
- The BFS Forensic library application was upgraded to version 2019.
- Time Reporting System (TRS) migration to RedHat Linux/Jboss environment was completed successfully.
- Authentication and Authorization Service migration to RedHat Linux/Jboss environment was completed successfully.
- California State Intelligence Index (CSII) application successfully was migrated to the RISSIntel platform.
- Case Information Management System (CIMS) Release 1 was successfully deployed to the RedHat Linux/Jboss environment. The CIMS migration project will be complete by the end of 2022.
- The CURES Optimization project was completed successfully. This project included API Gateway Implementation in addition to numerous other technology upgrades and functionality implementations.
- CURES AB 528 (Data Collection Services) and AB 1753 (Interstate Data Sharing) projects were successfully completed.
- CURES AB 149 new requirements for controlled substances prescription forms and Reports were successfully deployed.
- CURES application was successfully upgraded to Oracle 19c database.

Criminal Justice Information Systems Branch 19c Migration: In April 2024, the Criminal Justice Information Systems Branch Control Unit within the CLETS Support Services Section, successfully migrated the oracle databases used by CJIS Applications from 12c to 19c in the Production environment. Work leading up to this point in the lower environments occurred over a period of 8 months for thorough testing and minimal impact to CJIS Applications.

CLET Administration Unit (CAS) Assembly Bill 44 Updates: In October 2023, AB 44 passed, requiring DOJ to grant access to the system to the law enforcement agency or tribal court of a federally recognized Indian tribe meeting certain qualifications, as specified. In December 2023, CAS gained

approval to update the CLETS Policies, Practices and Procedures, incorporating the new language from AB 44. CAS is working with the Office of Native American Affairs on creation of frequently asked questions in support of the Tribes who may begin applying for access to CLETS.

Criminal Justice Information Systems Branch Enterprise Document Management System (EDMS): In October 2023, the Criminal Justice Information Systems Branch implemented the EDMS which is used internally by DOJ to store and manage documents received from Applicant Agencies.

Criminal Justice Information Systems Branch Automated Record Relief – Relief Removal and Reevaluation: In April 2024, the Criminal Justice Information Systems Branch began processing of reevaluating Criminal History Records previously granted relief to ensure that the records still qualified for relief, or if the record qualified for a differing type of record relief. If the record no longer qualifies for relief, it is removed, or if it qualifies for a differing relief, the type of relief is modified. The California Superior Courts are notified when relief is either removed or modified.

Criminal Justice Information Systems Branch Applicant Agency Portal: In mid-June 2024 the Criminal Justice Information Systems Branch implemented the portion of the Applicant Agency Portal that will allow new agencies to submit their agency application packet online, including application forms. This is currently being used internally by DOJ to process application packets received via mail and fax and will be released for new agencies to submit their own applications online in Fall 2024.

Firearms & Enterprise Systems Branch:

- Implemented mandated projects: AB 2551 – 1/1/2023 and AB 1621 USNA – 7/25/2023
- 19c migration for the Firearms internal (2/16/2023) and DMZ applications (3/7/2023)
- Firearms Deployments in 2023:
 - Migration of the Firearms Batch-Jobs to CFIS-Batch (2/14/2023)
 - Implementation of DES behind WAF (3/16/2023 & 4/20/2023)
 - MHRS & CFG Deployment (4/27/2023)
 - DES, DROS Angular, MHRS & MHFPS Deployment (5/30/2023)
- Added new servers to existing application server to be cluster. (11/2/2023)
- Implemented mandated projects: SB 368, AB 1406, AB 1621 (1 in 30 changes) 1/1/2024
- AB 1621 (CFARS changes) 1/2/2024
- Firearms Deployments in 2024:
 - Support the CJIS 19c database migration (4/6/2024)
 - Mandated projects to be deployed by 7/1/2024:
 - ← SB 715 (45 days dealers hold)
 - ← AB 28 (Firearms and Ammunition Tax)
 - ← AB 455 (Firearms: prohibited persons)
 - ← AB 1406 (delaying of the delivery of a firearm)
- Deployed Web Application Firewall for all the internet facing Firearms applications.
- AB 879 (pre-cursor parts) upgrades have been developed for multiple firearms systems and that

functionality has been switched off as AB 1621 came into effect.

- JBoss servers upgraded in place from Red Hat Enterprise Linux (RHEL) 7 to RHEL 8, all servers in all environments completed as of 2/21/2024.
- AB 732 Relinquishment of Firearms, webform added to CLEW to satisfy the bill.
- CLEW Electronic Search Warrant Notification modifications, to prevent PII from being added to forms, was implemented 1/1/2024.
- AB 724 Updating multi-language PDFs on AG's website was launched on 1/1/2024.
- AB 587 Social Media Web Form for the Privacy Team was launched on 12/1/2023.
- SharePoint Server Farm Migration from 2012 to 2019.
- Worked with the Privacy Unit and The California Consumer Privacy Agency on the data transfer and ownership of the AG's public website Data Broker section. Per bill (SB 362), CCPA will now be responsible for the handling and maintaining of Data Broker's beginning 1/1/24.
- Launched the updated DOJ Style Guide for more enhanced accessible web development templates and components.
- Finalized JBoss application transition to Enterprise Application Platform (EAP) 7.4.
- Completed Enterprise Application Support Section (EASS) application migrations to Oracle 19c.
- Launched Office of Human Resources Intranet site introducing Wellness Program and Career Coaching Development.
- Developed Special Agent Injury Illness Prevention Program training for the Risk Management Unit.
- Soft launch of LEAWeb Investigative Search Tool to select pilot users.
- AB 1700, Organized Retail Theft Form, worked with the DLE to create reports to CLEW for LEAs.

Enterprise Services Bureau

Overview

The Enterprise Services Bureau (ESB) consists of two branches: Enterprise Support Branch, and Project Management and Procurement Branch. These branches provide enterprise IT procurement, IT project management, independent IT project oversight, help desk customer support services, and enterprise IT policy. ESB provides enterprise services for the Department's computing applications and shared environments, desktop support, device maintenance, and IT support to the Department's Division of Law Enforcement, Legal, Executive, and Administrative divisions. ESB is also responsible for department-wide review, processing, and approvals for all IT procurements, purchases, and contracts, and provides Enterprise IT legislative bill analysis, project management services, and independent IT project oversight over all DOJ IT projects and initiatives, and IT Project portfolio management. ESB also establishes, maintains, and implements enterprise IT Policies, standards, and processes for IT Projects, Procurements, and Contracts.

Major Accomplishments

Providing Enterprise Services

Project Management and Procurement Branch (PMPB) DOJ Project Management Office: The Project Management Office (PMO) collaboratively works with its critical partners to manage projects and assist the organization through the California Department of Technology (CDT) Stage/Gate process. The PMO uses the California Project Management Framework templates, project management methodologies best practices set forth by the Project Management Institute, and the Project Management Body of Knowledge. The PMO develops IT projects through standardized processes, coordinated planning, prioritization, and execution in alignment with the organization's business objectives. Moreover, the PMO provides a standardized method to manage projects with repeatable processes and practices for all areas within the DOJ, to comply with the CDT's Project Approval Lifecycle (PAL) process and meet reporting requirements.

PMPB Independent Project Oversight Unit: The Independent Project Oversight Unit is responsible for providing independent oversight and IT project coordination with the CDT on all projects. This independent oversight includes but is not limited to monitoring IT project management practices, activities, and progress; reporting on the health of the project; making recommendations for project corrective actions; and making recommendations on DOJ project management practices improvements.

Providing Project Management and Project Oversight:

Firearms IT System Modernization (FITSM): The FITSM project is dedicated to modernizing 17 legacy firearms information technology systems, to improve efficiency and respond to the evolving Bureau of Firearms legislative requirement changes promptly. On February 9, 2024, the project successfully submitted the Stage 2 Alternatives Analysis to the CDT. Following the completion of this milestone, the project has initiated planning activities for the Stage 3 Solution Solicitation Development.

Bureau of Gambling Control, California Gambling Control Commission License 2000 System (LIS) Replacement: This project will replace the legacy system that has reached end of life for the current software. On March 14, 2024, the project successfully obtained CDT approvals of the project Stage 2 Alternatives Analysis and Project Delegation Request that delegated remaining Stage 3 Solution Analysis, Stage 4 Project Readiness approvals, and Independent Project Oversight to DOJ's CJIS Division. On June 5, 2024, the project successfully awarded the Solution Contract to StackNexus and background clearances have been initiated. The Project went on to complete the Solution Development, Stage 3 and is currently in the Project Readiness and Approval, Stage 4, where the solicitation was released, and a vendor has been selected.

Registry of Charitable Fundraisers (RCF) (formerly Trusts) Modernization: The RCF project will update the system with functionality to meet current business needs. The project scope was expanded to include AB 488 mandates chaptered on October 8, 2021, requiring Charitable fundraising platforms and platform charities to register with the Attorney General's Registry of Charitable Trusts. The project awarded the contract for system integration services on July 20, 2023, to Public Consulting Group and has transitioned to the implementation phase of the project conducting the design, development, test, and implementation activities.

The project Implementation is applying a Phased Approach:

- Phase One (1): implement and meet the RCT BMP requirements necessary to comply with AB 488 legislative mandates: successfully implemented June 5, 2024.
- Phase Two (2): implement and meet the full scope of the RCT BMP, which includes the addition of the document management system that was approved in July 2023. Go-Live completion is targeted for May 2025. Phase 2 implementation phase has been initiated and is in progress.

SB 179, Nonbinary Gender Identity: To comply with SB 179, DOJ is in the process of implementing system modifications to define a new data (X) as “nonbinary” in the existing sex/gender data field for DOJ databases that require updates. The Nonbinary project has been deemed as an ongoing effort to support DOJ operational activities by the CDT that do not require CDT approvals through the PAL process. The Gender Identity project is preparing for the implementation phase to complete approved system enhancements.

AB 262, AB 898, SB 731, AB 1076 (optimization), AB 145, AB 567– Consolidated Record Relief: The Consolidated Record Relief (CRR) project includes the implementation of four new mandates (AB 262, AB 898, SB 731, and AB 567) and the optimization of two mandates (AB 1076 and AB 145). AB 1076/AB 145 establish criminal records relief to eligible individuals retroactive to January 1, 1973; this involves both notifying courts of relief granted and providing annual relief stats. AB 262 establishes a 90-day turnaround for PC 236.14 sealing orders, and involves notifying a petitioner/counsel when seal order is complete. AB 898 establishes that when probation is transferred, the transferring and receiving court must be notified of conviction record relief, and must receive disposition reports and probation transfer reports from courts. SB 731 establishes arrest record relief available to any person arrested for any felony. This project has been deemed as an ongoing effort to support DOJ’s operational activities by the CDT that do not require CDT approvals through the PAL process.

The CRR Project is in the implementation phase of the various legislative mandates and optimizations of the existing Automated Record Relief (ARR) program, to improve business functions for AB 1076 and AB 145. The project continues to be on track for the target implementation dates planned for the following:

- Phase 1: SB 731/AB 567 and ARR Optimizations – July 1, 2024: User Acceptance Testing and System Testing is in progress for the upcoming July 1, 2024, go live.
- Phase 2: AB 898 – September 1, 2024: System Test Cases development is in-progress to prepare for Testing to begin on June 27, 2024. On track for September 1, 2024, go live.
- Phase 3: AB 262 – December 2, 2024: Build is in progress and on track for December 2, 2024, go live.

SB 715, SB 368, Firearms Hunting and License Hold (FHLH): The FHLH project includes implementation of SB 715 and mandates from one new bill (SB 368). The FHLH project will optimize and extend the functionality of six existing firearms legacy tracking systems to implement and ensure compliance with the SB 715 statutory mandates that include (Verification of Hunting License and 45 Day Dealer hold/transfer of Firearms) and SB 368 Voluntary Storage mandates that were added to the FHLH Project scope in January 2024.

The scope of the SB 715 project includes:

- Mandated implementation dates of: July 1, 2024, for 45- day dealer hold; July 1, 2025, for Hunting License Verification
- 45-Day Dealer Hold/transfer – User Acceptance Testing was successfully completed on May

31,2024, and is on track to meet the July 1,2024, implementation date: 45-Day Dealer Hold/transfer will enable a firearms dealer to report to DOJ, temporary hold of a firearm or transfer of a firearm to a law enforcement agency.

- Hunting License Verification – Planning and Development activities have been initiated and are in progress: Hunting License will require DOJ to confirm the validity of the purchaser’s hunting license with the California Department of Fish and Wildlife for sales or transfers of long guns to persons under 21 years of age who are eligible to purchase a firearm based upon their possession of a hunting license.

The FHLH project has been expanded to implement SB 368 mandates that include delivering functionality similar to SB 715 legislation mandates related to the temporary storage of firearms for 45 days if the weapons cannot be legally returned to the owner and outlines a procedure for the relinquishment of firearms to law enforcement. Planning and Development activities have been initiated and are in progress.

This project has been deemed as an ongoing effort to support DOJ’s operational activities by the CDT that do not require CDT approvals through the PAL process.

Microstamping and Law Enforcement Transfer (M-LET), Including Implementation of AB2847 and AB 2699 Mandates: AB 2847 modifies the definition of an “unsafe handgun,” specifically in regard to pistols, and requires that all semiautomatic pistols not already listed on DOJ’s roster of unsafe handguns be equipped with chamber load indicators, magazine disconnect mechanisms, and a microstamp imprinted in one place on the interior of the handgun. AB 2847 mandates will not be implemented due to the litigation hold from the *Boland v. Bonta* case filed in March 2023. The recommendation provided by the Government Law Section (GLS) was for DOJ not to implement any portion of the developed solution in order to avoid any non-compliance of the litigation hold. Development, coding and testing was completed in June 2023 and was available to begin implementation in the production environment at that time. On June 27, 2023, the Project Steering Committee agreed with the recommendation of the GLS not to implement the mandates and is aware of the risk associated with it, such as the codebase going stale and resource availability. If a decision is made in favor of DOJ, resources will need to be evaluated to determine the readiness to implement the AB 2847 mandates. No changes to status as of May 2024.

AB 2699 requires that DOJ make necessary enhancements to track and report on individual Firearm Identification Numbers when a firearm is transferred or sold. AB 2699 expanded the exemptions to include additional specified peace officers and government entities. AB 2699 also created a new mandate by requesting DOJ to maintain a database of handguns obtained pursuant to the aforementioned exemptions. As such, DOJ will have to enhance several systems. In addition, the legislation as written explicitly applies retroactively, meaning DOJ is required to maintain records of any past unsafe handgun sales obtained pursuant to this exemption.

The AB 2699 mandates are in the execution phase. Business requirements development was completed in May 2024 to initiate the functional requirements and design phase of the project. Development of Project Management Plans and Technical Design are in progress and planned to be completed in September 2024. The AB 2699 effort started in June 2023 with a target Implementation Date of March 2026, and Stabilization Complete date of June 2026.

National Criminal History Improvement Program (NCHIP) 27/28: NCHIP 27 and 28 grants provide funds to enhance the Criminal Justice Data Exchange (CJDE).

NCHIP 27 funds will enhance the CJDE with functionality to allow courts to submit dispositions via the

Criminal Justice Data Exchange platform; improve data by utilizing the Event Identifier; expand the Electronic Biometric Transmission Specification Compliance Enhancement; and to enable future use of the Event Identifier for disposition reporting.

NCHIP 28 funds allow for four projects; Pseudo-Pointer Analysis; Programmatic Processing of State Sealing Transactions and Submission of Expungement Transactions to the FBI Next Generation Identification System; Live Scan Submissions Enhancements, and National Information Exchange Model Conversion.

The project is in the planning stages and has been deemed as an ongoing effort to support DOJ operational activities by the CDT that do not require CDT approvals through the PAL process.

JusticeHR: The JusticeHR Project successfully implemented Workday as the enterprise solution to deliver Human Capital Management, Time Tracking and Absence/Leave Management functionality to DOJ employees. DOJ launched Workday in November 2022 and successfully transitioned to maintenance and operations in April 2023. DOJ's Division of Operations, Human Resources successfully transitioned to Workday and is performing the daily administrative tasks. DOJ staff have successfully transitioned to Workday for more efficient and streamlined methods of communications between employees, managers, and teams. Workday provides self-service and mobile access for common administrative activities, which include submitting and approving automated absence requests, updates to personal information, and entry of regular and supplemental work hours.

SB 823, Juvenile Court and Probation Statistical System (JCPSS) Replacement Plan: DOJ successfully developed and submitted the mandated JCPSS Replacement Plan to the Assembly and Senate Public Safety Committees on December 30, 2022, to meet the January 1, 2023, mandated due date. DOJ conducted the analysis and planning required to submit a plan for the replacement of the JCPSS with a modern database and reporting system. The JCPSS Replacement Plan addressed the SB 823 mandates that required establishing work group, analysis of specific requirements, planning, market research, and recommendations for the replacement of the existing JCPSS system. CJIS PMO attended a hearing with Assembly and Senate Public Safety Committee staff in March 2023, which communicated the plan was well written and asked if DOJ had any plans to move forward with a replacement effort. DOJ responded, there were no current plans to replace JCPSS, unless DOJ is mandated to replace existing system.

AB 1969, Matricula Consular: AB 1969 mandates the California Pawn and Secondhand Dealer System (CAPSS) to denote "on file" for sellers using Matricula Consular identification in lieu of Personally Identifying Information normally required. The project completed the implementation phase on April 2023 and has successfully transitioned to production.

IT Contracts & Procurement Section (ITCPS) Purchase Requisition Forms: ITCPS is an end-to-end procurement shop that provides expert consultative and administrative support where the implementation of procurement advice or proposed acquisition plans will significantly impact the success of the complex information technology. ITCPS is responsible for all of DOJ's IT acquisitions for complex and major IT equipment, systems, services and supplies. The section processes and handles about 1,500 Purchase Requisition Forms in a Fiscal Year (FY). As reported in the State Contract & Procurement Registration System, a public database tracking California's total contracting dollars and contracts, in FY 23/24 (not yet completed), ITCPS procured \$59,008,855 in IT goods and services. Non-IT Goods and Services acquisitions over the same timeframe totaled \$45,784,613.82 (-33%).

Tier 3 Accreditation Award: A 2020 Department of General Services accreditation audit awarded DOJ, with support from ITCPS, more than double its purchasing authority limits. This moved ITCPS from a Tier 2 to a Tier 3 accreditation, essentially increasing its IT consulting purchasing threshold from \$1.5 million to \$5 million. Tier 3 is the second highest purchasing authority tier available, exceeded only by

the CDT and the Department of Finance. ITCPS continues to maintain Tier 3 purchasing authority that empowers DOJ to deliver its strategic initiatives.

ITCPS Cross-Functional Guidelines and Standards: ITCPS continues to maintain the framework established in 2022, has initiated business process improvement efforts that include refining enterprise Cross-functional guidelines, standards, and approval levels that will allow DOJ to streamline processes and functions for more efficient processing, while ensuring processes support acquisition of the needed IT Services and Goods to support continued business functionality, adding business value, and working within the procurement rules and policies.

ITCPS Procurement Track Record: As of June 2023, ITCPS completed 1,173 purchases, which includes 638 hardware, 445 software, and 90 consulting contracts, with an additional 85 requests pending.

The Enterprise Support Branch: The Enterprise Support Branch (ESB) provides enterprise support for the department's computing, applications, and shared services environments. ESB is in the process of rolling out Microsoft Office 365 applications to all DOJ desktops. This roll out will be started with the Legal, OPS and Directorate Divisions in July 2024.

Technical Assistance Center (TAC) Team: TAC receives a large volume of calls from users connecting through remote access. Some key projects for the DOJ desktops are also slated to be completed this year such as the hardware refresh for PC's which will be end of life on 2024/2025, spurred by the proliferation of telework. During the past twelve months, the TAC Team deployed around 600 laptops. Virtual Private Network (VPN) has been deployed to 3278 users as of June 2024, while other DOJ teleworkers currently connect via Virtual Network Infrastructure, or Remote Desktop Protocol. The TAC Team aims to have VPN deployed to all DOJ laptops.

Enterprise Development and Support Services Unit: The Enterprise Development Support Services Unit team is in the process of updating and deploying new applications this year. The RCF platform went live in June of 2024, and the team is awaiting the award of the contract for the Bureau of Gambling Control Licensing Platform Refresh and the Tobacco Grant Administration Platform for the Division of Operations.

Technology Support Bureau

Overview

The Technology Support Bureau (TSB) designs, coordinates, installs and provides 24-hour support for communications applications, server infrastructure, and networks used by DOJ, state criminal justice agencies, and national criminal justice systems.

Major Accomplishments

Designing, Coordinating, and Installing 24-Hour Support

Red Hat Directory Services (RHDS) Migration from OpenLDAP: In February 2023, the Linux Team completed a project to migrate its users from OpenLDAP. OpenLDAP has been deprecated for newer RHEL operating systems. The Linux Team migrated to RHDS well ahead of the RHEL version 7 end-of-life deadline. This upgrade to DOJ's OpenLDAP environment resulted in a modernized robust and resilient system.

Openshift Internal Production Buildout: In June 2023, the Linux Team completed setting up its production container environment based on Red Hat's Openshift. This effort will help DOJ modernize

and scale its applications by providing a highly dependable and flexible platform for improved service offerings to DOJ customers and LEA partners, and to be able to quickly respond to strategic business needs.

Statewide Investigative Networking System (SINS) Solaris Servers Shutdown and Decommission: In March 2023, the last of DOJ's Solaris Sun servers were shut down, decommissioned, and surveyed out. The DOJ storage team decommissioned the end-of-life (EoL) and end-of-support (EoS) legacy SINS SAN environment, which included two Core Director SAN switches and a VNX storage array. This resulted in a reduced datacenter footprint and operating costs to support legacy hardware and software.

Decommission of Broadcom Identity Management (IDM): In October 2023, the DOJ completed the shutdown and decommissioning of all Broadcom Single Sign-on (IDM-SSO) servers and services. The IDM team replaced the legacy Broadcom environment with a newly designed infrastructure of PING SSO and SailPoint as replacements for the prior Broadcom platform. The SailPoint Identity and Access Management tool simplifies the overall process of handling the lifecycle of employee accounts. Modernizing DOJ's Identity Management System provided additional resiliency and achieved significant cost and resource savings.

Oracle and (Structured Query Language) SQL Upgrades/Migrations: In August 2023, DOJ completed all migrations and decommissioning of legacy versions of SQL Servers throughout the department. DOJ migrated over 90 percent of all Oracle environments since early 2022 from Oracle 12c to the current stable version of Oracle and anticipates fully completing the upgrades in 2024.

Oracle Unlimited License Agreement (ULA) (Isolation Project): In March 2023, the Linux Team completed the setup of several isolated environments and the migration of Oracle virtual machines to these new environments prior to DOJ's licensing renewal with Oracle. This effort saved the department from increased licensing costs, approximately 10 percent that would have incurred from Oracle if the virtual machines remained on DOJ's enterprise hardware.

eDLS Archive Data Project: The DOJ Storage Team developed, tested, and implemented a solution for eDLS to archive old data for long-term storage in the cloud, freeing up on-premises storage capacity and saving DOJ the cost of purchasing additional capacity. This resulted in delaying and eliminating capital expenditure as existing on-premises storage could be utilized.

Backup Project: The DOJ Storage Team tested, evaluated, purchased, and installed a data protection solution at DOJ to back-up from the cloud to on-premises storage utilizing existing infrastructure. As DOJ continues the migration to Exchange Online, this new solution will be utilized to ensure back-ups are immutable and secure. By utilizing the existing backup environment, the storage team was able to achieve significant cost savings compared to other backup solutions.

Storage Area Network (SAN)/Storage Device Upgrades: The DOJ Storage Team upgraded their primary production NetApp A700 array to a NetApp A900 array, extending the life and support of the array for another 5 years and tremendous cost savings to the DOJ of over \$2.5 million in ongoing support and maintenance costs.

SAN/Storage Hardware Refresh: The DOJ Storage Team refreshed five EoL and EoS storage arrays and 10 EoL and EoS servers in the remote AG offices for home drives and local share drives, and successfully decommissioned the old arrays and servers with no production downtime during business hours.

CURES Redesign Effort: The DOJ Wide Area Network/Local Area Network (WAN\LAN) Team assisted the ADB with redesigning and implementing a new CURES application. The new design removed the Broadcom components and replaced them with three new platforms: IBM APIConnect, PING Identity,

and SailPoint. The Network Team created new Domain Name System (DNS) zones, routes, firewall rules, and load-balancing algorithms in multiple environments (Dev., Test, Stage, Prod.) This effort has increased stability, redundancy, and resiliency for the CURES Application.

AT&T VoIP Data Center Migration: The DOJ WAN\LAN Team assisted the DOJ Telecom Team with migrating the hosted VoIP solution from the AT&T data centers to a Cisco Data Center. New firewall rules and routes to Cisco data center were built. DOJ teams ensured roll-back plans were in place and thoroughly tested after the migration to ensure a seamless and smooth transition.

AG Circuit Upgrade: The DOJ Network Team completed a circuit upgrade to 1 Gb for all DOJ AG sites. The upgrade of the circuits represents a pivotal investment in optimizing connectivity and enhancing operational efficiency in those offices, ensuring seamless communication, faster data transfer, and improved collaboration among teams. This upgrade underscores our commitment to future proofing DOJ's connectivity.

Firearms Web Application Firewall (WAF) Deployment: A WAF is a security component to protect the application layer and ensure that only allowed actions to the application can be performed. Successfully deploying the WAF for firearms applications has increased protection for DOJ's firearms computing environments against malicious attacks. The DOJ Network Team worked with the ADB Firearms teams on configuring the WAF in front of all firearms applications. WAF deployments require intensive testing and policy tuning to ensure proper configuration. New workflows were established to ensure rapid resolution to false positives were triggered.

HDC Inside Firewalls: The DOJ WAN\LAN and Infrastructure Support Unit (ISU) teams successfully deployed next-generation firewall (NGFW) Palo Alto 5250 firewall on the inside of the DOJ network. This is a significant accomplishment for the department, as it not only strengthened the network security infrastructure but also positions the DOJ to effectively mitigate evolving cyber threats in the future.

HDC PE Switch Replacement: The DOJ WAN\LAN and ISU teams successfully replaced the two Provider Edge (PE) switches within the DOJ network which helps bolster the reliability and performance of the infrastructure. This effort ensures seamless connectivity and optimal data transmission for critical business applications hosted at the datacenter.



DIVISION OF OPERATIONS

Overview

The Division of Operations (OPS) supports the day-to-day operations of the department. Each of the Division's 900 employees work in concert to assist DOJ's programs in myriad administrative and technical areas such as accounting, budgeting, human resources, asset management, process improvements, project coordination, grant services, policy, facilities, procurement, contracting, recycling, training, law library services, legal case management, time reporting, litigation support, legal support services, and special projects.

The Division of Operations consists of the following sections and programs:

- Office of Fiscal Services
 - Accounting Office
 - Budget Office
 - Facilities Planning and Management, Telecommunications, and Sustainability Section
 - Central Services
 - Contracts and Purchasing Unit
- Office of Legal Support Services
 - Legal Support Operations
 - Law Library Services
 - Case Management Section
 - eDiscovery & Litigation Services
- Office of Human Resources
 - Attorney Hiring
 - Classification Services Unit
 - Coaching and Career Development
 - Data Analytics
 - FMLA and Special Leaves
 - Hiring and Compensation Unit
 - JusticeHR/Workday
 - Labor Relations
 - Office of Professional Development
 - Organizational Development
 - Payroll and Benefit Services
 - Performance Management and Discipline
 - Recruiting Services

- Risk Management
- Testing and Selection
- Office of the Chief
 - Administrative Services Branch
 - Grant Services Branch
 - Statewide Operational Services
 - Office of Strategic Initiatives

Office of Fiscal Services

Overview

The Office of Fiscal Services is comprised of the following entities:

- **The Accounting Office:** The Accounting Office provides oversight and monitors the department's resources by maintaining centralized records through processing and reconciling of appropriations, expenditures, revenues, federal grants, travel, reimbursements, legal time reporting and billing. The Accounting Office also serves as liaison between the department and state control agencies, namely the State Controller's Office and State Treasurer's Office. They maintain the agency trust Litigation Deposit Fund. The Litigation Deposit Fund contains litigation proceeds where the state is a party to the litigation. It also provides cash flow analysis and prepares the year-end financial statements for the department's 50+ funding sources.
- **The Budget Office:** The Budget Office is responsible for DOJ's annual financial plan. Each year, the Budget Office supports each division as they prepare, negotiate and manage of the department's annual budget.
- **Facilities Planning and Management, Telecommunications, and Sustainability Section:** The Facilities Planning and Management Team manages more than 1.8 million square feet of DOJ facilities statewide, including legal offices, forensic crime laboratories, regional law enforcement offices, anti-crime task force offices, aircraft hangar space, the Hawkins Data Center, and field offices and radio sites. The Telecommunications Unit manages the desktop and wireless communications system for the department.
- **Central Services:** The Central Services Unit provides mail and warehouse services to all Sacramento-area DOJ locations. It also provides shipping services and supplies to DOJ locations statewide.
- **Contracts and Purchasing Unit:** The unit is comprised of two areas: The Contracts Section prepares Legal and non-IT service contracts, and the Purchasing Section oversees the ordering and purchasing of non-IT equipment, furniture and supplies.

Major Accomplishments

Maintaining DOJ's Finances

State Bar Dues: The Accounting Office processed approximately 1,264 State Bar dues using the direct

payment program, a service established by the State Controller and provided to our employees.

Training and Outreach: The Accounting Team organized four training sessions for our internal customers. Sessions covered some of the most frequently asked questions and concerns including the invoice payment process, interest penalties, expense reimbursements, as well as travel and miscellaneous advances. The Travel Unit worked with the Department of General Services to provide our programs with support in the transition to a new statewide travel management service provider.

Operational Efficiencies: The Accounts Payable Unit implemented an electronic invoice submission process that eliminates the need for programs to submit hardcopy invoices and supporting documentation for payment. The new process was rolled out department-wide in Fall 2023. Additionally, the Fiscal Systems Unit continues to work on SharePoint integration and online forms development, which will improve the functionality of the electronic invoice submission process.

The Accounts Receivable Unit is currently working on a process to obtain the email addresses of our fingerprint customers. This information will be used to electronically send out fingerprint invoices, instead of utilizing the USPS. Currently staff are sending out more than 6,000 invoices a month through the USPS.

2023-24 Budget: The Budget Office successfully collaborated with programs and stakeholders to secure a 2023-24 Departmental budget of \$1.3 billion from 33 separate fund sources and 5,938 authorized positions — an increase of \$103.3 million and 88 positions compared to the prior year. The increases were largely a result of 45 Budget Change Proposals (BCPs) and Legislative BCPs totaling \$138.4 million and 93 positions from various fund sources.

Budget Office Operational Analyses: The Budget Office conducted in depth fiscal analyses 936 purchase/contract requests, and 170 legislative bills in 2022-23. These analyses were critical in ensuring the Department maintains sufficient budget authority and cash to support current operations.

Current Year 2023-24 Expenditure Freeze (BL 23-27): In response to a statewide current year expenditure freeze, expanded the already in-depth Budget Office tracking and logging of every departmental expense over \$5K, and qualifying exemption criteria in order to report to the Department of Finance.

Established the new Office of General Counsel: The Budget Office facilitated the establishment of the new Office of General Counsel through a net-zero transfer request negotiated with the Department of Finance. Worked to identify and transfer the identified personnel resources and associated contracts, and worked to ensure sufficient funding for this Attorney General initiative, despite no new approved resources.

Litigation Deposit Fund Changes: Collaborated with programs and provided guidance in implementing the Legislature's new complex Litigation Deposit Fund reporting requirements, including providing feedback on statutory reporting language and guidance and oversight to program on how to effectively gather information and report.

Doubled the Number of Annual Fiscal Monitoring Drills: In light of a statewide budget crisis, implemented two additional formal fiscal monitoring drills (going from bi-annual to quarterly) to monitor the Department's expenditures, revenues, spending authority, and cash, to more quickly

identify problem areas and opportunities for efficiencies. Supported and educated programs on the reasons and outcomes of the additional fiscal reviews in detailed briefings.

2022-23 Sustainability Roadmap: The Roadmap is the sustainability planning and reporting document for each department. Sustainability Roadmaps are biennial reports required by the Governor's Office to provide updates of department compliance with executive orders and policies related to state agencies' sustainability requirements. Originally instituted in 2013, the Roadmap is required of all state agencies that operate state-owned buildings and are due at the end of each odd-numbered calendar year. The Roadmap reports on accomplishments of the preceding two years' plans and details the plans and goals for the next roadmap. Sustainability Roadmaps are included as a requirement in legislation (SB 1203, 2022).

Inventory Management System: The Central Services Unit purchased and implemented an inventory management software to streamline tracking and ordering of inventory and supplies. With the implementation of this new software, the Central Services warehouse can now increase the number of supply items that are carried to help DOJ save costs and increase oversight and efficiencies.

Establishing a Cubicle/Office Reservation Software: The Telecommunications and Facilities Teams established a new cubicle reservation software (Skedda) for DOJ units to utilize for office and cubicle sharing at all AG locations and a few DOJ field offices. After downsizing the amount of leased space that DOJ occupies in 2021 and 2022, it was beneficial for DOJ to establish ways in which to strategically share space throughout DOJ's footprint.

Updating DOJ's Telephony Abilities: Establishing extension-mobility for employee profiles on the telecommunications system, allowing staff to utilize hotel spaces and receive calls at any workstation to their primary DOJ phone line.

Renegotiating the Richmond Lab Lease: Oversaw the negotiation and execution of the lease renewal for the Richmond Lab at 1001 and 1003 West Cutting Blvd, in conjunction with DGS, which resulted in an annual rent savings of \$1.5 million for DOJ. DOJ was also able to receive an additional \$1.3 million towards tenant improvement expenses at the sole cost of the lessor. This has provided budget relief for BFS and has allowed DOJ to consider other major repairs to DOJ owned labs throughout the state.

Contracting and Purchasing Unit (CPU): The Contracting Section combined the Legal and Non-Legal Sections in order to streamline processing times and cross train staff to ensure coverage and upward mobility for staff. Contracts developed new guidance and requirements for Statements of Work, Security, Insurance Requirements, and updated contracting exhibits to ensure compliance with the State Contracting Manual and released a new streamlined Purchase Requisition Form to better serve the programs. The Purchasing Section has continued their efforts in streamlining processing times and has reached an average of 20.4 days. In the upcoming year, CPU will establish a new Quality Assurance and Training Section to further ensure compliance, accurate tracking and reporting of DOJ procurement activities, and the development of standardized Departmental procurement training.

Office of Legal Support Services

Overview

The Office of Legal Support Services (OLSS) include programs Legal Support Operations, Law Library Services, Case Management Section, and eDiscovery & Litigation Services. These programs provide direct service to the law practice in areas of law office management, advancements in legal technology, eDiscovery, case management and legal billing, and legal research. In total, OLSS provides services to nearly 1,500 attorney and paralegal staff in approximately 40 law practice areas.

Legal Support Operations: Legal Support Operations (LSO) provides administrative support for our law offices in Sacramento, Oakland, San Francisco, Fresno, Los Angeles, and San Diego. The administrative services include legal secretarial and clerical support, business and office services, docketing and records management, procurement and facilities management.

Law Library Services: Law Library Services provides research services and manages the law libraries in the legal offices statewide. The libraries maintain state and federal codes, statutes, court procedures, practice materials, and treatises. The collection features historical codes dating back to the founding of California and over 6,920 California legislative histories of which 4,165 have been digitized. The Law Library on average completed 1,374 service requests per month across all our offices. These include desktop codes and loose-leaf updates, password creation and retrieval, sign-ups for existing login services, weeding the collection, interns and externs, court documents, article retrievals, alerts and various retrievals and deliveries of print materials to and from individual offices.

Case Management Section: The Case Management Section (CMS) is responsible for the Office of the Attorney General Office's legal case management, billing and business intelligence systems and all legal desktop applications. Supporting nearly 40 practice areas comprised of 2,300 users in the four Legal Divisions, Division of Operations, and Executive Programs, CMS manages the systems responsible for recovering legal fees and costs of over \$200 million per year through the Legal Services Revolving Fund.

eDiscovery & Litigation Services: eDiscovery & Litigation Services (eDLS) provides legal and investigative teams with services and applications to manage data for litigation, discovery, investigations, administrative records, and Public Record Act requests. The section manages large-scale litigation using a state-of-the-art software that processes, searches, reviews and produces data. eDLS works with legal teams and client agencies to collect, preserve and produce electronically stored information. Additionally, the section develops data management strategies, provides in-court technology assistance, trains users on litigation software, and coordinates with vendors.

Major Accomplishments

Providing Legal Support

Conducts Comprehensive Operational Analysis of Business Services Units to Evaluate and Document Critical Work Process: LSO has identified project team leads and members; defined scope of analysis and key research questions; collected and analyzed relevant data; evaluated, documented and shared findings; and are using findings to identify critical processes for redesign. Future objectives include developing LSO staff skills and knowledge to actively meet needs for a variety of specialized business services in a rapidly changing environment and providing opportunities for staff to actively participate in work design and innovative projects and solutions.

Streamlined the Court Reporter and Mediation Services Approval and Payment Process: In December 2023, LSO updated the JUS A-15 Work Order form and coordinated with DOJ Accounting to implement a new electronic invoice submission process. The previous fee limit of \$4999.99 was increased to \$9999.99, reducing the need for new contracts. Attorneys can choose court reporters from a DOJ database to ensure they secure the least expensive option, and a "fair and reasonable" clause was added for mediation services. Pre-approval for services is granted by the attorney's SDAG or SAAG and their Division's delegated legal executive staff. As a result of these improvements, expense tracking has

improved, and overall processing times have decreased.

Leadership Training: OLSS strives to mentor and guide its supervisors in everyday challenges. In these efforts, “The Lonely Supervisor Guide to Low Stress Supervision” training was created in partnership with the Employment Litigation Section (ELS), as well as “Crucial Conversations” with the Office of Professional Development in 2023.

In 2023-2024, senior management in OLSS completed the Legal Government Manager training through Sacramento State College of Continuing Education. This training focused on strategic management; communication and coaching; strategic planning; managing operations; improving business process; managing organizational change; building high performing teams; and managing conflict. The course concluded with a project presentation to help create a solution for a real and current challenge.

LSO partnered with the Continuing Legal Education Unit (CLE) to provide two Legal Secretary developmental classes: Introduction to Civil Litigation and State and Federal Court Structures and Legal System. LSO leadership attended ‘Advanced Training for Hiring Managers’ course to increase their knowledge and ability to successfully navigate through the civil service recruiting and hiring processes.

Providing Virtual Secretarial Support Teams: As one of the objectives in the Strategic Plan, LSO aimed to provide robust support to its attorneys across the state. To maintain the highest standard of efficiency in a virtual environment, legal secretaries from Los Angeles and San Diego continue to provide virtual support to attorneys in the San Francisco, Oakland, and Sacramento offices.

LSO Swing Shift Team: In recent years, legal staff started working remotely and often during the evening hours. Many courts extended e-filing deadlines until midnight each day. Legal Support Operations’ Swing Shift – Pilot (piloted in 2022 following the COVID-19 pandemic) has become a welcomed team. Because of the overwhelming positive response, the team became long term effective January 2024, and supports the four divisions (Civil, Criminal, Public Rights, and Office of the General Counsel), supporting attorneys practicing in 37 different areas of law. Since the implementation of this valuable service expansion, the Swing Shift Team has responded to more than 1,300 work requests (court filings and overflow work).

Fostering Open Communication: LSO understands that communication is needed and appreciated by all. LSO held a Town Hall meeting in 2023 and is holding the 2024 Town Hall in June 2024. LSO supervisors and managers hold regular team meetings, as well as one-on-one meetings. LSO is equipped with laptops and cameras to equip staff to stay personally connected with one another. Additionally, LSO provided staff with timely annual performance reviews to evaluate accomplishments and areas for development, as well as timely probationary reports.

Expanding Online Resources: DOJ’s Law Library Services Unit (LLS) features the most expansive Westlaw and Lexis legal database offerings in California state government. Countless electronic resources were added to the library catalog through Westlaw Edge with its investigatory tool People Map Lexis Advance. These include investigatory tools found in Lexis Advance Public Records, Accurint, HeinOnline, Courtlink, Energy and Environment News which features Energywire and Greewire, and Law360. Additionally, LLS began offering various legal research courses, webinars, one-on-one training sessions and personalized research assistance with digitized, searchable legislative histories. The library also expanded its continuing legal education offerings with courses offered in all locations.

Public Rights Division Fund Source Alignment: CMS implemented client codes in ProLaw for each fund type within the Public Rights Division (PRD) budget. These codes are linked to existing matters and will be associated with new matters in ProLaw going forward. This action enables the tracking of funds by source, including the General Fund, Legal Services Revolving Fund, and settlement-derived funds.

As permitted by statute, PRD uses these funds to investigate and prosecute future cases on behalf of the State of California. Additionally, CMS created a report to track hours by fund source, ensuring the proper utilization of these funds.

Modernizing Data Transformation: The CMS Reports and Document Automation team successfully completed the initial phase of the IBM Infosphere DataStage implementation to modernize the business intelligence, reporting, and billing platform for the legal divisions. This solution is critical in extracting and transforming the ProLaw case management system data into the management reports and invoicing data contributing over \$230 million to the department annually. The transition from a legacy system to DataStage will provide a unified platform that combines data transformation with built-in quality and enhanced data governance capabilities.

Process Improvement for DOJ Legal Records Management: CMS, in collaboration with Division Managers and the Department of Justice Records Management Coordinator (DOJPMC), significantly streamlined the review process for files stored off-site that have met their retention period. By implementing a more efficient quarterly review cycle, CMS has ensured enhanced compliance with record retention policies and improved the process of record destruction. This improvement has led to better management of legal records, ensuring timely destruction of files, reducing storage costs, and maintaining strict adherence to legal and regulatory requirements.

Advancing Legal Case Management: The ProLaw platform underwent a comprehensive upgrade to ensure forward compatibility with the Microsoft ecosystem, ensuring the department's ability to migrate to Office 365 and Exchange Online. This strategic upgrade not only enhanced the system's alignment with modern cloud technologies but also introduced advanced processes for managing the complex ethical walls and security compliance required for the over 40 practice areas within the department. The upgrade solidified the foundation to support the department's current operational requirements and future scalability.

Realigning Caseloads: eDLS continues to utilize the intranet intake portal to streamline legal team requests for Relativity workspaces and eDLS services. eDLS enhanced the portal to be utilized for Public Records Acts requests and invoice management related directly to eDLS contracts. This portal and workflow make the intake process for each of these much simpler and efficient when assigning new projects and quicker turn-around times to submit invoices for payments.

Leading California State Agencies on eDiscovery Workflows: eDLS continues to host meetings for California government agencies to collaborate and share ideas and challenges with eDiscovery workflows, data sharing between agencies and staffing shortages. In 2024, eDLS provided an overview to participating state agencies on administrative records workflow to improve data transfer efficiencies with DOJ. eDLS provided the same overview to Natural Resources Law Section and Land Use and Conversation Section to help foster a united understanding of best practices and efficient workflow for administrative records.

Enhancing eDiscovery Platform Tools: eDLS researched, tested, procured and implemented an enhanced version of Veritone to add a transcription module to video and audio files that can be exported in a more usable format.

Data Management: Since 2022, eDLS has been working to archive and delete outdated data and workspaces to reduce the costs of storage and comply with retention policies. In 2022, eDLS was able to archive and delete 83.9 TBs of Relativity data, archive and destroy 1.2 TBs of Concordance (legacy) data, and destroy 3,217 media (cdfs, DVDs, and hard drives) containing data. In 2023, eDLS was able to archive and delete 14 TBs of Relativity data, archive and destroy 8 TBs of Concordance (legacy) data, and destroy 5,136 media (cdfs, DVDs, and hard drives) containing data. As of April 2024, eDLS was able

to archive and delete 48 TBs of Relativity data, archive and destroy 2 TBs of Concordance databases, and destroy 862 media.

Open AI Policy Development: In 2023, eDLS spearheaded the discussion to address open AI (artificial intelligence) use within DOJ. This led to the creation of the AI Working Group bringing together DAGs, IT Security, OGC, and data management teams to develop a comprehensive and sustainable policy on the use of AI within the DOJ.

Office of Human Resources

Overview

The Office of Human Resources (OHR) is responsible for nearly all facets of employment for DOJ's 5,716 authorized positions. The section is comprised of several units, including:

Assessment Consultation Team (ACT): ACT is comprised of Assessment Consultants who are skilled at developing a variety of assessments and tests, such as structured interviews, performance exercises, and multiple-choice tests for managers to use in evaluating their candidate pools. The team provides consultation on how to best evaluate the qualifications, knowledge, skills, and abilities of applicants during the selection process, and provides a variety of assessment administration services.

Attorney Hiring Unit (AHU): AHU is comprised of hiring consultants and technicians who are exclusively dedicated to supporting the hiring of all DOJ attorneys. The team works closely with hiring managers in each of the Legal Divisions to support their ability to hire top talent in the most efficient manner. AHU hiring consultants and technicians are responsible for supporting each step of the attorney hiring process from the posting of job announcements to preparing Requests for Personnel Action (RPA) packages.

Career Executive Assignment (CEA) and Exempt Appointment Unit (CEAU): CEAU is responsible for the establishment, hiring, appointment, maintenance, and termination of CEA positions with DOJ. In addition to setting and updating CEA salaries, CEAU liaises with Executive leadership on filling the Department's highest-level positions, including exempt entitlements and Special Consultants. Lastly, CEAU oversees the Department's CEA delegation program and ensures information going to CalHR is current and correct.

Classification Services Unit (CSU): CSU provides consultation to programs on the appropriate allocation, duties, and organization of specific classifications. The team performs a full range of services and initiatives pertaining to upholding the Department's classification plan while ensuring the department abides by the applicable laws, rules and regulations.

Coaching and Career Development (CCD) Unit: CCD provides programs and services to DOJ staff such as executive and leadership coaching, Upward Mobility, Career Counseling, Career Consultation, Career Centers, Interview Preparation, Employee Development Planning, and more. CCD's purpose is to establish collaborative and communicative partnerships with DOJ staff that embraces diversity and inclusivity. We do this by helping people see their potential while guiding them toward better decision-making processes and increased productivity.

Data Analytics Unit (DAU): DAU conducts Human Resources (HR)-related research, statistical analysis, data management, data visualization, and reporting. The goals of the unit include providing data and analytics to support HR services, solving complex problems and automating repetitive and manual processes to improve efficiency using data analysis and technology, and helping prepare DOJ for the future by contributing to a culture of data informed decision making.

Disciplinary Actions and Rejections Team (DART): DART is responsible for reviewing and analyzing pertinent attendance, performance and employee behavior-related material (including investigations) to determine if disciplinary action is warranted. The team drafts disciplinary actions and rejections during probation, routes draft actions and rejections through the review process, coordinates service and oversees the Skelly process, assists in-house counsel with defending actions and rejections during an appeal, and consults with management on complex disciplinary matters.

Examination Unit: This unit is responsible for conducting departmental examinations, which includes job analyses, examination development, and examination administration. In addition, the unit completes minimum qualifications review requests (MQRRs) for non-departmental administered examinations, as well as psychological screening and physical ability testing for the peace officer hiring process.

Executive and Internal Support Services (EISS) Unit: EISS supports the Directorate Division and the Office of Human Resources in the areas of classification and organizational analysis, hiring and compensation consultation, as well as preparing classification concepts and determining return rights for Career Executive Assignment incumbents.

FMLA and Special Leaves Unit (FSLU): FSLU administers and provides training on the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) entitlements, collectively referred to as FMLA. The Unit's consultants check eligibility, send provisional FMLA notices, review medical certifications, and provide final FMLA designation memos. The unit also provides consultations to employees and supervisors on the department's FMLA policy, and the respective regulations administered by the United States Department of Labor and California Department of Fair Employment and Housing. FSLU also administers the payroll and benefits functions associated with State Disability Insurance (SDI) leave, Paid Family Leave (PFL), Non-Industrial Disability Insurance (NDI) leave, and Worker's Compensation.

Hiring and Compensation Unit (HCU): HCU works with DOJ programs to facilitate the hiring process for non-attorney positions, as well as process promotions for existing employees. HCU staff post jobs to the CalCareers website, determine salaries for new employees, review Hire Above the Minimum requests, and handle a variety of hiring-related matters, including medical and drug evaluations for peace officer candidates, and investigating merit issue complaints.

Labor Relations Office (LRO): The LRO assists with the broad field that encompasses all the myriad interchanges between management and employees. It is the LRO's responsibility to develop harmonious relations between management and both unionized and non-union employees.

Office of Professional Development (OPD): OPD provides in-service training courses to help all DOJ employees improve their individual and organizational performance and meet various mandated training requirements. Outside of desktop, professional and leadership development training, OPD also addresses special requests for training and contracts with other training vendors on an as-needed basis and performs distance learning to address the training needs of DOJ employees in outlying offices statewide.

Operations Team: The Operations Team is responsible for ensuring the overall operations of the Office of Human Resources (OHR). They develop new processes or evaluate current processes to help streamline procedures that impact all of OHR. The Operations Team also provides assistance and customer service to all OHR programs as it relates to purchasing, procurement, contracts, invoices, subpoenas, Public Records Act requests, forms coordination, OHR facilities and budgeting, legislative analysis, and front reception assistance.

Payroll and Benefit Services (PBS): PBS is responsible for reviewing and processing employee movement such as promotions, transfers, newly hired appointees, separations from state service, leaves of absences, various types of pay, and health benefits for all the department's employees. They work with supervisors and attendance coordinators to ensure their staff is paid accurately on a monthly basis and receive all applicable benefits. Through training as well as individual assistance, PBS helps employees understand personnel-related processes set by control agencies and department policies.

Performance Management Team (PMT): PMT builds partnership with organizational leaders by providing coaching, guidance, and critical resources on a myriad of complex performance management matters.

Personnel Liaison and Certification Unit: The Personnel Liaison and Certification Unit works with OHR managers handles all hiring-related tasks their vacancies, as well as oversight of the personnel liaisons department-wide. In addition, the team processes all non-attorney certification (i.e., eligibility) requests for the department.

Position Information Management Services (PIMS): The PIMS team is responsible for performing all position control functions utilizing various systems such as Workday, Human Resources Management System (HRMS), State Controller's Office (SCO), and Management Information Retrieval System (MIRS). The PIMS team handles all matters related to position maintenance, DOJ's vacancy database and information reporting.

Recruiting: The Recruiting Unit is responsible for all aspects of recruiting and plays a critical role in ensuring the best possible talent is identified. Duties and responsibilities include:

- Work with hiring managers to understand their staffing needs.
- Source and screen potential applicants to evaluate if they meet the minimum qualifications and the position requirements.
- Post jobs online and increase awareness of our vacancies.
- Assist applicants with the application process.
- Work with everyone involved in the hiring process to drive the process and make it as efficient and effective as possible.
- Network by utilizing industry contacts, association memberships, social media, employees, and various academic institutions.

Risk Management Unit (RMU): RMU is responsible for management of workers' compensation claims, reasonable accommodation matters, workplace violence prevention, accident investigations, ergonomics, Injury, Illness, and Prevention Plans, emergency preparedness, Automated External Defibrillator oversight, COVID-19 related activities, and the DOJ Wellness plan.

Workday Support Team (WST): WST is responsible for the development, maintenance, use and adoption of the DOJ Workday solution, and includes both System Support and People Support components. The Workday System Support Team consists of system administrators who plan, design, configure, test and maintain Workday data and business processes, and deploy new and updated functionality in their respective functional areas. The Workday People Support Team consultants are focused on the user experience and develop communication, resources and training to help DOJ employees and managers use Workday accurately and responsibly – ensuring compliance with attendance and absence requirements.

Major Accomplishments:

Recruiting, Retaining, and Establishing Processes to Meet Changing Needs:

Career Executive Assignment and Exempt Appointment Unit (CEAU): In October 2023, Talent Acquisition created CEAU to manage the department's executive-level appointments, which to-date includes 74 CEA and 22 Exempt positions. This initiative centralized different functions throughout the CEA and exempt appointment process that were performed across several different teams. The creation of new positions, exams, hiring, salary setting and adjustments, maintenance and termination of executive appointments was moved under CEAU to streamline and enhance these services.

Closing the Pay Gap: The CEAU resolved a long-standing pay disparity between Deputy Attorney General Supervisors and Senior Assistant Attorneys General (SAAG), successfully advocating for a 2% Special Salary Adjustment impacting 35 SAAG and six Chief Assistant Attorneys General-level CEAs.

Establishing New Positions: To meet the evolving personnel needs of DOJ, CEAU established the following CEAs within the Department:

- Assistant Chief, California Justice Information Services (CJIS) Division, established March 3, 2023*
- General Counsel, Office of General Counsel (OGC), established March 24, 2023*
- Bureau Director, Bureau of Criminal Information and Analysis, CJIS Division, re-established March 30, 2023*
- Chief Information Security Officer, OGC, established April 21, 2023*
- Senior Assistant Attorney General, Police Practices Section, Public Rights Division was established June 5, 2023*
- Office of Gun Violence Prevention Director, Division of Law Enforcement, established June 9, 2023*
- Senior Assistant Attorney General, OGC was established July 31, 2023*
- Firearms Information Technology System Modernization Project Director, CJIS Division, established November 27, 2023*
- Deputy Director of Legislative Fiscal Policy, Office of Legislative Affairs, Directorate Division, established March 29, 2024

*CEA concepts completed by CSU or EISS prior to the creation of CEAU

Improving Recruiting and Hiring:

Successfully Recruiting Talent: The Recruiting Unit successfully recruited a Chief Diversity and Inclusion Officer, a Chief Information Security Officer. Recruited for the Attorney General Honors Program and Geoffrey Wright Fellowship and reached out to 2,636 students attending law schools in California and 2,291 students out of state. Additionally, recruiters hosted six webinars for students interested in learning about the program. In total, 178 unique applications were received for these programs in 2023. LinkedIn recruiting highlights include over 40,000 messages sent to potential candidates, with a 28% response rate. The industry standard is 13%.

Working to Reducing Hiring Timelines: In April 2024, the OHR Personnel Liaison team provided

training to the Division of Operations' (OPS) Administrative Team on the Examination and Certification Online System (ECOS). This training focused specifically on providing OPS hiring managers access to the system, which will allow them the autonomy to view and download applications for their own job controls on a flow basis. OHR hopes this change in process will reduce hiring timelines.

Advanced Hiring Trainings: The Recruiting Unit, AHU, and HCU managers, as well as other teams within Talent Acquisition, collaborated to create two advanced hiring trainings: a "General" training course for non-attorney supervisors and a "Supervising Deputy Attorney General (SDAG)" training course for supervising attorneys. A total of six courses for each training have been offered since these trainings launched in December 2023. The pre- and post-training assessments showed an increase of 13%-15% in knowledge because of the training.

Supporting Workforce Analysis: The Data Analytics Unit has successfully completed a comprehensive range of reports and projects to support workforce analysis, demonstrating its critical role in enhancing organizational efficiency and decision-making. These efforts include reporting that supported DMFEA in their participation in the 30 x 30 Pledge, serving as lead members on the Data Integrity workgroup, maintaining and supporting 12 data systems that provide OHR data to various units, completing weekly reporting for the tracking and documenting of employee COVID cases within our department, and providing data for the 2023 Workforce Report.

DOJ Telework Policy: The Labor Relations Office manages the telework policy and telework program at DOJ and meets quarterly with members of OPS to discuss telework issues related to technology, equipment, operations, logistics, and office-space consolidation. In 2023, the LRO led the DOJ's first renewal of Telework Agreements (STD 200 forms).

Maintaining a Safe Work Environment:

Preventing Accidents: In the reporting period, the H&S Team completed 30 accident investigations, and after thorough review, H&S along with internal RMU units are working alongside the Department of General Services to develop solutions that may prevent future accidents or lessen the likeness of re-injury. H&S also updated General Injury and Illness Prevention Program (IIPP) training, including automated email reminders to complete IIPP training, and created a customized "Special Agent" version of the IIPP.

COVID-19 Updates: The H&S Team implemented mandatory COVID-19 training, which as of May 2024, 4,476 employees had completed. The COVID-19 Response Team concluded their last meeting on April 10, 2024, after meeting for four years since March 2020, and continuously updating the COVID-19 Prevention Plan to maintain compliance with ever-changing federal, state and county rules and regulations.

Ergonomics Evaluations: From January 2023 to April 2024 the H&S Team conducted 818 in-office and 192 remote ergonomic evaluations, updated Ergonomics Assessment Team Inspector (EATI) training for DOJ employees and initiated and deployed new protocols and projects to promote complete ergonomic evaluations, standard ergonomic supplies, and better communication with EATI trainers.

Emergency Preparedness and Violence Prevention: The H&S Team continued to assist in updating emergency response plans for all DOJ offices, maintained the departments 76 Automated Electronic Defibrillators (AED), and continued working on evacuation drill processes. The Workplace Violence Prevention Program completed 16 inquires and 3 investigations from January 2023 to April 2024 and collaborated with the DOJ's Investigation Team within the Employment Law Section to develop "Investigations 101 trainings and micro learning sessions."

Building Wellness into DOJ's Culture: In 2023, Risk Management Unit collaborated with the DOJ's Equal Employment Rights and Resolution (EER&R) office to transition the DOJ's Wellness Program to OHR/RMU. This included creating a Wellness website and email address, sending monthly newsletters to the department, establishing the Wellness Ambassador Program, and delivering wellness presentations and Lunchtime Micro Learning Series.

Updating Payroll and Benefit Services

Payroll Adaptations: Payroll and Benefit Services (PBS) assisted in processing and verifying a variety of General Salary Increases, Special Salary Adjustments, Wage Equity Increases, and various pay differential changes. In addition, the team collaborated with the Hiring and Compensation Unit (HCU) to implement increases involving Hire Above Minimum (HAM) rates, promotions, and other movement around the department. This included the review of an estimated 225 complex salary situations to ensure the increases were applied accurately. PBS also participated in a multi-agency task force to address the recruitment and retention challenges.

Helping DOJ Employees Understand Their Benefits: During the reporting period, the Benefits and Accounts Receivable Unit provided 61 benefits consultations to DOJ employees and lead classes and presentations to help staff understand their benefits. The Unit processed 1026 enrollments in the 2023 open enrollment season, and 882 regular benefit enrollments. The Unit also published the 2023 Open Enrollment site and finalized the internal Benefits Site.

Participating in Collective Bargaining Negotiations: LRO participated in collective bargaining negotiations in 2023 with both the Service Employees International Union (SEIU) and the California Statewide Law Enforcement Association (CSLEA). In preparation for negotiations, the LRO submitted 18 proposals on behalf of DOJ. During negotiations, they represented DOJ and successfully helped secure proposals that would improve employee compensation, including salary increases for some classifications and were also successful in increasing the professional reimbursement amount for the Librarian classification, increasing the education incentive for DOJ Peace Officers, and revising contract language changes to provide better benefits for DOJ employees.

Workday Implementation: In November 2022, Workday implementation brought new and exciting capabilities, and plenty of challenges. The Workday Support Team has been active in learning Workday functionality, and the requirements and business processes of those using it — becoming part system expert and business subject matter expert. The team holds a unique position in growing this new and incredible resource and guiding its users in understanding its abilities and their role in producing accurate and reliable data by consistent and informed use. Across the Human Resources units, teams work on managing the transition to the new system and providing training on Workday hiring components, including live sessions with step-by-step instruction.

Providing a New Focus for Professional Growth:

Coaching and Career Development Unit (CCD): Since the launch of the Coaching and Career Development Unit (CCD) on July 1, 2022, CCD has made significant strides in providing support and guidance to DOJ staff, including:

- Providing 444 Leadership Coaching Hours
- Implementation of three Career Center Locations
- Relaunch of the Upward Mobility Program
- Relaunch of the Career Counseling Program

- Launch of the Career Consultation Program
- Addition of eight Career Development Workshops
- Addition of two Coaching Workshops
- Implementation of the CCD Website

Increasing Education and Engagement through Trainings:

Mandated Supervisory Development Training (SDP): The Office of Professional Development delivered five cohorts of the 80-hour Mandated SDP to 80 new leaders for a total cost savings of \$80,000, a compliance rate of 100%, and a training satisfaction rating of 4.65 out of 5. The Office also completed eight special training requests, addressing critical areas such as career development symposiums, business email writing, email etiquette, grammar, ergonomic evaluations, hyperlinking documents, and accounting roadshows. These initiatives significantly contributed to increasing internal mobility, increasing employee engagement, and enhancing operational efficiency and staff competencies across various divisions.

The Lunchtime Micro Learning Series (LMLS): Through LMLS, the Office of Professional Development successfully delivered a total of 13 events in 2023 with a total of 1,346 confirmed attendees. From January through April 2024, LMLS had six events with 895 attendees. LMLS served as a platform to connect employees to high-level information on topics including Career Development at DOJ, Legal Education Resources, Neurodiversity in the Workplace, and Workplace Wellness.

Creating Educational Opportunities: In 2023, the CLE Program collaborated with 56 instructors and facilitators to provide programming for DAGs, Paralegals, and other staff for a total of 2323 attendees across 25 classes and events. From January through April 2024, CLE collaborated with 21 instructors and panelists to provide programming for a total 816 attendees across 9 classes and events. Overall, over the past 16 months, CLE worked with a total of 77 instructors, facilitators, and panelists to offer 34 classes and events, 33 MCLE hours, and 3 leadership hours, to 3,139 confirmed attendees consisting of staff including DAGs, paralegals, and legal secretaries.

Supported Statewide Learning and Development Strategic Plan Project: In partnership with CalHR, the Office of Professional Development deployed a department-wide employee experience training survey to DOJ in November of 2023. An approximate 25% response rate was achieved, the highest response rate compared with other departments and agencies of a similar size.

Emerging Leader Program Pilot (ELP): The Office of Professional Development delivered the first successful program consisting of 56 hours to 23 participants from Operations and Executive divisions. ELP will strengthen DOJ's internal bench for future leadership vacancies by serving as both a talent development and talent retention program.

Office of the Chief

Overview

The Office of the Chief was established in January 2022 and serves as the executive program within the division, providing administrative services and statewide operations with department-wide impact.

The office consists of four branches: Administrative Services Branch, Grant Services Branch, Statewide Operational Services and Office of Strategic Initiatives.

The Administrative Services Branch: The Administrative Services Branch consists of the Personnel Services Unit and the Business Services and Policy Unit. The two units perform administrative functions related to personnel services for the Division of Operations including position management, justifications, and advertisements. In addition, the branch oversees policy creation and updates, Statement of Economic Interest, ethics and incompatibility requirements, service and retirement awards, roster updates, supply purchases, and division training requirements.

The Grant Services Branch: The Grant Services Branch was established to create a centralized office with uniform policies and procedures to support the administration and distribution of local assistance funding in addition to the management of state and federal grants administered and received by DOJ. The Branch has identified and shared grant opportunities throughout DOJ that help provide increased funding for the department.

The Statewide Operational Services Branch: The Statewide Operational Services Branch includes the Asset Management Unit and the Employee and Program Services Unit. The units provide services and support for program functions with division and department-wide significance including fleet and asset management, records management, parking, forms, credentials and emergency preparedness.

The Office of Strategic Initiatives: The Office of Strategic Initiatives uses proactive methods to provide consulting services for process improvement as well as the coordination and management of projects including in the areas of leaning processes, standard operating procedures and workflows, IT governance for the Division of Operations, departmental communications, and quality assurance. Our mission is to ultimately guide DOJ through its business modernization efforts. Our vision is to be the most trusted partner in providing support and solutions for DOJ's strategic initiatives.

Major Accomplishments:

Training: The Office of the Chief Leadership team worked with the Office of Professional Development and the Equal Employment Rights and Resolution Office to tailor training specific to the Office of the Chief needs and held special sessions of 7 Habits for Highly Effective People, Completed Staff Work, and Inclusion training.

Statement of Economic Interest (Form 700 Compliance): The small but mighty team in the Business Services and Policy Unit continues to make improvements to the annual Form 700 filing requirement reaching a Departmental compliancy rate of 98 percent in 2023 and 99 percent in 2024!

Succession Planning: In alignment with the Office of the Chief's strategic planning efforts, the Administrative Services Branch made strides to develop a succession plan and ensure continuity of services. Justification packages were developed to add positions which ensured every function had a designated back up and the space to work on much needed projects.

The Personnel Services Unit justified and established an AGPA position on the team that ensured retention of a critical resource devoted to creating training materials and providing consistent training to new Personnel Services Unit analysts, documenting policies and procedures, and creating manuals. Having an AGPA position on the Personnel Services Unit team ensures that there is a career path for retention, continuity of services, and career path to the Staff Services Manager over the unit.

The Business Services and Policy Unit has developed and continues to update manuals, workflows, and processes for the plethora of functions it oversees including the Form 700 program, Retirement and

Services Awards program, and OPS Public Records Act Program.

Streamlining Processes: The Personnel Services Unit makes continuous strides to streamline the hiring process for OPS hiring managers. In 2023, they leaned the hiring process by providing applications for employment five days earlier, creating checklists and a backfill intake form. In 2024, the team provided access to ECOS to OPS program hiring managers cutting down the time to make hires by at least one week.

Looking to the future and to save the Department money on manual efforts, the Business Services and Policy Unit authored business requirements and an IT Concept paper to migrate to a new Form 700 system. In the interim, the team quickly pivoted from Access to Smartsheet due to system failures without a loss of data and production efforts. The team continues to explore multiple options and is receiving demonstrations from several vendors.

The Business Services and Policy Unit has fully migrated to Smartsheet to capture KPIs, build dashboards, and automate processes.

Updating Policies and Manuals: The Business Services and Policy Unit initiated and coordinated needed updates to a backlog of more than 10 Administrative Bulletins and six DOJ Administrative Manual policy chapters across multiple divisions despite not having a dedicated resource in place. A dedicated analyst was hired in May 2024, with a plan to overhaul the DOJ Administrative Manual underway.

Hiring: The Personnel Services Unit actively supported the monumental growth of the OPS OC by reviewing and providing feedback on all justification packages, clearing hurdles, finding creative solutions and providing timely support to hiring managers throughout the entire hiring and onboarding process.

The Tobacco Grant Program (TGP): During FY 22/23 and FY 23/24, TGP awarded approximately \$38.9 million dollars to 75 local entities to help reduce the illegal practice of selling and marketing cigarettes and tobacco products to minors. At any given time, TGP administers approximately 200 multi-year grants totaling over \$90 million. To improve administration of funds, the team facilitated grantee workshops and office hours, conducted detailed analyses of grantee spending and activity performance, and provided technical assistance to funded agencies.

To support the upcoming TGP FY 24/25 funding cycle, several significant program enhancements have been made and include:

- Refined funding priorities to better target retail enforcement and the statewide flavor ban.
- Produced its first [program video](#) to provide clarity for prospective tobacco grant applicants and support year-round outreach efforts
- Hosted and recorded its first [pre-application webinar](#) that reached over 200 representatives from agencies across 46 of 58 counties
- Created a [Grant Opportunities listserv](#) to disseminate DOJ grant information year-round
- Developed a streamlined online application form and process to reduce errors and omissions, automate processes, and provide real-time application insights
- Updated all grant solicitation materials to the new style guide and for ADA compliance
- Implemented surveys to obtain feedback regarding the pre-application webinar and application process for continuous process improvement

- Revamped the [Tobacco Grant Program webpages](#) for improved user experience, including addition of frequently asked questions
- Coordinated the development of a robust research plan to better evaluate the effectiveness of grant activities and use of funds

Gun Violence Reduction Program Grant: Mandated through the Budget Act of 2021, the second round of the Gun Violence Reduction Program (GVRP) included the execution of new grant agreements in January 2023 to five Sheriff's offices in Kings, Lassen, San Joaquin, Stanislaus and Ventura counties. Nearly \$3 million was awarded to assist with conducting activities related to seizing weapons and ammunitions from persons who are prohibited from possessing them. The first round of GVRP awarded in 2021 ended in January 2024 for the following counties: Contra Costa, Lake, Los Angeles, Orange, Sacramento, San Francisco, Santa Barbara, Santa Clara, Santa Cruz, and Ventura.

Gun Violence Response Task Force Program: The San Diego City Attorney's Office received \$2,200,000 for the Gun Violence Response Task Force Program through the Budget Act of 2023. Funds will be used towards the reduction of armed and prohibited persons, gun violence restraining order petitions and services, ghost gun elimination, and streamlined communication among regional agencies.

First Come, First Served Parking: The Parking Program converted the Sacramento AG Office's internal garage from assigned parking to a "first-come, first-served" (FCFS) model in February 2023. This allowed the Parking Program to accommodate the 200+ employees on the wait list, and generally all new employees interested in obtaining parking. The FCFS model not only provided employees with a more convenient and safe parking option in the secured garage, but saved them money, paying a lower monthly rate than what parking rates are from outside vendors. The Parking Program continues to partner with building security to track usage pre and post FCFS.

Telework Equipment Decal Project: The DOJ Property Program developed the Telework Decal Project, which includes a numbered decal on assets that are not already asset-tagged through the department's Asset Management System. This allows for better tracking of DOJ assets that are removed from the workplace by employees who telework.

Division of Medi-Cal Fraud and Elder Abuse (DMFEA) Inventory Project: To comply with the Federal Office of the Inspector General/Health and Human Services Department grant requirements, the DOJ Property Program conducted and completed an inventory of all property within DMFEA.

Fleet Acquisition Plan (FAP) Manual: Developed the FAP Manual for division vehicle liaisons which defines the FAP, provides an overview and instructions on how to complete required forms, justification development, procurement processes, and the Department of General Services role and responsibilities.

Establishing the Office of Strategic Initiatives: In April 2024, the Office of Strategic Initiatives (OSI) was formally established and is comprised of two units: Continuous Process Improvement (CPI) and Project Management & Coordination (PMC).

CPI's service offerings include but are not limited to workflow development, process documentation (e.g. Standard Operating Procedures), business process improvement (i.e. Lean Six Sigma) and identifying improvements for efficient intake/program processes.

PMC's service offerings include but are not limited to working with OPS programs on identifying high priority projects assist with the project lifecycle (e.g. initiate, plan, execute, monitor, control and close) and assisting with completing project business requirements including scope, goals, timeline, project team/roles, and deliverables.

With the combined talents and expertise of both the CPI and PMC units, they are also responsible for the following: assisting with leading Town Hall planning and delivery, providing programs best practices and support for process improvement and project coordination/management activities, and assisting with the Division of Operations IT portfolio coordination and prioritization efforts which includes assisting with meeting facilitation, resource sharing, conducting a gap analysis and performing market research.