

The California State Auditor released the following report today:

## Follow-Up—California Department of Justice

*Delays in Fully Implementing Recommendations Prevent It From Accurately and Promptly Identifying All Armed Persons With Mental Illness, Resulting in Continued Risk to Public Safety*

### BACKGROUND

Responsible for identifying firearm owners in California who are prohibited from owning or possessing a firearm because of a prohibiting mental health-related event in their life, the California Department of Justice (Justice) maintains a database that identifies such individuals who are referred to as armed prohibited persons. Superior courts (courts) are generally responsible for reporting events related to criminal proceedings and information related to determinations concerning an individual's mental health, while mental health facilities are generally responsible for reporting prohibiting events related to mental health status. Justice confiscates firearms when a person owns one and is subsequently, based on a certain event, prohibited from firearm ownership. In October 2013 the state auditor issued a report that included recommendations aimed at ensuring Justice accurately and promptly identifies firearm owners in the State who are prohibited from owning or possessing a firearm due to a mental health-related event in their life.

### KEY FINDINGS

During our follow-up of Justice's progress in addressing certain issues raised in our 2013 audit, we noted the following:

- Although Justice has implemented quality control procedures over the process in which its Armed and Prohibited Persons unit (APPS unit) determines that individuals are prohibited from owning firearms, it needs to do more.
  - ✓ Justice does not conduct supervisory reviews of staff determinations where APPS unit staff conclude that the firearm owner does not meet the criteria to be an armed prohibited person.
  - ✓ The APPS unit does not have desk procedures or a checklist to assist the analysts in conducting their reviews of potentially prohibited persons.
- Justice has backlogs in its two processing queues—its daily queue and its historical queue—because it continues to redirect its staff to work on another priority for which there is a statutory deadline.
  - ✓ The backlog of its daily queue, which contains the daily events from courts and mental health facilities, was six times higher than its revised goal of no more than 600 cases—during the first quarter of 2015, the daily queue was over 3,600 cases.
  - ✓ Based on its current pace of reviewing its historical queue—a backlog of certain persons pending review since Justice implemented the database in 2006—we estimate that Justice may not be able to clear the backlog until sometime in 2022—its historical backlog was over 257,000 potentially prohibited persons as of April 2015.
- Justice is still not conducting the trend analysis we recommended as a method for identifying potential instances of courts not reporting or underreporting mental health determinations.

### KEY RECOMMENDATIONS

In addition to the recommendations we made in our prior report, we recommend Justice perform the following:

- Develop a checklist and desk procedures to aid its analysts in making correct prohibition determinations.
- Identify and implement strategies, including pursuing funding, to ensure proper staffing levels for promptly addressing the daily queue backlog and the historical backlog.

Further, we recommend that the Legislature require Justice to complete an initial review of cases in the daily queue within seven days to ensure that Justice fairly balances its responsibilities and avoids redirecting APPS unit staff to competing priorities.