

December 14, 2023

Joe Stephenshaw, Director  
California Department of Finance  
915 L Street  
Sacramento, CA 95814

Dear Director Joe Stephenshaw,

In accordance with the State Leadership Accountability Act (Leadership Accountability), the Department of Justice submits this report on the review of our internal control and monitoring systems for the biennial period ending December 31, 2023.

Should you have any questions please contact Chris Prasad, Director, at (916) 210-6271, [chris.prasad@doj.ca.gov](mailto:chris.prasad@doj.ca.gov).

## **GOVERNANCE**

### **Mission and Strategic Plan**

#### **Mission and Strategic Plan**

The Office of the Attorney General was established by the California Constitution in 1850 to uniformly and equally enforce California's laws. The Office carries out its responsibilities through the divisions and programs of the California Department of Justice (DOJ).

Rob Bonta is the 34th Attorney General of the State of California. The Attorney General heads DOJ as the state's chief law officer and is responsible for protecting and serving California's people and interests through a broad range of duties, including promoting public safety, safeguarding California's natural resources and environment, enforcing civil rights laws, protecting Californians' access to affordable healthcare, and helping victims of illegal business practices, fraud, and other consumer crimes. The Attorney General also provides regulatory oversight, oversees charitable organizations in the state, coordinates with law enforcement agencies to carry out enforcement efforts, and conducts state-level investigations.

Attorney General Bonta, with the help of his dedicated employees, represents state entities in matters before the trial, appellate, and Supreme Courts of California and the United States, serves as legal counsel to state agencies, coordinates interjurisdictional efforts to fight crime, provides identification and information services to criminal justice agencies, and pursues projects in his independent capacity to protect the people of California from fraudulent, unfair, and illegal activities.

The Chief Deputy Attorney General (CDAG), under the direction of the Attorney General, oversees the Executive/Directorate unit. The CDAG also leads seven program chiefs, a General Counsel, and a Solicitor General, who oversee the following divisions and programs:

- Division of Law Enforcement (DLE)
- Division of Medi-Cal Fraud and Elder Abuse (DMFEA)
- Legal Divisions and Office of Solicitor General
  - Civil Law Division
  - Criminal Law Division
  - Public Rights Division
  - Office of General Counsel
  - Office of Solicitor General
- California Justice Information Services Division (CJIS)
- Division of Operations (OPS)

The Chief of Staff, under the direction of the Attorney General, oversees the following divisions and programs:

- Office of Communications
- Office of Legislative Affairs
- Office of Native American Affairs
- Office of External Affairs
- Office of Scheduling
- Office of Community Awareness, Response, and Engagement (CARE)

DOJ's executive management team consists of the CDAG, Chief of Staff, and the heads of the divisions and programs listed above.

DOJ is a large agency with nearly 6,000 authorized positions statewide, including attorneys, peace officers, auditors, information technology specialists, accounting and administrative professionals, executive staff, and security personnel. In addition to investigative field offices across the state, DOJ's primary legal offices are located in Sacramento, Los Angeles, San Francisco, San Diego, Oakland, and Fresno.

Attorney General Bonta has placed a high priority on public safety, consumer protection, addressing climate change, housing justice, corporate accountability criminal justice reform, civil rights, healthcare, hate crimes, and rebuilding trust between communities and law enforcement. In order to improve public safety in a dynamic political and legal landscape, some of DOJ's initiatives focus on certain emerging and long-standing matters, including:

- Cracking down on illicit narcotics and [addressing the fentanyl crisis](#) by partnering with law enforcement partners statewide to [carry out seizures and arrests](#) and hold traffickers accountable.
- Combating racial bias, hate crimes, and discrimination by enforcing California laws, carrying out [inquiries](#), and [providing information and resources](#) to the public.
- Standing up for environmental justice communities, addressing climate change, and protecting California's natural resources, such as by [investigating](#) and [suing the largest oil and gas companies](#) in the world, [holding PFAS manufacturers accountable](#), launching investigations into the plastics pollution crisis, [securing a settlement](#) over the disposal of hazardous waste, and [advocating for stronger federal regulations](#) of

- methane emissions.
- Protecting vulnerable populations, including [veterans and their families](#), as well as [senior citizens](#), from financial exploitation.
  - Investigating, prosecuting, and issuing guidance about white-collar crimes and ecrimes including [fraud](#), [scams](#), [identity theft](#), [check fraud](#) and other predatory practices.
  - Tackling California's housing crisis, including by [upholding and enforcing](#) the state's affordable housing laws, and [guiding and informing tenants](#) and homeowners of their rights and protections.
  - Safeguarding elders and dependent adults, including by [investigating and prosecuting cases](#) of neglect and abuse and [by issuing guidance and information](#) that would protect them from exploitation.
  - Ensuring consumers are protected against exploitation during states of emergency by issuing alerts and warnings against price gouging, e.g., during [Hurricane Hilary](#).
  - Fighting for equity, affordability, and access to healthcare for all Californians, such as by [suing the nation's largest insulin manufacturers](#) and pharmacy benefit manufacturers, and defending Americans' access to [reproductive care](#) and [preventive healthcare](#).
  - Protecting the privacy and safety of children online by [defending California's Age-Appropriate Design Code Act](#) and [filing a lawsuit](#) against Meta for designing and deploying harmful features on Instagram and Facebook that addict children and teens.
  - Combating human trafficking and sexual exploitation by [conducting operations to disrupt criminal rings](#) through DOJ's regional [Human Trafficking and Sexual Predator Apprehension Teams](#), which were established by Attorney General Bonta in 2021.
  - Reestablishing trust between law enforcement and the communities they serve through [civil rights and pattern-or-practice investigations](#) and by securing agreements that [promote accountability and reform](#).
  - [Uplifting the voices](#) of California's indigenous and tribal communities and addressing the mission and murdered indigenous people's crisis.
  - [Protecting voting rights](#) for all Californians.
  - [Investigating](#) officer-involved shootings pursuant to Assembly Bill 1506 (AB 1506).
  - Ensuring the well-being of residents of skilled nursing facilities, including through the [conditional approval of transactions](#) and [litigation against facilities](#) for neglect and violations of the law.
  - [Addressing the opioid crisis](#) by holding manufacturers, distributors, retail chain pharmacies, and other key players in the crisis accountable, and obtaining billions in relief and funding to heal impacted communities.
  - Defending labor laws and fighting for workers' rights, including by investigating allegations of [employment discrimination](#) and [pushing back against no-poach agreements](#) and other anticompetitive agreements that suppress worker mobility, wages, and benefits.
  - Working to end the gun violence epidemic, including by [defending California's commonsense gun laws](#) and [keeping illegal "ghost guns"](#) out of the hands of prohibited persons, and establishing the first-ever Office of Gun Violence Prevention to address gun violence.
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## **Control Environment**

Though all levels of management are involved in assessing and strengthening DOJ's systems of internal controls, this responsibility resides primarily with the CDAG, the Chief of Staff, and the executive management team, who work with management at all levels to ensure compliance and promote proper business execution. The executive management team establishes the tone for the agency's ethical values and integrity, the agency's internal controls, and the system used to monitor the status of operations as well as improve and reinforce internal control systems. To further reinforce governance and as control agencies, entities such as the Department of Finance (DOF), Department of General Services (DGS), and State Controller's Office (SCO) set forth additional internal control requirements.

In 2023, DOJ established an Office of General Counsel (OGC), which is primarily responsible for compliance, legal oversight, and risk-management functions throughout DOJ. OGC also serves as a clearinghouse for the provision of legal advice to DOJ's various bureaus and programs. Key areas of focus for OGC include information security and data storage and disclosure; law enforcement operations; contracting, agreements, and grants; professional ethics; financial conflicts and other government ethics requirements; regulations; the Public Records Act; the Administrative Procedure Act; the Bagley Keene Act's open meeting requirements; and public finance.

Under the direction of the CDAG and the Chief of Staff, the executive management team maintains high ethical standards and attentive oversight of DOJ. Oversight also occurs as a function of various mandated reports to the Legislature. DOJ undergoes regular audits, including those initiated by the Legislature, CSA, SCO, DGS, the U.S. Treasury, and the U.S. Office of Inspector General. The CDAG, General Counsel, and division leaders review the results of these audits, develop corrective action plans, and correspond with auditors and the Legislature regarding implementation of corrective actions and improved internal controls.

As California's primary litigation and law enforcement body, DOJ is committed to upholding the highest ethical standards. DOJ maintains the Department of Justice Administrative Manual (DOJAM), the Guidelines for the Legal Division, and the Division of Law Enforcement Policy & Procedures Manual on DOJ's internal intranet system. These manuals describe DOJ's policies, procedures, and organizational structure, and are available to the entire agency.

DOJ's organizational structure allows policies and procedures to be developed and disseminated throughout DOJ. DOJ delegates decision-making authority to the most qualified staff at various management levels. This structure groups employees by division and function to ensure appropriate segregation of duties and ensures sufficient review of staff work. This structure also allows for the effective execution of duties and ensures accountability within the chain of command.

DOJ's conflict of interest code, adopted pursuant to Government Code section 83700, identifies employees that are required to annually file the Statement of Economic Interest (Form 700). In accordance with state law, designated DOJ employees complete an ethics training course. Legal staff receive additional training opportunities and guidance on professional ethics and conflicts of interest. DOJ also requires all staff, upon joining DOJ, to sign a Statement of Incompatible Activities that explicitly prohibits employees from using the skills,

tools, and influence associated with their position for private gain or outside of their prescribed duties for DOJ.

As part of creating a positive, safe work environment, and to strengthen staff's understanding of their responsibility for reporting fraud, DOJ provides staff with several avenues to report misconduct. The CSA Whistleblower Hotline is described in notices placed in employee break areas throughout the agency and electronic copies of these brochures are sent to all DOJ employees with email accounts. DOJ monitors and responds to whistleblower inquiries forwarded from the CSA and other sources. It investigates these internally or cooperates with other state entities to ensure accountability for all employees. Brochures alerting staff to the signs of workers' compensation fraud are placed throughout DOJ. Additionally, DOJ works to prevent interpersonal misconduct in the workplace through outreach and education, by regularly training employees in the prevention of discrimination, harassment, and retaliation. DOJ provides a way to report these types of complaints internally, and also provides other avenues for resolution at the agency, state, and federal level, depending on the nature of the complaint and the employee's needs and preferences.

DOJ employees regularly encounter sensitive information as part of their day-to-day work. To safeguard public and personal information, DOJ employees undergo mandated privacy and information awareness training during orientation as well as periodically, as DOJ identifies new resources and training needs related to information security. Additionally, employees accessing highly sensitive information undergo an extensive background investigation prior to being granted access.

Through its Office of Human Resources (OHR), DOJ complies with the workforce and succession plan requirements of the California Department of Human Resources and strives to recruit, develop, and retain a diverse, well-qualified workforce. Furthermore, DOJ's various divisions coordinate with OHR to develop specific recruiting methods and applicant pools to help add staff, reduce dependencies on certain staff, and ensure that hiring is fair and unbiased. DOJ aims to create hiring programs that attract a diverse field of promising potential employees.

DOJ actively and affirmatively works to foster equal employment opportunities by building and maintaining a diverse workforce with high standards of excellence. In compliance with state and federal mandates for a workplace free from any form of unlawful discrimination, including harassment and retaliation, the Equal Employment Rights and Resolution (EER&R) Office administers the Equal Employment Opportunity Program for DOJ. This involves reviewing employment policies, monitoring the selection process, recommending changes, and advising executive staff, managers, and supervisors on important and sensitive issues that may have equal employment opportunity considerations.

DOJ's Employee Advisory Committees (EACs) add to its rich culture by providing employees with opportunities to view the world from the perspectives of each of these communities. There are nine EACs:

- Asian/Pacific Islander Employees Advisory Committee (APIEAC)
- Black Employees Advisory Committee (BEAC)
- Disabled Employees Advisory Committee (DEAC)

- Hispanic Employees Advisory Committee (HEAC)
- Lesbian, Gay, Bisexual, and Transgender Employees Advisory Committee (LGBTQ+EAC)
- Middle Eastern and South Asian Employees Advisory Committee (MESAEAC)
- Native American Employees Advisory Committee (NAEAC)
- Women Employees Advisory Committee (WEAC)
- Veteran Employees Advisory Committee (VEAC)

Of the nine EACs, only DEAC is required by state law (Government Code section 19795(b)). The Equal Employment Opportunity Advisory Committee serves as the umbrella organization for the nine EACs. EER&R oversees the EACs and serves as a conduit through which the EACs may make recommendations or express concerns to DOJ's executive management team regarding issues impacting their communities. Beginning in the spring of 2024, the EACs will transition from EER&R to DOJ's Diversity, Equity, Inclusion and Belonging Office, and will become known as Employee Resources Groups (ERGs), which will be overseen by DOJ's Chief Diversity & Inclusion Officer. Members of the ERGs will foster connections within DOJ, sponsor professional development activities, address and provide support for DOJ issues and initiatives, assist with recruiting and retaining talent, and help in promoting cultural awareness and understanding.

In addition, consistent with state law, DOJ ensures that all supervisors receive 80 hours of supervision training upon assuming their leadership roles. All supervisors and managers are also required to receive 20 hours of leadership training every two years. DOJ also maintains in-house training staff to coordinate and deliver training across the agency.

### **Information and Communication**

DOJ's internal communication structure supports the precise and effective flow of information. Departmental policies originate from OPS, OGC, the Chief Information Security Officer, the CDAG, or the Attorney General, depending on the subject matter. DOJ uses email and interoffice mail to ensure that individuals and units receive relevant information in a timely manner. DOJ also uses an internal intranet system to provide ongoing updates, documents, and resources for employees to access.

DOJ's Office of Community Awareness, Response, and Engagement (CARE) works directly with community organizations and the public to help ensure the inclusion of diverse perspectives in the state's work, and provides opportunities for the public to learn about and directly engage with DOJ. CARE focuses on cultivating relationships with historically marginalized and underrepresented communities, consistent with DOJ's commitment to diversity, equity, and inclusion for all aspects of its work on behalf of the people of California.

CARE consists of the Victims' Services Unit (VSU), the Public Inquiry Unit (PIU), and Community Outreach Specialists. Each branch of CARE directly engages with members of the public on a daily basis. VSU offers crime victims and their families support and information at every stage of the criminal justice process. Victims have rights, and the Attorney General is committed to ensuring that those rights are protected. PIU manages all questions and comments from the public. This unit is responsible for routing calls received on the Public Inquiry Hotline to the appropriate individual or team within DOJ. This hotline allows DOJ to obtain information from the general public to better understand where and how to direct its resources proactively. The

units are strategically located within a single office to help ensure accurate, consistent information and resources are made available to members of the public in all phases of their engagement with DOJ.

## **MONITORING**

The information included here discusses the entity-wide, continuous process to ensure internal control systems are working as intended. The role of the executive monitoring sponsor includes facilitating and verifying that the Department of Justice monitoring practices are implemented and functioning. The responsibilities as the executive monitoring sponsor(s) have been given to: John Marsh, Chief, Division of Law Enforcement; Chris Ryan, Chief, Division of Operations; Veronica Gilliard, Chief, CJIS; Venus D. Johnson, Chief Deputy Attorney General; Jonathan Wolff, Chief Assistant Attorney General; Lance Winters, Chief Assistant Attorney General; Jennifer Euler, Chief Assistant Attorney General; Dannielle F. OBannon, Chief Assistant Attorney General.

The role of the executive monitoring sponsor includes facilitating and verifying DOJ's monitoring practices, and internal control systems. DOJ's executive monitoring sponsor functions are carried out by: Venus D. Johnson, CDAG; Chris Ryan, Chief, OPS; Patty Li, General Counsel; and Chris Prasad, Director, Office of Program Oversight and Accountability (OPOA). DOJ relies on regular meetings, event-driven programming and budget changes, and ongoing internal consultation to identify and track risks. OPOA is designated as DOJ's primary internal audit organization, and it conducts independent and objective reviews of DOJ programs' accounting and administrative controls in order to identify potential fraud, waste, and abuse. OPOA also provides recommendations to streamline operations, increase effectiveness, improve efficiency, and mitigate risk.

The current process for ongoing monitoring is described below. As new information surfaces, the executive management team (which consists of seven division chiefs, a General Counsel, and a Solicitor General) revises these processes accordingly. On a regular basis (daily, weekly, or monthly):

- DOJ executive management team meets to discuss existing and potential risks;
- Management staff throughout DOJ meet to discuss how to address potential and existing risks; and
- Each division chief meets with the CDAG to discuss policies and procedures to address outstanding risks.

Under the CDAG's direction, the following actions occur every six months to one year:

- Division leaders update the Statewide Leadership Accountability Act Implementation Plan regarding the status of controls implementation, as required by DOF; and
- OPOA assists each division chief with measuring and tracking progress on internal controls development, implementation, and evaluation.

Biennially (every two years), under the CDAG's direction:

- Division leaders conduct risk assessments and additional organizational surveys to assist with identifying risks and internal controls at the division and enterprise level;

- Division leaders maintain a list of risks to include in the next Statewide Leadership Accountability Act report; and
- OPOA reviews strategic initiatives, organizational and environmental challenges, risk assessment results, and other factors to identify enterprise risks and controls.

## **RISK ASSESSMENT PROCESS**

The following personnel were involved in the Department of Justice risk assessment process: executive management, middle management, front line management, and staff.

The following methods were used to identify risks: brainstorming meetings, ongoing monitoring activities, audit/review results, other/prior risk assessments, external stakeholders, questionnaires, consideration of potential fraud, and performance metrics.

The following criteria were used to rank risks: likelihood of occurrence, potential impact to mission/goals/objectives, timing of potential event, and potential impact of remediation efforts.

The following personnel were involved in the DOJ risk assessment process reflected in this document:

- Executive management;
- Middle management; and
- Front-line management.

The following methods were used to identify risks described in this document:

- Brainstorming meetings;
- Ongoing monitoring activities;
- Audit/review results;
- Other/prior risk assessments;
- External stakeholders; and
- Questionnaires and consideration of potential fraud.

Divisions were also asked to assess their level of risk and categorize their risk factors according to strategic, financial, compliance, reporting, or reputational risk.

The following criteria were used to rank risks described in this document:

- Likelihood of occurrence;
- Potential impact to mission/goals/objectives;
- Timing of potential event, potential impact of remediation efforts; and
- Tolerance level for the type of risk, and other factors.

## **RISKS AND CONTROLS**

### **Risk: Insufficient Resources: Medi-Cal Fraud Monitoring**

The number of enrolled Medi-Cal beneficiaries continues to increase yearly. Currently, with the state's population at about 39 million, more than 15 million (38%) Californians are enrolled

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in Medi-Cal. In contrast, in 2004, California's population was 35.5 million, with about 6.5 million (18%) Californians enrolled in Medi-Cal. From 2016 through 2023, California's Department of Health Care Services' budget allotment for Medi-Cal increased from \$538.9 million to \$844 million. However, staffing in and budget allotments for DOJ's Division of Medical Fraud and Elder Abuse (DMFEA), which carries out the important work of investigating and prosecuting Medi-Cal fraud and safeguarding California's vulnerable elder and dependent adults from abuse or neglect, have not kept pace with the Medi-Cal program's growth.

Recent legislation — the federal Medicaid Patient Abuse Prevention Act (MPAPA) — has significantly broadened DMFEA's authority to detect, investigate, and prosecute fraud and abuse in non-institutional health care settings (i.e. abuse and fraud being perpetrated outside nursing homes and other long-term care facilities, such as in the private homes of elder Californians). Despite these recent expansions in DMFEA's authority, DMFEA has not received a corresponding increase in resources to address this increased workload.

Without additional funding, DMFEA's ability to handle fraud, abuse, and neglect cases will continue to decline relative to its investigation and prosecution authority, with detrimental impact on the integrity of the Medi-Cal program and on the safety of Californians.

### **Control: Control A**

DMFEA worked with our federal partner, the U. S. Department of Health and Human Services Office of Inspector General (HHS-OIG), to secure the necessary federal funding for additional positions. DMFEA will now work with the Governor's Office, DOF, and the Legislature to obtain the state funding necessary to support these positions. Once additional federal funds and position authority are secured, an approved Budget Change Proposal (BCP) with new, permanent, full-time personnel years would remedy the risk.

### **Control: Control B**

Internally, DOJ division leaders regularly communicate with DOJ's executive management team regarding emerging workloads and implementation of new statutes in order to monitor and identify mandates that remain unfulfilled due to budget, staffing, and statutory constraints. This helps ensure that DOJ maintains compliance with statutory mandates.

## **Risk: Insufficient Resources: Outdated Technology**

### **Insufficient Resources: Outdated Technology**

DOJ collects and maintains data to perform legislatively mandated services. Many of these services are carried out through antiquated information management processes and systems. These are core services, such as criminal history applicant processing, Live Scan services, person and property database management, etc., that serve as the backbone of California law enforcement operations. These services need modernization efforts focused on infrastructure as well as information management, including how the data and information is

collected, processed, stored, retrieved, and disseminated; the structural organization of the data; relationships between data; maintaining a consistent vision and strategic roadmap; aligning new concepts and initiatives to the strategic roadmap; and assessing the benefits and value of new concepts to the organization and stakeholders.

Given the high level of ongoing operational demands, DOJ is unlikely to achieve the necessary modernization of its technology without dedicated funding. For example, as reported in previous Risk Assessments, additional resources are needed to ensure that the next phases of the Firearms Information Technology Systems Modernization (FITSM) are successfully completed.

Furthermore, existing law requires that DOJ establish and maintain an online database known as the Armed Prohibited Persons System, also referred to as APPS. APPS cross-references persons who have legal ownership or possession of a firearm with information regarding persons who, subsequent to the date of that ownership or possession of a firearm, become prohibited from owning or possessing a firearm. Recent legislation, AB 134, now requires that DOJ report to the Legislature no later than March 15 of each year specified information related to APPS, including the number of prohibited individuals in APPS and the degree to which the backlog in confiscating firearms from prohibited persons identified through APPS has been reduced or eliminated. With the current limitations of the firearm systems, not all of the required data points are readily available, and obtaining them will require extensive system modifications. Hence, DOJ risks being unable to conform to the reporting timeline.

In addition, as new legislative mandates impacting DOJ's information technology systems are assigned, DOJ must comply with project management requirements that may require changes, upgrades, maintenance, and/or whole new information technology systems. These requirements are not always in alignment with the State's budget submission and approval processes, which creates a risk of the mandated timelines not being met.

### **Control: Control A**

DOJ is consistently analyzing the performance of its firearm systems. DOJ's Application Development Bureau (ADB) staff are alerted of any issues by way of internal "health check" alerts. As needed, ADB will mitigate issues or develop enhancements as needed. However, these activities are time-consuming and not efficient given the current state of the firearm systems.

### **Control: Control B**

For firearms modernization, DOJ has requested funding for Stage 2 and has received funding to start the Stage 1 initial planning and analysis phase of the FITSM project. DOJ is exploring the modernization of all aforementioned firearm systems and determining what resources would be necessary to develop one dynamic and adaptable solution to meet existing needs and statutory mandates. Rebuilding the affected systems to work interactively in a way that can be more quickly and easily scaled would translate to future integration of new and changing requirements with minimal fiscal impact, and would thus be the most cost-effective solution in the long-term. The planning and analysis along with security requirements will determine the system architecture feasible for DOJ. DOJ will

request funding and staffing to allow it to continue with the planning and procurement efforts for the FITSM project. The additional positions and funding will allow the FITSM project to transition into the California Department of Technology (CDT) project approval Stage 3, immediately after Stage 2 Alternatives Analysis has been approved by CDT.

**Control: Control C**

As resources permit, DOJ will consider alternatives to modernize its information assets that keep these core services operational. DOJ will continue to work with the Legislature on resource modernization efforts.

**Risk: Insufficient Resources: Inadequate Staffing**

DOJ is consistently required to perform new and expanded mandates with each legislative session but often does not receive the resources it needs to comply with the mandates. If DOJ does not receive adequate funding, this would impact DOJ's ability to recruit, train, and retain highly qualified staff or quickly develop necessary technology systems to support the implementation of new laws or court decisions.

The U.S. Supreme Court's decision in *New York State Rifle & Pistol Association, Incorporated v. Bruen*, which held that laws requiring a person to show "good cause" to carry a concealed weapon in public violate the Second Amendment, have increased DOJ's workload associated with concealed weapons permits. To address this and other firearms-related workloads, DOJ's Bureau of Firearms (BOF) has been forced to implement mandatory overtime on staff (upwards of 20 hours a week). Some staff have been working mandatory overtime for the last several years. This situation has resulted in low morale and has caused staff to leave BOF in pursuit of a reasonable work-life balance.

The Research Services unit is DOJ's research and analysis arm and performs the duties for which it is currently funded and staffed. However, new demands on existing staff pose resource allocation challenges such that those demands cannot be fully accommodated. Research Services has experienced challenges with recruiting, training, and retaining highly qualified personnel who have the necessary expertise. Research Services requires additional resources to produce legislatively mandated reports, and to carry out its work in support of DOJ's investigation and litigation responsibilities.

**Control: Control A**

DOJ's executive management team continues to communicate internally regarding implementation of new statutes in order to monitor and identify mandates that may be impacted due to budget and staffing constraints. This helps ensure that DOJ maintains compliance with statutory mandates.

## Control: Control B

As DOJ determines workload and identifies necessary resources, DOJ works with the Governor's Office, DOF, and the Legislature to obtain needed resources.

## Risk: Business Interruptions: Unsafe Facilities

The Bureau of Forensic Services (BFS) provides forensic services to state and local law enforcement, district attorneys, and the courts. BFS laboratories perform forensic examinations across a broad range of physical evidence. The examinations fall within the following forensic disciplines:

- DNA Databank
- DNA Casework
- DNA Missing Persons
- Biology
- Firearms/Toolmarks
- Trace
- Latent Prints
- Questioned Documents
- Toxicology
- Alcohol
- Controlled Substances
- Field Investigations

The BFS regional laboratory system was established in 1972 to provide services to those counties and clients who could not reasonably afford or lacked the workload to support their own forensic scientists or laboratories. What exists today is a comprehensive, state-of-the-art forensic program, accredited by the American Society of Crime Lab Directors that serves 46 of the state's 58 counties. BFS operates 12 laboratories, including two specialized laboratories and 10 regional crime laboratories, in which forensic scientists collect, analyze, and compare physical evidence from crime scenes.

BFS's specialized laboratories consist of a centralized toxicology laboratory located in Sacramento, which provides drug analysis in blood and urine submissions; and the Jan Bashinski DNA Laboratory, located in Richmond, which houses the DNA Databank, Missing Persons DNA Program, method validation, and a DNA casework section. DNA casework analysis is also performed in regional laboratories located in the Central Valley, Fresno, Sacramento, Santa Barbara, Redding, and Riverside. While there was an effort to build and modernize the laboratories during early 2000 through public works bonds, the regional facility in Sacramento and the programs in Richmond are still located in older buildings that were not designed for laboratory work. Continued occupancy of the facility in Sacramento could cause damage to equipment and evidence as the facility ages. Water leaks and power outages have a high likelihood of damaging irreplaceable evidence and expensive scientific equipment at the Sacramento facility. As all of BFS's facilities continue to age, the risks to staff safety, as well as the risk of damage to equipment and evidence, continue to increase.

In addition, more resources are required in order to efficiently provide crime lab services. Continued bifurcation of program resources, retrofitted structures, and occupancy of dilapidated facilities has led to inefficiencies and staff frustration.

### **Control: Control A**

DOJ continues to internally meet and discuss the development of a replacement forensic laboratory facility in the Sacramento area. Capital outlay funds will be necessary and therefore, DOJ will work with the Governor's Office, DOF and the Legislature to obtain needed resources.

### **Risk: Data and Information Security**

DOJ maintains data that can include confidential and personal identifiable information. DOJ manages data security and privacy by implementing appropriate security technologies, and by reviewing and updating its information policies, which include standards, guidelines, and procedures. These technologies and policies must accommodate the rapid changes inherent in the modern public safety and criminal justice environment. With the majority of DOJ staff working remotely, DOJ has implemented additional protocols to strengthen its cybersecurity defenses, such as multi-factor authentication for remote access. DOJ continues to rely on its existing safeguards to reduce the likelihood of successful attempts at infiltration of systems and exfiltration of data by malicious actors. To maintain strong security, DOJ must consistently test its technologies and processes, as malicious actors continuously try to find ways to exploit vulnerabilities.

External entities and internal DOJ processes rely on timely access to DOJ databases for tasks such as background checks, criminal history searches, case management, and email services. To meet growing demand, DOJ must take steps to modernize its systems and databases to be robust and reliable. Furthermore, modernizing these systems will ensure accessibility and scalability to enable DOJ to quickly respond to requests and keep pace with customer demand.

To enhance cybersecurity and safeguard the integrity and security of the California Law Enforcement Telecommunications Systems and other DOJ information systems and assets, DOJ relies on its Cybersecurity Branch. This unit performs security scans of IT assets, reviews security of law enforcement agencies, researches organizations that access DOJ data, and monitors cybercrimes and security events. The branch also communicates with DOJ's IT sections to ensure security of new projects and system changes. However, as cybersecurity rapidly evolves, DOJ needs adequate resources and expertise to enhance current safeguards. DOJ must continue to:

- Recruit appropriately qualified cybersecurity personnel, as well as advocate for resources to facilitate the development of cybersecurity expertise;
- Update cybersecurity policies and IT standards to ensure compliance with newly applicable requirements and address any changes to technology that DOJ has implemented or will implement; and
- Research security products that can either replace legacy products or enhance existing security products to ensure that DOJ can respond to current and future security threats.

**Control: Control A**

The recently established Office of General Counsel (OGC) is primarily responsible for compliance, legal oversight, and risk-management functions throughout DOJ. OGC also serves as a clearinghouse for the provision of legal advice to DOJ's various bureaus and programs. It also houses the Office of Information Security and Research Services, led by a new Chief Information Security Officer, who is charged with overseeing DOJ's information security efforts.

**Control: Control B**

DOJ must vigilantly maintain data security across all of its systems and databases through continuous security monitoring, or else risk a serious breach of data in its purview. For new legislation imposing new security requirements, DOJ will continue to implement any necessary adjustments to its policies and procedures, to ensure compliance with these requirements.

DOJ will continue to conduct security scanning of DOJ's assets to identify and minimize vulnerabilities. Additionally, DOJ has developed a security operations center with trained staff dedicated to addressing security issues as they arise.

**Control: Control C**

DOJ will continue to use security awareness training curriculum and continue to perform phishing exercises to train new and current employees on current security policies, practices, and threats. DOJ will continue to train staff on how to identify such threats (i.e., threat hunting), stop such threats, and take corrective measures in response to actions against DOJ.

**Control: Control D**

To mitigate the risk associated with unauthorized use, access, modification, loss, destruction, or disclosure of information assets, the Chief Information Security Officer will oversee efforts to maintain and update security policies, standards, guidelines, processes, procedures, and best practices. This will further strengthen DOJ's security program and protect its information assets. DOJ's Cybersecurity Branch will continue to arrange for third-party independent technical penetration tests of DOJ applications and systems.

**Control: Control E**

DOJ will continue to plan and seek resources for the modernization of its information assets to ensure the reliability and security of DOJ's systems.

### **Control: Control F**

DOJ will continue to routinely undergo third-party security assessments; conduct internal National Institute of Standards and Technology (NIST) compliance audits; and utilize third party vendors to perform independent NIST and Federal Information Processing Standards (FIPS) compliance assessments.

### **Risk: Recruitment, Retention, and Staffing Levels**

Due to specialized training and skill sets required for various DOJ classifications, management is continuously challenged in recruiting appropriately qualified staff. Recruitment is difficult in part because DOJ salaries are not competitive with salaries offered by the private sector or other public sector agencies for similar work. Without sufficient staffing, DOJ may be unable to effectively implement its programs and carry out its mission. The most impacted positions include:

#### **Deputy Attorneys General**

DOJ has had difficulty recruiting, training, and retaining highly qualified attorneys due in part to a salary disparity of approximately 38% with public sector agencies. On average, DOJ experiences about a 15% vacancy rate for attorney positions. Ongoing vacancies force current employees to work beyond their capacity, affecting morale and retention. Some attorneys seek other employment opportunities due to heavy workload and “burnout.”

#### **Special Agents**

DOJ experiences challenges in hiring and retaining Special Agents (Agents). Projected retirements are expected to exacerbate this problem: over 40% of our Agent Supervisors and Agents-in-Charge are eligible to retire in the next five years. The Agent classification is understaffed by approximately 40%.

#### **IT Specialist and Investigative/Associate Auditors**

It has been challenging to recruit enough IT Specialists to adequately manage and maintain DOJ's IT infrastructure. In addition, DOJ has been unable to adequately recruit and retain associate level auditors to audit the gaming industry, and investigative auditors for investigations of false claims. DOJ also struggles to recruit investigative auditors for programs under the purview of the Division of Medi-Cal Fraud and Elder Abuse (DMFEA). These auditors have specialized technical knowledge of the industry, with experience in identifying, tracing, and assessing cash proceeds, related party transactions, conflicts of interest, theft and embezzlement, money laundering, investment schemes, Medi-Cal fraud, identity theft, and credit card fraud. DOJ auditors' salaries lag behind those of the federal government by 23%. The salary gap has contributed to a 30% vacancy rate, resulting in delayed audits. To address recruitment challenges, DOJ submitted a classification specification revision request to the California Department of Human Resources in August 2023.

**Control: Control A**

To further enhance recruitment and retain adequate staffing levels, DOJ collects industry and internal data — knowledge, skills, ability, compensation, etc. — to align classifications and tasks, and takes steps to modernize the agency's hiring and recruitment processes.

DOJ will revisit and adjust its recruiting tools, including duty statements and job posting language, to more accurately reflect job duties and highlight some of the responsibilities associated with various positions. It will also leverage social media platforms and employment fairs to recruit applicants, and consider hiring incentives such as hiring-above-minimum pay and/or salary increases where possible.

**Control: Control B**

DOJ has established an Attorney Hiring Unit (AHU) and Recruitment Unit to address these concerns, and will continue to partner with the Labor Relations Office to advocate for higher salaries and attractive benefits with the applicable parties when possible. The AHU and the Recruitment Unit will continue to strategize on ways to recruit qualified candidates for the legal divisions. In addition, they will work closely with the Classification Services Unit and the Labor Relations Office to submit proposals to the California Department of Human Resources to address disparities and improve recruitment and retention when appropriate. The legal divisions will continue to work with the Recruitment Unit and AHU to support agency goals.

**Control: Control C**

For Special Agents, DOJ has also resumed a program that allows individuals with less experience to join as trainees and to eventually develop into Special Agents. DOJ has increased the frequency of its recruiting efforts, and in late 2022 DOJ's classification specification package was approved by the State Personnel Board, which allowed DOJ to update the minimum qualifications and alternate range criteria. Recent salary increases have resulted in the Special Agents classification series being hopefully more competitive.

**CONCLUSION**

The Department of Justice strives to reduce the risks inherent in our work and accepts the responsibility to continuously improve by addressing newly recognized risks and revising risk mitigation strategies as appropriate. I certify our internal control and monitoring systems are adequate to identify and address current and potential risks facing the organization.

Under the direction of Attorney General Bonta, DOJ will continue to provide indispensable public services and openly communicate about its ability to protect and defend the people and laws of the state. We look forward to our ongoing dialogue as we continue delivering the best service possible for the people of California.



**Rob Bonta, Attorney General**

CC: California Legislature [Senate, Assembly]  
California State Auditor  
California State Library  
California State Controller  
Director of California Department of Finance  
Secretary of California Government Operations Agency