APPS 2018
Annual Report to the Legislature

Armed and Prohibited Persons System

SB 140 Legislative Report Number 5
Calendar Year 2018

Pursuant to Penal Code Section 30015, the Department of Justice shall address the backlog in the Armed and Prohibited Persons System and the illegal possession of firearms by those prohibited persons. This is the calendar year 2018 Armed and Prohibited Persons System report due to the Joint Legislative Budget Committee by March 1, 2019

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EXECUTIVE SUMMARY

The Armed and Prohibited Persons System (APPS) and Legislative Reporting Requirements

The State of California is the first and only state in the nation to establish an automated system for monitoring known firearm owners who might fall into a prohibited status. The Armed and Prohibited Persons System (APPS) provides California with a proactive tool to seek out and remove firearms from those who are prohibited from possessing them, and to thereby prevent and reduce incidents of violent crime. The Department of Justice's Bureau of Firearms (Bureau or BOF) uses Criminal Intelligence Specialists (CIS) and sworn Special Agents to locate and disarm prohibited persons identified through APPS.

APPS went into effect in 2006, and over the course of its existence, the number of known firearms and firearm owners in California has steadily increased. By 2013, a significant backlog of known armed and prohibited persons had accumulated in APPS. That year, the California legislature passed Senate Bill 140, which provided the California Department of Justice (Department) with $24 million dollars to address the growing backlog. The bill also mandated annual reports detailing the progress made in reducing the backlog. This report will further explain the history of the APPS database and how it works.

During the 2018 Joint Legislative Budget Committee hearing, committee members voiced concerns regarding the extent of the existing backlog and the quality of the information provided in the submitted annual report. The Attorney General committed to a thorough examination of the Department's data and Bureau of Firearms' enforcement activities. This year's report is a reflection of that commitment. In addition to providing details on the eight categories of statutorily mandated information, this report describes the challenges faced by the Bureau in attempting to disarm California's ever-increasing armed and prohibited population. The data illustrates the Bureau's tangible successes and provides recommendations for steps that will increase the Bureau's ability to fulfill its mission.

APPS Database Analysis

After conducting a comprehensive examination over the last year, this year's report contains a more complete view of the APPS database. The data reveals the following about the APPS database:

- In this report, the backlog is defined as cases that had not been investigated as of July 1, 2013 when SB 140 went into effect. Of the original backlog of 20,721 cases, the Department is finishing their investigations of the remaining 538 cases, which is approximately 2.6% of the original backlog. All of these 538 investigations will be completed by March 31, 2019.

- Since the 2013 backlog, the APPS database has removed 53,101 armed and prohibited persons from APPS. At the same time, there have been 56,557 persons added to the APPS database.

- In 2018, the Department removed an annual record number of 10,681 prohibited persons from the APPS database. Agent enforcement activities removed 4,142 of those cases. The remaining 6,539 cases were removed due to the APPS individual being deceased, the prohibition expiring and/or no longer prohibited. At the same time, an annual record number of 11,333 prohibited persons were added to the APPS database. As a result, the APPS database currently has 23,222 prohibited persons.

- This remarkable effort to address these record number of cases has essentially been completed by the same number of agents. Last year, the Department had on average 50 agents to clear these cases. The efforts to hire new agents continues to be plagued by the lack of competitive compensation for agents as compared to other state and local law enforcement agencies.

- As of January 1, 2019, 47% of the cases in APPS are prohibited due to a felony conviction, 25% are prohibited due to the Federal Brady Act, 18% are prohibited due to a restraining order, 17% are prohibited due to mental health triggering events, 11% are prohibited due to a misdemeanor conviction, and 8% are prohibited as per the conditions of their probation. *Note: many cases have more than one prohibition so the numbers do not equal 100%.*

- In 2018, agents recovered 2,290 firearms (some of which were firearms not known to be associated to APPS individuals).

- In 2018, the Bureau with their total of 50 agents made an estimated 22,119 contacts to APPS armed and prohibited persons.

Recommendations

The Department has successfully tackled the 2013 backlog. However, with record numbers of armed and prohibited persons added to the database each year, the work does not stop. After conducting a thorough examination of the APPS program, the Department recommends the following four steps to improve the removal of weapons from prohibited persons:

1. Obtain weapons from armed and prohibited persons on the front-end of the process rather than at the end of the process. When an individual's conviction for a crime renders them prohibited, they are supposed to be notified at the time of conviction that they are prohibited from owning and possessing any firearms as well as how to turn over any firearms they have in their possession. This is the best opportunity to ensure prohibited persons are disarming themselves. A system may need to be developed to ensure this process is working as effectively as possible.

2. Increase the number of agents by making their compensation competitive to other law enforcement agencies. Currently, the Department's special agents, unlike many other law enforcement agencies, are required to have a college education. Entry level agents are paid less than those in law enforcement agencies that do not have this same requirement. Getting guns from prohibited persons is dangerous and difficult work, the agents who do this work should be competitively compensated for their efforts.

3. Continue to improve coordination and cooperation between the Department and local law enforcement agencies. This recommendation includes ensuring local law enforcement agencies enforce the Bureau's high recordkeeping standards to ensure that the data in APPS is as current as possible.

4. Modernize, the existing APPS system and automate many of the manual processes to improve overall efficiency, risk mitigation, and stabilization of employee resources.

ANNUAL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE

The Armed and Prohibited Persons System (APPS) and Legislative Reporting Requirements

This report presents a statistical summary of the Armed and Prohibited Persons System (APPS) as mandated by Senate Bill (SB) 140 (Leno, 2013). The report provides information on the legislatively mandated statistics as well as a comprehensive analysis of the dynamics of the APPS system and the workload that flows in and out of the system.

California Penal Code section 30000 subdivision (a) requires the Department to maintain a "Prohibited Armed Persons File." This file is generated from a larger database known as the Armed and Prohibited Persons System program that records all known firearms owners in the State of California and monitors various other data systems for prohibiting triggering events, such as a felony conviction or an active restraining order, to identify those persons within the system who are both armed and prohibited. APPS was mandated in 2001 by Senate Bill (SB) 950 in response to high-profile murder cases involving individuals prohibited from owning firearms. The APPS system was developed and implemented in December 2006.

The State of California is the first and only state in the nation to establish an automated system for monitoring known firearm owners who might fall into a prohibited status. This is a proactive way to prevent crime and reduce violence, including incidents of domestic violence.

Throughout this report, we will use terms specific to the subject matter at hand. See Appendix A for the Relevant Key Terms and Definitions.

In 2013, the California legislature passed Senate Bill (SB) 140, which appropriated $24 million dollars to the Department to address the growing number of records in the Armed and Prohibited Persons System. For the purposes of this report, the backlog is defined as all cases that existed within the APPS system that had not been worked as of July 1, 2013. See Appendix B for additional legislative history relative to APPS.

Overview of the Mandated Categories for Statistical Reporting

Pursuant to Penal Code section 30015(b), the California Legislature required the Department to report annually to the Joint Legislative Budget Committee the following information:

(1) The degree to which the backlog in APPS has been reduced or eliminated.
(2) The number of agents hired for enforcement of the APPS.
(3) The number of people cleared from the APPS.
(4) The number of people added to the APPS.
(5) The number of people in the APPS before and after the relevant reporting period, including the breakdown of why each person in the APPS is prohibited from possessing a firearm.
(6) The number of firearms recovered due to enforcement of the APPS.
(7) The number of contacts made during the APPS enforcement efforts.
(8) Information regarding task forces or collaboration with local law enforcement on reducing the APPS backlog.

During last year's Joint Legislative Budget Committee hearing, some members of the legislature voiced concerns about the information included in the Department's 2017 report and that the funding provided

by SB 140 had not adequately addressed the APPS backlog. It was during his testimony that California Attorney General Xavier Becerra committed to a thorough examination of the APPS data and BOF enforcement activities. As reflected in this year's report, the Department has fulfilled the Attorney General's commitment. This report serves two functions: (1) address the required reporting of the SB 140 mandate and (2) provide a comprehensive assessment of the APPS system, data, and BOF enforcement activities. See Appendix C for a brief overview of the mandated statistical requirements.

Over the last 9 months, the Department has focused on improving the results of the APPS program. The Department undertook this comprehensive assessment by (1) analyzing historical information such as activity log related data, (2) examining the APPS caseloads and workflow since July 2013, when the additional resources were allocated under SB 140, and (3) reviewing other administrative information.

This report contains the SB 140 mandated statistics, reported for the period of January – December 2018, as well as additional in-depth analysis of data through the history of APPS. Additionally, this report also contains additional statistics to help provide context to the APPS systems and personnel.

Overview of the Armed and Prohibited Persons System (APPS)

The APPS database contains extensive information on weapons either purchased or registered in California and the owners of these weapons. The database is the result of records and information originating in the Dealer Record of Sale (DROS) database and Automated Firearms System (AFS), which collectively consist of all those individuals who were not prohibited at the time of acquisition, and all those known firearms associated with each individual, respectively.

Beginning in 1996 for handguns and in 2014 for long guns, firearm ownership records were retained by the Department. Those records represent all those known firearm owners potentially subject to enforcement, if the subject (individual) of the record is also the subject of a prohibiting event. As such, the list of prohibited persons derives from those individuals previously permitted to own or possess firearms who subsequently became prohibited. The prohibition may be due to a felony conviction, domestic violence conviction, one of forty-three other misdemeanor convictions, mental health prohibitions, various types of civil or criminal restraining orders, as well as other prohibitory categories. The primary focus of the Department's enforcement efforts is on the relatively small number of individuals identified as those who are known to be armed and prohibited (currently less than one percent of known firearms owners in the APPS database).

Prohibited individuals are identified by daily queries of five databases that effectively cross-reference the population of known firearms owners against individuals who may have had a prohibiting triggering event within the past 24 hours. As of January 1, 2019 there were 2,516,836 known firearm owners in APPS, of which 23,222 are prohibited from owning firearms in the Armed and Prohibited File. As people legally purchase or acquire firearms they are entered into APPS, and only if they become prohibited are they then moved into the Armed and Prohibited File within the system. In order for the Department to know who is armed and prohibited, the Department must first know about the armed population and then address individuals as they have a prohibiting triggering event. See Appendix D for firearm prohibiting categories.

Within the Armed and Prohibited File, the cases are further separated into the two broad categories of Active and Pending. Active cases are those cases that have not yet been investigated or are in the process of being investigated but all investigative leads have not yet been exhausted. Pending

investigations are those investigations that have been thoroughly analyzed and all investigative leads have been exhausted. Pending cases include the sub-categories of Unable to Clear, Unable to Locate, Out-of-State, Federal Gun Control Act (Federal Brady Prohibition Only), and Incarcerated.

Unable to clear cases are ones that have previously been investigated by DOJ firearms agents and all investigative leads have been exhausted, but the individual still has one or more firearms associated with them. If new information is identified, the case will be moved to active status. The unable to locate cases includes cases where at least three attempts to contact have been made but agents have not been able to disarm the individual, even after exhausting all leads. For cases defined as out-of-state, DOJ firearms agents have determined that the prohibited person is no longer living in California. The Federal Brady prohibitions are those cases where a person is prohibited, but only under federal law, and state agents have no authority to enforce the prohibition. Finally, individuals who are incarcerated remain on the pending list, but the Department still tracks and monitors them. Additional information on all pending cases is checked regularly. If additional information becomes available on an APPS individual in pending status, the case is evaluated for transition back into the active status (e.g., the firearm(s) associated with the APPS individual are located, records indicate a new address for the individual, or the individual is released from incarceration).

The five databases cross-referenced by APPS for firearm association and prohibition determinations include the (1) Automated Firearms System (AFS), (2) California Restraining and Protective Order System (CARPOS), (3) Mental Health Reporting System (MHRS), (4) Automated Criminal History System (ACHS), and (5) the Wanted Persons System (WPS). The following information provides a high level summary of these five information systems.

1. The electronic AFS was created in 1980 to identify lost or stolen firearms and to associate firearms with individuals. It does that by tracking serial numbers of every firearm owned by government agencies, handled by law enforcement (seized, destroyed, held in evidence, reported stolen, recovered), voluntarily recorded, or handled by a firearms dealer through transactions. Prior to 2014, most entries in AFS were handguns. Now, all newly acquired firearms, both handguns and long guns, are being entered into AFS.

2. The California Restraining and Protective Order System (CARPOS) is a statewide database of individuals subject to a restraining order.

3. The Mental Health Reporting System (MHRS) is a web-based application used by Mental Health Facilities, Superior Courts, Juvenile Courts, and Law Enforcement Agencies to report firearm-prohibiting events (related to mental health) to the Department.

4. The Automated Criminal History System (ACHS) is the repository for state summary Criminal Offender Record Information (CORI).

5. The Wanted Persons System (WPS) was established in 1971 as the first online system for the Department. It is a statewide computerized file of fugitives for whom arrest warrants have been issued.

The Bureau employs Criminal Intelligence Specialists (CIS) in each of the six field offices throughout the State (see Appendix E for a map of the various Bureau regional office jurisdictions). Each day, the CIS accesses the APPS database and develops a list of armed prohibited people for each team of agents to

contact during the week. This list may be comprised of as many as 20 APPS-listed individuals. The CIS will identify the APPS individual, their last known address, their firearm prohibition(s), and how many firearms are registered and/or associated to the individual in the APPS database.

The CIS provides the above information to agents, who then attempt to contact and disarm the APPS individual at their last known address. Upon making contact with an APPS individual at their residence, the agents will attempt to locate the firearm(s) associated to that individual, whether it is through a consent search, probation or parole search, or a search warrant. Often, the APPS individual will be in possession of numerous firearms, many of which were not associated with that individual in the APPS database. This could be due to a variety of reasons, including long guns purchased by the APPS individual prior to long gun requirements in 2014, firearms loaned to the individual by another person, firearms imported into California from another state, antique firearms, illegally purchased firearms, or stolen firearms possessed by the APPS individual.

Many times, agents contact an APPS individual only to find that the firearm(s) associated with that individual have already been seized by local law enforcement, but the local law enforcement agency failed to enter the seized firearm into AFS. Had the law enforcement agency entered the firearm into the AFS system as required, the APPS individual would have been removed from the APPS database, and allowed BOF agents the ability to focus on another APPS individual. Unfortunately, this redundancy reduces BOF efficiency and wastes resources. In 2018, of the 7,373 investigations that were conducted, 610 of those investigations involved firearms that were already in local law enforcement custody, which is about 8.3% of investigations.

APPS investigations require a team of Special Agents. There are usually four to five agents per team, including a supervisor. Because APPS investigations are usually conducted through consensual searches, they are generally conducted after normal business hours, when most prohibited APPS individuals who may be home. Agents typically prepare 15 to 20 cases per day to investigate, of which they will only get through a small number. Some investigative delays are due to APPS individuals who are not home; lengthy searches; evidence processing for firearms seizures; arrests (it typically takes two agents approximately two to three hours based on travel, and how busy the jail is, to book an individual and return to the team); and travel to third-party residences to pick-up firearms.

Mandated Statistics and Analysis

Senate Bill 140 mandates the reporting of specific statistics for each calendar year. The mandated statistics for the current report are the following:

Status of the Backlog

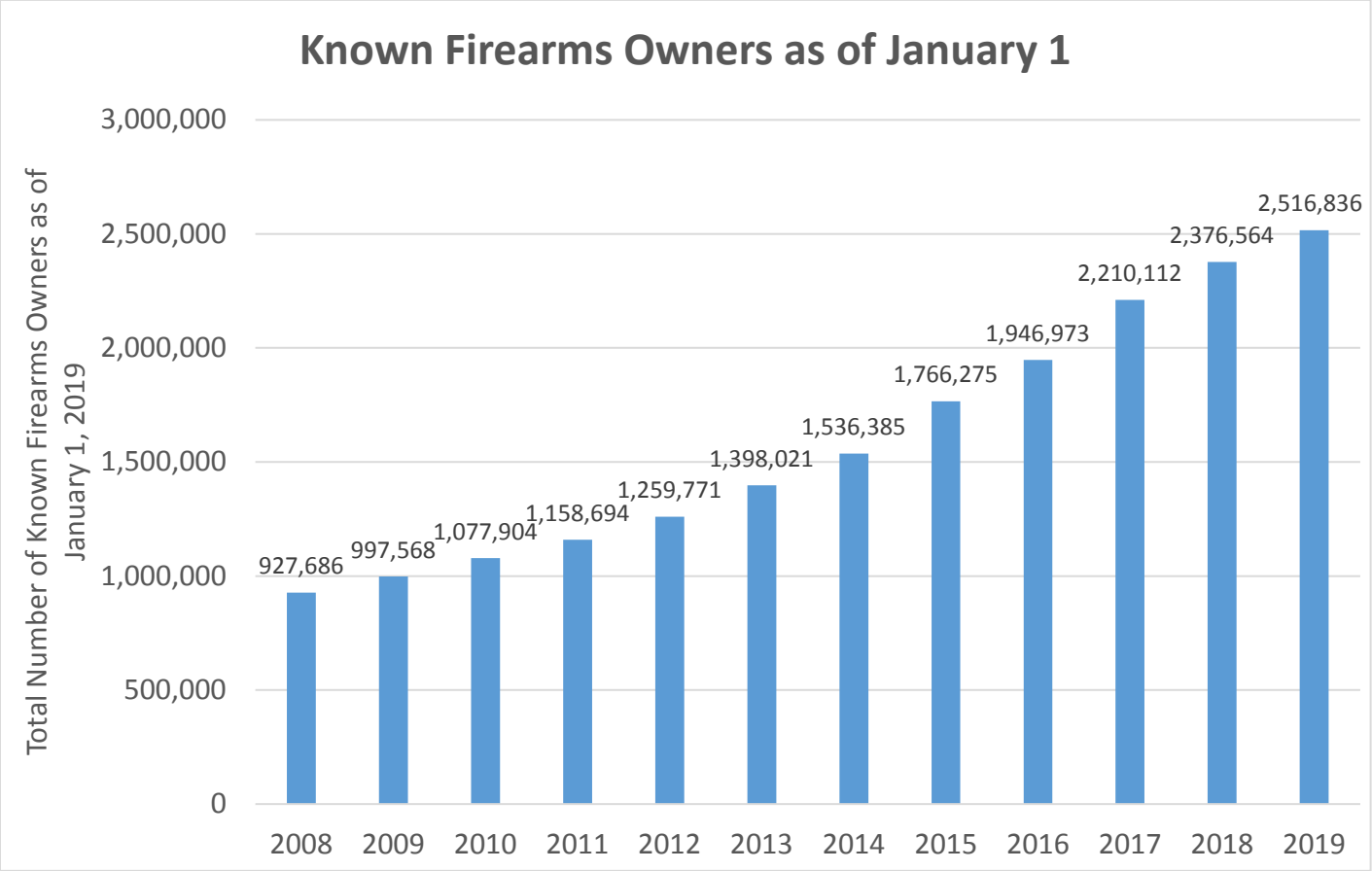
The Department defines the backlog (as referenced in SB 140) as being all the cases on the caseload as of July 1, 2013. This cohort of cases can be tracked within the APPS database and a current status can be identified for each. After conducting that analysis, the Department reports that the original backlog consisted of 20,721 persons who were armed and prohibited as of the July 1, 2013 date. Of those cases, 8,373 still exist within the system, as pending cases. Finally, the Department is completing the investigation of the final active 538 cases by March 31, 2019. The primary reason for the existence of those 538 cases is due to them being located in rural areas, far away from large population concentrations, and long distances from BOF offices. Since the BOF has very limited resources, agents are required to work in the most efficient manner, and focus on areas that have higher concentrations

of armed and prohibited persons. This tends to yield a higher return on the investment of time, resources, and use of overtime.

The number of people in the APPS before and after the relevant reporting period.

Individuals may be categorized as either persons armed but not prohibited, armed and prohibited persons, and incarcerated persons. The number of persons who are armed but are not prohibited is a number derived from the Department's DROS and AFS systems and comprises the number of known firearm owners for whom there is a record of firearm association but no prior triggering event rendering them prohibited. As Figure 1 demonstrates the number individuals included in APPS has grown exponentially since January 1, 2008 when the program only included 927,686 individuals. Currently, the system includes 2,516,836 individuals.

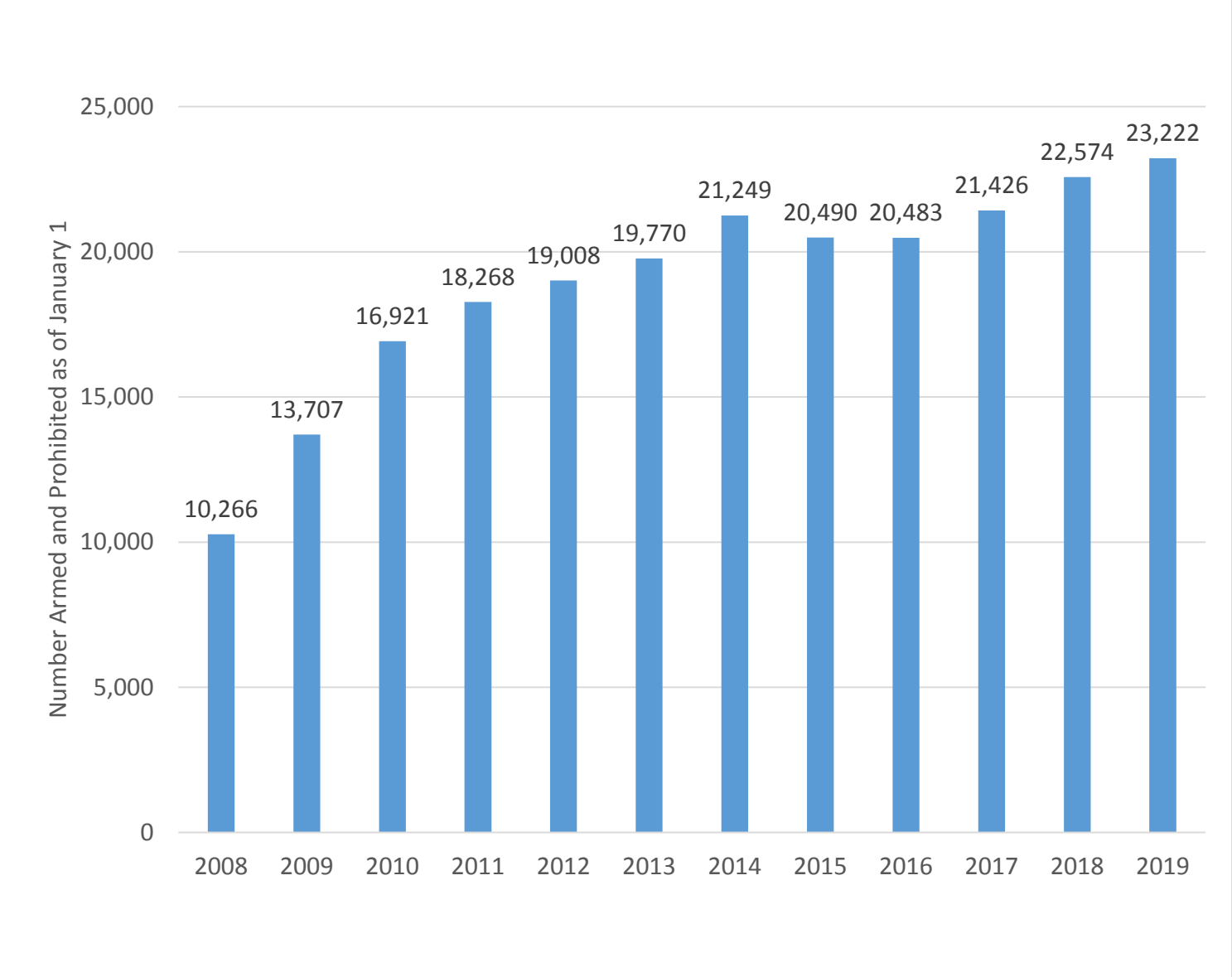
Figure 1: Known Firearms Owners as of January 1, 2019



Number of Individuals Cleared and Added to APPS

Since the 2013 backlog, the APPS database has removed approximately 53,101 armed and prohibited persons from APPS. At the same time, there have been approximately 56,557 armed and prohibited persons added to the database. As a result, there are currently 23,222 armed and prohibited individuals in APPS and 9,404 of those are active cases. This is an increase of 648 from the previous year when there were 22,574 prohibited persons in APPS (see Figure 2). Previous SB 140 annual reports focused on the number of active cases. This report provides information on all cases, active and pending

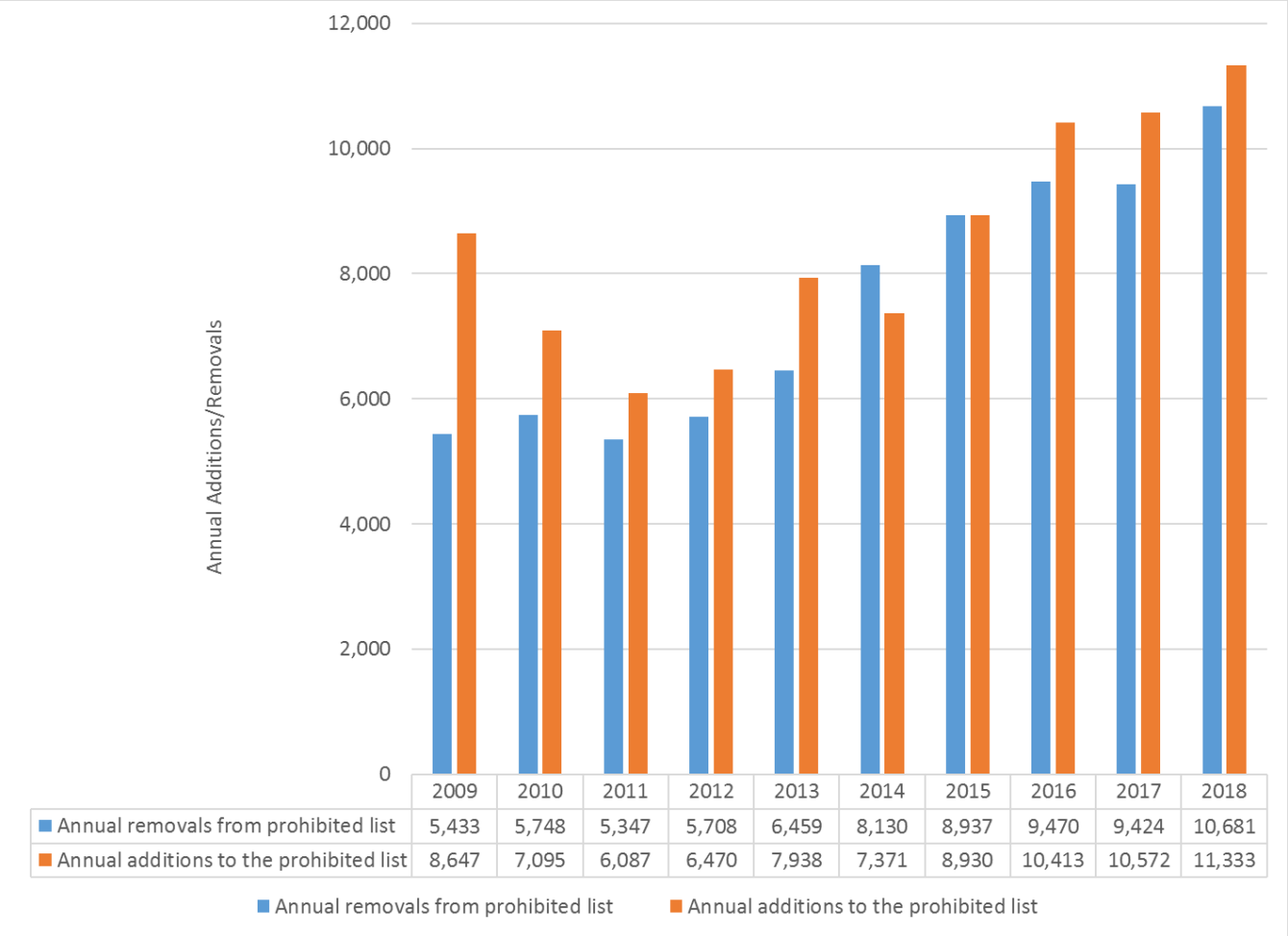
Figure 2[1]: Armed and Prohibited Population



In 2018, the Department removed a record annual number of 10,681 armed and prohibited persons from the APPS database. Agent enforcement activities removed 4,142 of those cases (see Figure 3). At the same time, an annual record number of 11,333 prohibited persons were added to the APPS database.

[1] This number excludes the individuals who are known to own firearms and are prohibited but are also known to be incarcerated. The Bureau receives information on incarceration status nightly and when an individual is released from state custody, they are moved into the active caseload for the APPS enforcement team.

Figure 3: Annual Additions to and Removals from the List of Armed and Prohibited Persons



There are three ways individuals are completely removed from the APPS database: the individual dies, the prohibition expires, or the individual is completely disassociated from all of the known firearms through enforcement efforts. Examples of a prohibition expiring would be the expiration of restraining orders, certain misdemeanor convictions, and of mental health prohibitions after 5 or 10 years. The Armed and Prohibited File is very dynamic. While the agents and CIS are analyzing, evaluating, and investigating to remove individuals from APPS, there is a constant inflow of new armed and prohibited persons being added. This causes the continuous churning of cases to seem endless, even though hundreds of cases are being removed monthly.

The individuals removed from APPS in 2018 fell into the falling categories:

- Deceased: 271;
- Prohibition expired/no longer prohibited: 6,268;
- Disassociated from all known firearms as a result of enforcement operations: 4,142. It should be noted that not all 4,142 individuals that were disassociated from their firearms resulted in BOF seizures of firearms. In some cases, it is determined through the BOF investigation that a local law enforcement agency already seized the firearm but failed to enter the recovery in AFS, the individual

attempted to report the firearm lost or stolen, or the individual is in the process of lawfully selling or gifting the firearm to a friend or relative.

Until recently, the APPS database was based primarily on handgun transaction records and assault weapon registrations. Effective January 1, 2014, pursuant to Assembly Bill 809, the Department was required to collect and retain firearm transaction information for all types of firearms, including long guns, which consequently increased the resulting number of individuals in the APPS database[2]. Also, Effective January 1, 2017, pursuant to Senate Bill 880 and Assembly Bill 1135, the Department was required to start accepting new assault weapon registrations, which further identified prohibited persons or illegal firearms. In addition, recent legislation regarding Gun Violence Restraining Orders has caused more people to become prohibited as well. All of these statutes have contributed to the documentation of additional firearm owners that were not previously known to the Department and increased in the number of individuals becoming armed and prohibited.

Breakdown of why each person is in the APPS is prohibited from possession of a firearm

Prohibited persons may be prohibited for several reasons. The specific categories of triggering events that can lead to a firearm prohibition are the following.

- An individual may become prohibited under the Federal Brady Handgun Violence Prevention Act. Note, some individuals with a Brady prohibition may not be prohibited under California state law (for example, being prohibited for a dishonorable discharge from the military).
- An individual may be prohibited from owning a firearm as a condition of probation.
- Individuals with felony convictions are prohibited from owning firearms.
- A juvenile who becomes a ward of the court may be prohibited.
- Mental health crises involving involuntary commitment may trigger a temporary prohibition.
- Some misdemeanor convictions may prohibit owning a firearm.
- Individuals may be temporarily prohibited due to restraining order.
- Individuals may be temporarily prohibited due to a felony warrant.
- Individuals may be temporarily prohibited due to a misdemeanor warrant.
- Individuals may be prohibited due to offenses or triggering events occurring in other states.

Table 1 shows the breakdown of prohibition by who enforces the prohibition and permanency of that prohibition (length of prohibition).

Table 1: List of Prohibitions by Enforcement Agency and Permanency

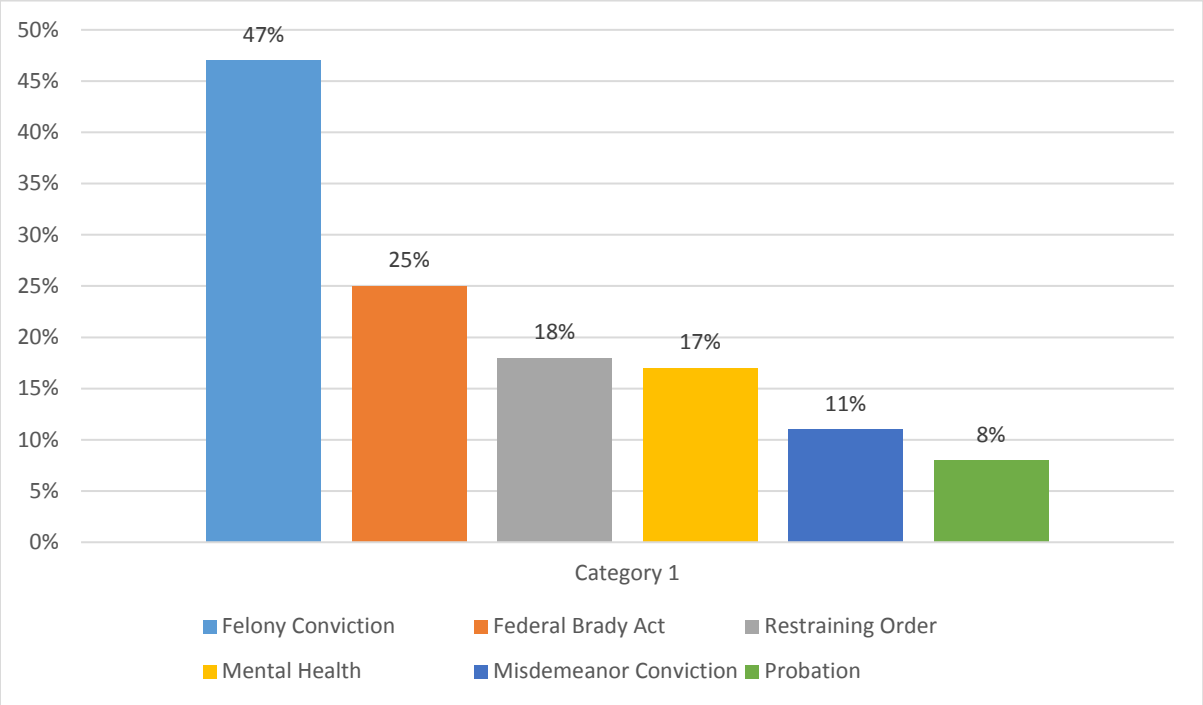
PROHIBITION	CA	FEDERAL	LENGTH OF PROHIBITION
Federal Brady Handgun Violence Prevention Act, "Brady Cases"		X	Temporary / Variable – Federal Only
Condition of Probation	X	X	Temporary / Variable – Duration of Probation
Felony Conviction	X	X	Permanent

[2] See Appendix D for a list of Prohibiting Triggering Events (PTE) causing firearms prohibitions, or refer to the listed Attorney General website at https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/prohibcatmisd.pdf

Juvenile Wards of the Court	X		Temporary / Variable
Mental Health	X	X	Variable State – 5 years Federal – Permanent
Misdemeanor Conviction (43 California specific)	X	X	Variable Domestic Violence – Permanent, State and Federal Others – Temporary, 10 years
In State Restraining Order	X		Temporary / Variable – Duration of Restraining Order
Out of State Restraining Order		X	Temporary / Variable – Duration of Restraining Order
Warrants, Felony or Misdemeanor	X		Temporary / Variable – Until the Warrant is Cleared

Many individuals are prohibited under several of these categories. As of January 2019, 47% of firearms owners deemed prohibited were prohibited due to a felony conviction, 25% were prohibited under the Federal Brady Act, 18% were prohibited due to a restraining order, 17% due to a mental health triggering event, 11% due to a misdemeanor conviction, and 8% due to condition of being on probation (see Figure 4). Relatively few of the prohibited—less than 2%--are prohibited due to being a juvenile ward of the court or due to a felony or misdemeanor warrant. The percentages sum to more than one hundred because roughly 23% of the individuals are prohibited under more than one category.

Figure 4: Prohibiting Categories for All Active and Pending Cases



Number of Firearms Recovered

In 2018, BOF agents seized 1,246 APPS firearms (Figure 5), as well as 1,044 non-APPS firearms (Figure 6) which were not associated with APPS individuals, for a total of 2,290 firearms. Agents closed an additional 7,373 APPS investigations in 2018. This number is not reflective of the number of times agents attempted to locate an APPS individual or had to visit third party residences; it only captures the number of closed cases.

The following graphs detail the number of firearms seized due to APPS enforcement in 2018 and the types of firearms seized.

Figure 5: APPS Firearms Seized in 2018

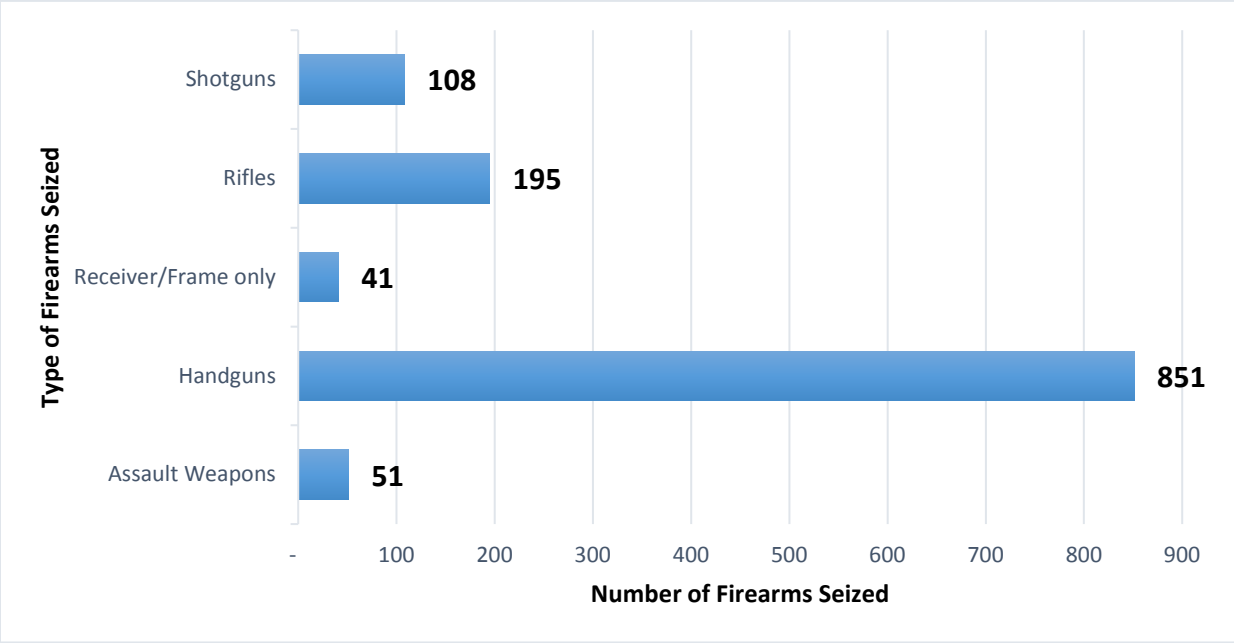
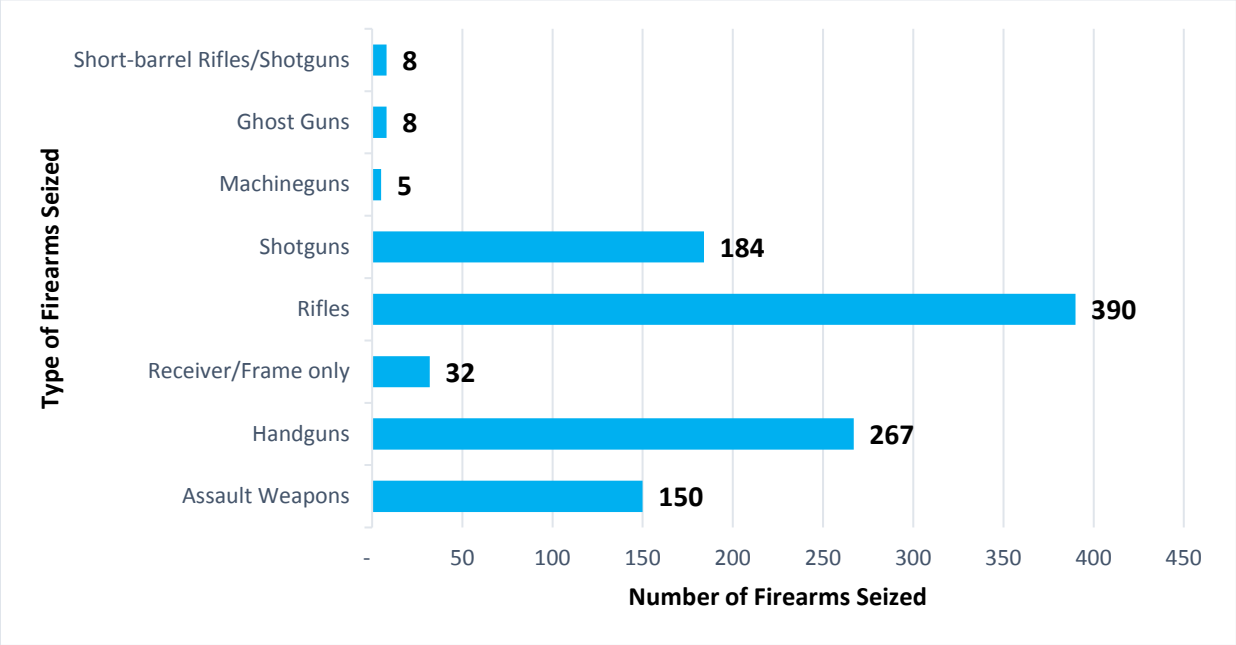


Figure 6: Non-APPS Firearms Seized in 2018



Number of Contacts Made During APPS Enforcement Efforts

As mentioned earlier, BOF agents and CIS continuously research and develop viable APPS investigations to determine which leads will potentially garner the highest number of positive results. Cases are worked until all investigative leads are exhausted, and either the individual is disassociated from the firearm(s), or the individual is moved to the pending category due to no further leads. Agents and CIS are regularly monitoring pending cases to determine if any new information has been identified that would cause the case to be moved back to active. An average of three separate contacts are required, consisting of actual interviews, to close one APPS case, usually because: (1) the APPS individual is not home at the time of the initial contact; (2) the APPS individual moved and failed to update their address with the Department of Motor Vehicles; (3) the APPS individual moved out of state; (4) the APPS individual claims the firearm was already seized by local law enforcement or reported as lost or stolen to law enforcement; (5) the APPS individual is uncooperative and not forthcoming with information about the firearms, requiring additional interviews or contacts; or (6) the APPS individual claims to have given their firearm to another person outside of the legal firearms transfer process, thereby requiring agents to track down the firearm and/or verify the information provided. Some cases require a greater number of contacts to verify information provided. This amounted to about 22,119 contacts in 2018, based on an average of contacting at least three different individuals per case while resolving APPS investigations. For roughly 50 agents regularly working investigations (not supervisors), this equates to approximately 37 personal contacts per month per agent. This does not include attempted contacts, where nobody is home at the residences.

Number of Special Agents Hired for the Enforcement of APPS

As of January 2018, the BOF had a total of 66 permanent Special Agent and Special Agent Supervisor positions, with 56 filled and 10 vacant. Despite a tremendous effort to fill the vacancies, the Bureau was unable to hire as quickly as agents transferred and promoted out or left for outside employment or retired. [3] As of January 2019, the BOF had 68 permanent Special Agent and Special Agent Supervisors positions, 50 positions were filled and 18 were vacant. Since 2013, the number of filled Special Agent and Special Agent Supervisors positions has fluctuated in the fifties and averaged around 55 filled positions. Remarkably, these special agents have been able to clear their caseload even though they have not been able to hire additional personnel.

Additional considerations impacting BOF's recruitment efforts and reduced candidate pools include changes in the retirement system and a vast pay disparity with other law enforcement agencies. During 2018, the Department's Division of Operations conducted a salary and pay differential study of comparable state and local law enforcement agencies and noted the Department was between 38% - 44% below the statewide average in pay when compared to other agencies.

In addition, the Public Employees' Pension Reform Act of 2013 (PEPRA) became effective on January 1, 2013 which reduced the pension benefits for all public employees who were hired after 2012. The unintended consequence of PEPRA resulted in the reduction of pension benefits to local law enforcement officers who transferred to any state law enforcement agency after 2012. Any of those officers who transferred to a state law enforcement agency incurred a pension benefits reduction from 3 percent at 50-formula to the scaled-back 2.5 percent at 55-formula. As such, those experienced investigators from local law enforcement agencies, who were the focus of the majority of our prior recruitment efforts, have no desire to transition to a reduced pension formula.

General budget constraints have also had a significant impact. Despite numerous vacancies, BOF could not afford to fill the positions within the existing budget and funding sources. Cost-saving measures included reducing the number of monthly investigations agents were required to complete in order to reduce the extensive amount of involuntary overtime. This measure was also meant to reduce the "burn out" of agents working, at minimum, a 4 day, 50-hour work week, averaging 40-70 hours of overtime per month. During the latter half of 2018, BOF also had to discontinue gun show enforcement efforts in order to further reduce overtime costs so that agents could focus solely on APPS investigation efforts.

In 2013, SB 140 allocated 36 limited-term agent positions to the Department. The limited term positions and funding were to expire on April 30, 2016. Unfortunately, due to several hundred agents being laid off from the Department in 2011, the Bureau has struggled since then to fill agent positions, particularly limited-term agent positions because potential agents have better compensated position opportunities in other law enforcement agencies.

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[3] The Department has taken proactive measures to mitigate the impact of these issues, such as expanding its recruitment efforts and mandating overtime from all agents assigned to APPS enforcement. The Department has continued to explore recruitment efforts at law enforcement training venues, job fairs, college campuses, and social media outlets like Facebook and LinkedIn, with very limited success. The Department has even expanded efforts to recruit and hire Special Agent Trainees, which are entry level positions requiring no law enforcement experience as long as they possess a bachelor's degree, and send them to a regional Police Academy near their current residence.

The Legislature recognized this issue and on July 1, 2015, granted the Department authority to convert 22 of the 36 limited-term agent positions to permanent positions. While the conversion of the limited-term positions to permanent positions was a step in the right direction, there is still difficulty in filling agent vacancies because of the Department's uncompetitive compensation. In 2018, of the remaining 14 limited-term positions, 7 were made permanent while the remaining 7 positions are still considered limited-term or blanket positions, and can only be utilized if there is sufficient funding in the Bureau's operating budget.

Information regarding task forces or collaboration with local law enforcement on reducing the APPS backlog.

The Department takes pride in its collaborative efforts with its local law enforcement partners. Since the inception of SB 140 (2013), the BOF continues to work with allied law enforcement agencies in an effort to reduce APPS numbers. Experience has shown the most efficient and effective way of working APPS cases in a specific region or jurisdiction is by working collaboratively with local law enforcement agencies. While working jointly with local law enforcement agencies, cases are investigated and processed more efficiently, lost and stolen firearm reports are immediately handled by local law enforcement agencies, cases crossing local jurisdiction boundaries are further pursued by the Bureau, and local law enforcement agencies are often familiar with prohibited APPS individuals or their family members, making it easier to track down these individuals. When local law enforcement agencies pursue APPS cases independently, there can be a lack of consistency in working investigations until all leads are exhausted and often times local law enforcement agencies will not pursue investigative leads outside their normal jurisdiction, causing the case to remain unresolved. This is a problem that needs to be resolved.

The BOF currently manages the Contra Costa County Anti-Violence Support Effort (CASE) task force, whose primary mission is conducting complex firearms investigations and disarming prohibited, violent individuals in Contra Costa County. This task force consists of representatives from the following agencies:

- CA Department of Justice, Bureau of Firearms;
- Contra Costa County Sheriff's Department;
- Contra Costa County Probation Department;
- Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- Pittsburg Police Department;
- Walnut Creek Police Department;
- California Highway Patrol.

The CASE task force conducted 53 firearms related investigations in 2018, including 37 probation or parole searches and 10 APPS investigations. The CASE task force also conducted 105 search warrant assists to allied agencies related to armed offenders. Because of these investigations, the CASE task force arrested 93 individuals for firearms-related offenses and seized a total of 138 firearms (21 assault weapons, one machine gun, 65 handguns, and 51 rifles or shotguns).

In addition to participating in the CASE task force, BOF also conducts APPS sweeps on a regular basis throughout the state. These sweeps consist of BOF personnel working together with allied law

enforcement agencies in a certain region of the state for a period of several days or weeks conducting APPS investigations. During 2018, BOF personnel worked APPS sweeps in Los Angeles, Ventura, and Santa Cruz counties.

The following law enforcement agencies worked jointly with the BOF on APPS sweeps:

- Los Angeles County Sheriff's Department;
- Long Beach Police Department;
- Los Angeles Police Department;
- Oxnard Police Department;
- Santa Cruz County Sheriff's Department;
- Santa Cruz Police Department;
- Santa Paula Police Department;
- Simi Valley Police Department;
- Ventura County Probation Department;
- Ventura County Sheriff's Department;
- Ventura Police Department.

Los Angeles County – Operation Dual Force. As a specific example, during a six-month joint operation with the Los Angeles County Sheriff's Department (LASD) titled "Dual Force", agents and deputies conducted 321 APPS investigations resulting in 49 arrests along with the seizure of 146 firearms (11 assault weapons, 75 handguns, 30 rifles, 24 shotguns, and 6 firearm receivers) and over 35,000 rounds of ammunition.

Recommendations

The Department greatly appreciates Governor Gavin Newsom's interest in sensible firearms regulation and enforcement, and additional financial support toward this effort in his proposed budget. As discussed above, while the Department closed a record number of cases in 2018, more armed and prohibited persons are added each year. In an effort to further improve upon enforcement efforts and the data analytics associated with APPS, the Department recommends the following:

Seizing Firearms from Armed and Prohibited Persons at the Time the Prohibition Occurs. Local law enforcement agencies, the courts, probation, and parole need to collaborate more and fulfill responsibilities at the time of prohibition, to determine if a newly prohibited person has any firearms, and if so seize those firearms in the early stages. For the Department, or any law enforcement agency for that matter, to go through the process of trying to locate a person and their firearm(s) long after they have become prohibited, is a difficult, dangerous, and very time consuming venture, and an inefficient method of recovering firearms from prohibited persons.

Improved Salary, Benefits, Incentive Pay, and Pensions for Recruitment and Retention of Special Agents. As mentioned in the report for the past several years recruitment and retention efforts have been extremely difficult primarily due to lagging salaries and incentives with comparable law enforcement agencies and the reduced pension tier relative to the Public Employees' Pension Reform Act of 2013 (PEPRA). This situation has significantly contributed to increased vacancy rates, and the relative inability to recruit and hire experienced and qualified agents. During 2018, the Department's Division of Operations conducted a salary and pay differential study of comparable state and local law enforcement agencies and noted the Department had an approximate 38%-44% pay disparity for entry level positions when compared to other agencies.

Continue to improve coordination and cooperation between the Department and local law enforcement agencies. This recommendation includes ensuring local law enforcement agencies enforce the Bureau's high recordkeeping standards to ensure that the data in APPS is as current as possible. This improved coordination and cooperation would prevent BOF spending resources to investigate a prohibited person whose weapons has already been seized by or turned into local law enforcement but the agency has not entered the weapons into the appropriate database as required. It is important to note that the Department is heavily dependent on data that is updated into the APPS system via local law enforcement agencies and the courts. However, this data is not always updated in a timely manner, causing delays, redundancy, and increases in the Department's workload.

The APPS Database Needs to be Replaced and Modernized. The Department built and operates numerous firearms systems in response to legislative mandates in California. These systems support the regulation, and enforcement actions relating to the manufacture, sale, ownership, safety training, and transfer of firearms. In order to support the comprehensive program, the Department maintains the following systems:

- Armed Prohibited Persons System (APPS);
- Automated Firearms System (AFS);
- California Firearms Information Gateway (CFIG);
- California Firearms Licensee Check (CFLC);
- Carry Concealed Weapons (CCW);

- Centralized List (CL);
- Certificate of Eligibility (COE);
- Consolidated Firearms Information System (CFIS);
- Dealer Record of Sale (DROS);
- DROS Entry System (DES);
    a. California Firearms Application Reporting System (CFARS);
    b. Firearms Certificate System (FCS);
    c. Assault Weapons Registration (AWR);
    d. Firearms Employment Application File (FEAF);
    e. Mental Health Reporting System (MHRS);
    f. Mental Health Firearms Prohibition System (MHFPS);
    g. Prohibited Applicant (PA)

Many of these systems, and subsequent modifications or enhancements to these systems, are the results of numerous legislative mandates that have been implemented in the past several decades (AFS was originally implemented in 1980). As a result, the network of systems has become increasingly complex to operate and maintain. With these tightly coupled systems, a modification to one requires a modification in multiple other areas. Many of these new mandates cannot be incorporated into an automated system and have to be done manually. Consequently, the existing firearms systems utilized by law enforcement agencies and firearms dealers have reached their end-of-life, and cannot meet the changing legislative needs.

The Department is exploring modernization options which would provide the Department with a dynamic and adaptable solution to meet existing needs and future statutory mandates. Rebuilding the existing systems to work interactively in a way that can be more quickly and easily scaled would allow for future integration of new and changing requirements with minimal fiscal impact and would thus be the most cost-effective solution in the long-term. It would also allow the Department to automate many manual processes and thus increase the Bureau's overall efficiency.

APPENDICES

APPENDIX A: Relevant Key Terms and Definitions.

This section provides definitions to key terms used throughout this report.

Armed Prohibited Persons System (APPS). The Armed Prohibited Persons System is a database housed at the Department of Justice which contains a list of all individuals who are both armed (the department is aware of their ownership of one or more firearms) and prohibited (for one or more reasons they have been designated as not being permitted to possess firearms).

Automated Criminal History System (ACHS). This is the repository for the state summary Criminal Offender Record Information (CORI). In addition, the Department transmits CORI to the Federal Bureau of Investigation (FBI).

Automated Firearms System (AFS). This system was created in 1980 to identify lost or stolen firearms and connect firearms with persons. It does that by tracking serial numbers of every firearm owned by government agencies, handled by law enforcement (seized, destroyed, held in evidence, reported stolen, recovered), voluntarily recorded in AFS, or handled by a firearms dealer through transactions. Prior to 2014, most entries in AFS were handguns. Now, all newly acquired firearms, both handguns and long guns, are being entered into AFS.

Backlog. The backlog is defined as cases that existed as of July 1, 2013 when SB 140 went into effect and have not been fully investigated.

California Restraining and Protective Order System (CARPOS). A statewide database of individual's subject to a restraining order.

Cleared/Completed. All cases in which the individual has died, the prohibition has expired or been reduced (e.g. the expiration of a temporary restraining order), or the individual has been disassociated from the firearm(s) such as selling, transferring, or turning over their firearm(s).

Closed/Completed. An investigation that has been fully investigated but the individual remains in APPS with a pending status (see definition of pending and sub-statuses definitions).

Consolidated Firearms Information System (CFIS). This system consolidates numerous internal firearm applications within the California Justice Information Services Division (CJIS; the technology division within the Department). These application programs include such things as the Armed Prohibited Persons System (APPS), Assault Weapon Registration (AWR), Handgun Centralized List (CL), Carry Concealed Weapon (CCW), Dealer Record of Sale (DROS), and Prohibited Application (PA).

Contacts. An attempt to locate a APPS individual at a potential current address. If face-to-face contact is made agents will attempt a consent search if there are no search conditions due to parole or probation status. Sometimes consent is denied and agents will leave the premises. If probable cause is developed at the scene, a search warrant will be requested and served that day.

Dealer Record of Sale (DROS). This application is completed by firearms purchasers in California and is sent to the Department by licensed firearms dealers, which initiates the 10-day waiting period. The

Department uses this information for a background check and the documentation of firearms ownership.

Gun Control Act (GCA). The Gun Control Act (GCA), codified at 18 U.S.C. § 922(g), makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms or ammunition, to include any person:

- convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- who is a fugitive from justice;
- who is an unlawful user of or addicted to any controlled substance (as defined in Section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802);
- who has been adjudicated as a mental defective or has been committed to any mental institution;
- who is an illegal alien;
- who has been discharged from the Armed Forces under dishonorable conditions;
- who has renounced his or her United States citizenship;
- who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or
- who has been convicted of a misdemeanor crime of domestic violence.

The GCA at 18 U.S.C. § 992(n) also makes it unlawful for any person under indictment for a crime punishable by imprisonment for a term exceeding one year to ship, transport, or receive firearms or ammunition. Further, the GCA at 18 U.S.C. § 922(d) makes it unlawful to sell or otherwise dispose of firearms or ammunition to any person who is prohibited from shipping, transporting, receiving, or possessing firearms or ammunition. The Department refers to these prohibitions as Federal Brady prohibitions. Since these individuals are only prohibited due to federal law, the Department lacks jurisdictional authority to investigate these individuals, unless they also have a California prohibition. On January 1, 2019, there were 23,222 armed and prohibited persons in APPS (9,404 active and 13,818 pending). Of the 9,404 active cases, 1,595 are Federal Brady only cases.

Incarcerated. These individuals are in state or federal prison. While they are incarcerated, these individuals are not included in the active records. Once the Department has received notification that they have been released, the individual is moved to the active status.

Mental Health Reporting System (MHRS). This is a web-based application used by Mental Health Facilities, Superior Courts, Juvenile Courts, and Law Enforcement Agencies to report firearm-prohibiting events related to mental health to the Department.

Open Investigations. Cases that have been opened with ongoing investigations. These are investigations where either analysts and/or special agents are still gathering information, developing leads, and locating and interviewing individuals in an effort to find the prohibited person and their known associated firearms.

Statuses:

Active. Individuals believed to reside in California who are prohibited (state, federally, or combination of state and federally prohibited) from possessing firearms. If the individual has a federal only prohibition on possessing firearms, the Department lacks the authority to investigate these federal prohibitions. This is also referred to as the APPS caseload.

Pending. Individuals previously investigated, but that cannot be currently investigated for one or more reasons. The Department works to reevaluate the statuses of these cases multiple times a year. These individuals fall into one of the following categories:

Unable to Clear (UTC). These cases have previously been investigated by DOJ firearms agents and all investigative leads have been exhausted. The individual still has one or more firearms associated with them. If new information is identified, the case will be moved to active status.

Unable to Locate (UTL). These cases have previously been investigated by a DOJ firearms agent, but the agent is unable to locate the individual. It could be that the individual no longer lives at the address on file, family and friends are not able to provide useful location information, etc. If new location information is identified, the case will be moved to active status.

No Longer Residing in California (Out-of-State). Individuals who were a resident of California, but now no longer live in this state. For example, when someone moves to another state and surrenders their California Driver's License (CDL) before being issued a new license in their new state of residence.

Individuals having both state and federal prohibitions. If APPS individuals have a combination of state and federal firearm prohibitions, then the Department does have jurisdictional authority to investigate the matter related to the state prohibitions. (e.g., felons, individuals with California restraining orders, misdemeanor conviction of domestic violence in California, and California mental health prohibitions)

Wanted Persons System (WPS). This system was established in 1971 as the first online system for the Department. It is a statewide computerized file of fugitives for whom arrest warrants have been issued.

APPENDIX B: Legislative History Relative to APPS.

The following provides a brief overview of the legislative history affecting the Department's Bureau of Firearms from 1999 to present. These legislative changes have exponentially increased the volume of prohibited individuals as the legislature continues to increase the type and length of prohibitions. Other legislative changes with a substantial impact include evolving statutory and legal definitions as well as increases in the overall regulation of the various types of firearms, ammunition, and parts.

1999: APPS was conceptualized by the Legislature as a result of the proliferation of gun violence across the state and the nation.

2001: APPS was created in 2001 by SB 950 in response to high-profile murder cases involving people prohibited from owning firearms.

2006: APPS went into effect.

2013: SB 140 passed the Senate and appropriated $24,000,000 from the Dealer Record of Sale Special Fund to the Department for three years to reduce the volume of pending APPS investigations.

2014: Effective January 1, 2014, a new California law (Assembly Bill 809, 2011 Feuer) mandated the Department collect and retain firearm transaction information for all types of firearms, including long guns.

2015: After a 2013 audit by the Bureau of Audits, BOF finished manually inputting all of the cases into the APPS system.

2016: SB 140 funding expired.

Effective January 1, 2016, AB 1014 created the new prohibitory category of the Gun Violence Restraining Order.

2017: Effective January 1, SB 880 revised the definition of an "assault weapon", defined a "fixed magazine", and required those individuals lawfully in possession of an assault weapon without a fixed magazine to register the firearm.

As of August 2017 the Department also began processing "Bullet Button" Assault Weapon registrations pursuant to SB 880 and AB 1135. The Department was required by statute to accept applications for registration of these firearms until June 30, 2018. The background checks associated with these registrations identified additionally prohibited persons.

2018: Effective January 1, 2018 AB 785 added Penal Code Section 422.6 (Criminal Threats) to the list of prohibiting misdemeanors. Effective July 1, 2018, AB 857 required the Department begin issuing serial numbers for firearms manufactured by unlicensed individuals after a successful background check of the owner. The background checks associated with this process identified additional prohibited persons.

2019: Effective July 1, 2019, SB 1235 requires ammunition be sold only to an individual whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, with some exceptions. It also requires ammunition vendors to electronically submit to a

database known as the Ammunition Purchase Records File, and thus to the Department, information regarding all ammunition sales and transfers.

Additionally, AB 3129 prohibits a person from ever possessing a firearm if that person is convicted of a misdemeanor violation of Penal Code Section 273.5 regarding the willful infliction of corporal injury resulting in a traumatic condition upon a spouse, cohabitant or other specified person. SB 746 requires new residents to the State of California, within 60 days, to apply for a unique serial number or other identifying mark for any unserialized firearm the resident manufactured or otherwise owns and intends to possess. SB 1100 prohibits the sale, supplying, delivery or giving possession or control of any firearm by a licensed dealer with some exceptions to any person under 21 years of age. SB 1200 expands the definition of ammunition for the purposes of the Gun Violence Restraining Order law. SB 1346 clarifies the definition of "multi-burst trigger activator" includes a bump stock, bump fire stock, or other similar device attached to, built into, or used in combination with a semiautomatic firearm to increase the rate of fire of that firearm.

2020: Effective January 1, 2020, AB 1968 subjects individuals who have been taken into custody, assessed and admitted to a designated mental health facility twice within a one-year period, because they are a danger to self or others as a result of a mental health disorder, to a lifetime firearms prohibition subject to a petition for, and hearing on, a reinstatement of firearm ownership rights.

APPENDIX C: Mandated Statistics - At a Glance

(1) **The degree to which the backlog in APPS has been reduced or eliminated:** As of January 1, 2019 there are 538 individuals (roughly 2.6% of those prohibited on July 1, 2013—20,721) remaining on the prohibited persons list as active cases.

(2) **The number of agents hired for enforcement of the APPS**: In 2018, 4 new agents were hired, 4 transferred to BOF from other Bureaus, and 3 agents were promoted within BOF. Overall numbers have also been affected by transfers out of BOF, promotions out of BOF, and retirements.

(3) **The number of people cleared from APPS:** During calendar year 2018, there were 10,681 individuals removed from the list of Armed and Prohibited Persons. Of this total, 6,268 were removed due to the expiration of their prohibition, 271 were removed due to the death of the individuals, and 4,142 were disarmed.

(4) **The number of individuals added to APPS:** Between January 1, 2018 and January 1, 2019, an additional 11,333 known firearms owners became prohibited. Given that over the same time period 10,681 individuals were removed from the prohibited category, the total number of prohibited persons increased by 648 persons.

(5) The number of people in APPS before and after the relevant reporting period, including the breakdown of why each person in the APPS is prohibited from possessing a firearm:

Status	Before Reporting Period	After Reporting Period
Armed and Not Prohibited	2,352,633	2,492,150
Incarcerated	1,357	1,464
Armed and Prohibited	22,574	23,222

(6) **The number of firearms recovered due to enforcement of the APPS:** In 2018, BOF agents seized 1,246 APPS firearms (firearms known via the APPS database). Additionally, 1,044 firearms were confiscated which were not associated with APPS individuals, for a total of 2,290 total firearms seized (*Non-APPS or Not Associated firearms are those not listed as associated with the prohibited individuals, but discovered and confiscated).

(7) **The number of contacts made during APPS enforcement efforts:** In 2018, BOF special agents made approximately 22,119 contacts. This is based on an average of contacting at least three different individuals per case while resolving APPS investigations.

(8) **Information regarding task forces or collaboration with local law enforcement on reducing the APPS backlog:** The Department takes pride in its collaborative efforts with law enforcement partners. These efforts include leading the Contra Costa County Anti-Violence Support Effort (CASE) task force, joint APPS sweeps with specific jurisdictions based on workload, regular communications for case de-conflictions, occasional patrol assistance for prisoner transport, booking, and search warrant assistance, and prosecutions by local district attorney offices.

APPENDIX D: Firearms Prohibiting Categories

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS

FIREARMS PROHIBITING CATEGORIES

State and federal law make it unlawful for certain persons to own and/or possess firearms, including:

- Any person who has been convicted of, or has an outstanding warrant for, a felony under the laws of the United States, the State of California, or any other state, government, or country, or of an offense enumerated in subdivision (a), (b), or (d) of Section 23515, or who is addicted to the use of any narcotic drug
- Any person who has been convicted of an offense enumerated in Penal Code sections 29900 or 29905
- Any person who is ordered to not possess firearms as a condition of probation or other court order listed in Penal Code section 29815, subdivisions (a) and (b)
- Any person who has been convicted of, or has an outstanding warrant for, a misdemeanor listed in Penal Code section 29805 (refer to List of Prohibiting Misdemeanors)
- Any person who is adjudged a ward of the juvenile court because he or she committed an offense listed in Welfare and Institutions Code section 707(b), an offense described in Penal Code section 1203.073(b), or any offense enumerated in Penal Code section 29805
- Any person who is subject to a temporary restraining order or an injunction issued pursuant to Code of Civil Procedure sections 527.6 or 527.8, a protective order as defined in Family Code section 6218, a protective order issued pursuant to Penal Code sections 136.2 or 646.91, or a protective order issued pursuant to Welfare and Institutions Code section 15657.03
- Any person who is found by a court to be a danger to himself, herself, or others because of a mental illness
- Any person who is found by a court to be mentally incompetent to stand trial
- Any person who is found by a court to be not guilty by reason of insanity
- Any person who is adjudicated to be a mentally disordered sex offender
- Any person who is placed on a conservatorship because he or she is gravely disabled as a result of a mental disorder, or an impairment by chronic alcoholism
- Any person who communicates a threat to a licensed psychotherapist against a reasonably identifiable victim that has been reported by the psychotherapist to law enforcement
- Any person who is taken into custody as a danger to self or others under Welfare and Institutions Code section 5150, assessed under Welfare and Institutions Code section 5151, and admitted to a mental health facility under Welfare and Institutions Code sections 5151, 5152, or certified under Welfare and Institutions Code sections 5250, 5260, and 5270.15
- Any person who is addicted to the use of narcotics (state and federal)
- Any person who has been convicted of, or is under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year (federal)
- Any person who has been discharged from the military under dishonorable conditions (federal)
- Any person who is an illegal alien (federal)
- Any person who has renounced his or her US Citizenship (federal)
- Any person who is a fugitive from justice (federal)

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS
FIREARMS PROHIBITING CATEGORIES

Anyone who has been convicted of, or has an outstanding warrant for, a misdemeanor violation of the following offenses listed below are generally for ten years from the date of conviction, but the duration of each prohibition may vary. All statutory references are to the California Penal Code, unless otherwise indicated.

- Threatening public officers, employees, and school officials (Pen. Code, § 71.)
- Threatening certain public officers, appointees, judges, staff or their families with the intent and apparent ability to carry out the threat (Pen. Code, § 76.)
- Intimidating witnesses or victims (Pen. Code, § 136.1.)
- Possessing a deadly weapon with the intent to intimidate a witness (Pen. Code, § 136.5.)
- Threatening witnesses, victims, or informants (Pen. Code, § 140.)
- Attempting to remove or take a firearm from the person or immediate presence of a public or peace officer (Pen. Code, § 148(d).)
- A person who reports to a person that a firearm has been lost or stolen, knowing the report to be false (Pen. Code, § 148.5(f).)
- Unauthorized possession of a weapon in a courtroom, courthouse, or court building, or at a public meeting (Pen. Code, § 171b.)
- Bringing into or possessing a loaded firearm within the state capitol, legislative offices, etc. (Pen. Code, § 171c.)
- Taking into or possessing loaded firearms within the Governor's Mansion or residence of other constitutional officers (Pen. Code, 171d.)
- Supplying, selling or giving possession of a firearm to a person for participation in criminal street gangs (Pen. Code, § 186.28.)
- Assault (Pen. Code, §§ 240, 241.)
- Battery (Pen. Code, §§ 242, 243.)
- Sexual Battery (Pen. Code, § 243.4.)
- Assault with a stun gun or taser weapon (Pen. Code, § 244.5.)
- Assault with a deadly weapon other than a firearm, or with force likely to produce great bodily injury (Pen. Code, § 245.)
- Assault with a deadly weapon or instrument; by any means likely to produce great bodily injury or with a stun gun or taser on a school employee engaged in performance of duties (Pen. Code, § 245.5.)
- Discharging a firearm in a grossly negligent manner (Pen. Code, § 246.3.)
- Shooting at an unoccupied aircraft, motor vehicle, or uninhabited building or dwelling house (Pen. Code, § 247.)
- Inflicting corporal injury on a spouse or significant other (Pen. Code, § 273.5.) (Convictions on or before 12/31/2018.)
- Willfully violating a domestic protective order (Pen. Code, § 273.6.)
- Drawing, exhibiting, or using deadly weapon other than a firearm (Pen. Code, § 417.)
- Inflicting serious bodily injury as a result of brandishing (Pen. Code, § 417.6.)
- Making threats to commit a crime which will result in death or great bodily injury to another person (Pen. Code, § 422.)
- Interference with the exercise of civil rights because of actual or perceived characteristics of the victim (Pen. Code, § 422.6.)
- Bringing into or possessing firearms upon or within public schools and grounds (Pen. Code, § 626.9.)
- Stalking (Pen. Code, § 646.9.)
- Carrying a concealed or loaded firearm or other deadly weapon or wearing a peace officer uniform while picketing (Pen. Code, §§ 830.95, 17510).
- Possessing a deadly weapon with intent to commit an assault (Pen. Code, § 17500.)
- Criminal possession of a firearm (Pen. Code, § 25300.)
- Armed criminal action (Pen. Code, § 25800.)
- Possession of ammunition designed to penetrate metal or armor (Pen. Code, § 30315.)
- Unauthorized possession/transportation of a machine gun (Pen. Code, § 32625.)
- Driver of any vehicle who knowingly permits another person to discharge a firearm from the vehicle or any person who willfully and maliciously discharges a firearm from a motor vehicle (Pen. Code, § 26100, subd. (b) or (d).)
- Firearms dealer who sells, transfers or gives possession of any firearm to a minor or a handgun to a person under 21 (Pen. Code, § 27510.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person receiving in-patient treatment for a mental disorder, or by a person who has communicated to a licensed psychotherapist a serious threat of physical violence against an identifiable victim (Welf. & Inst. Code, § 8100.)
- Providing a firearm or deadly weapon to a person described in Welfare and Institutions Code sections 8100 or 8103 (Welf. & Inst. Code, § 8101.)
- Purchase, possession, or receipt of a firearm or deadly weapon by a person who has been adjudicated to be a mentally disordered sex offender or found to be mentally incompetent to stand trial, or not guilty by reason of insanity, and individuals placed under conservatorship (Welf. & Inst. Code, § 8103.)
- Bringing firearm related contraband into juvenile hall (Welf. & Inst. Code, § 871.5.)
- Bringing firearm related contraband into a youth authority institution (Welf. & Inst. Code, § 1001.5.)
- Theft of property less than $950.00, if property taken was a firearm (Pen. Code, § 490.2)
- Various violations involving sales and transfers of firearms (Pen. Code, § 27590, subd. (c).)

The following misdemeanor conviction results in a five year prohibition:

- Every person who owns or possesses a firearm or ammunition with knowledge that he or she is prohibited from doing so as a result of a gun violence restraining order (Pen. Code, § 18205).

The following misdemeanor convictions result in a lifetime prohibition:

- Inflicting corporal injury on a spouse or significant other (Pen. Code, § 273.5.) (Convictions on or after 1/1/2019; Per Pen. Code, § 29805(b).)*
- Assault with a firearm (Pen. Code, §§ 29800, subd. (a)(1), 23515, subd. (a).)
- Shooting at an inhabited or occupied dwelling house, building, vehicle, aircraft, housecar or camper (Pen. Code, §§ 246, 29800, subd. (a)(1), 17510, 23515, subd. (b).)
- Brandishing a firearm in presence of a peace officer (Pen. Code, §§ 417, subd. (c), 23515, subd. (d), 29800, subd. (a)(1).)
- Two or more convictions of Penal Code section 417, subdivision (a)(2) (Pen. Code, § 29800, subd. (a)(2).)

*A "misdemeanor crime of domestic violence" (18 USC, §§ 921(a)(33)(A), 922(g)(9).)

Note: The Department of Justice provides this document for informational purposes only. This list may not be inclusive of all firearms prohibitions. For specific legal advice, please consult with an attorney licensed to practice law in California.

APPENDIX E: Bureau of Firearms Regional Offices and Field Offices

Bureau of Firearms
Regional and Field Offices

APPENDIX F: Case Studies

In an effort to better explain how APPS investigations are developed, and to showcase some of the significant seizures, the Bureau has included this case studies section. Examples 1-5 are summary conclusions of actual significant investigations conducted throughout the state.

Example 1

Assault Weapon/Handguns Seized from Stockton Felon. An APPS investigation was conducted by BOF agents in the City of Stockton at the home of an individual prohibited due to a felony conviction. The APPS system showed one firearm registered to the prohibited individual. The APPS individual also had a prior conviction and multiple arrests for obstructing/resisting a peace officer. Due to the individual's felony conviction, he was on probation and open to search and seizure by law enforcement.

Agents went to the man's listed probation address and made contact with the APPS individual. The man told agents he had given the APPS listed firearm to a family member, but had a small amount of ammunition in the residence and allowed agents into the residence. As a result of a probation search, the prohibited individual was found to be in possession of one "ghost gun" assault pistol, two non-APPS handguns, one APPS handgun, large capacity magazines, and ammunition. The individual admitted to prior membership in a criminal street gang to agents. Agents also found seven children under the age of 12 inside the residence. Agents did not locate the APPS listed firearm at the residence.

Agents contacted the family member who was supposed to be in possession of the APPS listed firearm. The family member told agents he was in fact in possession of the firearm and legally transported it to the residence in the trunk of a vehicle and surrendered it to agents.

The individual was arrested for violation of Penal Code sections 29800, Prohibited Person in Possession of a Firearm; 30305(a)(1), Prohibited Person in Possession of Ammunition; and 30605(a), Possession of an Unregistered Assault Weapon. Agents recommended child endangerment charges be filed additionally on the individual by the local district attorney's office. The individual was removed from the APPS database.

Example 2

Contra Costa County APPS Individual Arrested with Numerous Assault Weapons. BOF agents conducted an APPS investigation in Contra Costa County at the home of a man prohibited due to a misdemeanor conviction of negligent discharge of a firearm. Agents contacted the APPS individual at his listed address. As a result of a consent search, the prohibited APPS individual was found to be in possession of seven non-APPS assault weapons, two non-APPS rifles, three APPS handguns, two non-APPS handguns, one non-APPS shotgun, and 5000 rounds of ammunition. Four of the assault weapons and two of the handguns confiscated by agents were manufactured by the APPS individual and were considered "ghost guns". The man was arrested for violation of Penal Code sections 30600(a), Manufacturing an Assault Weapon; 30605(a), Possession of an Unregistered Assault Weapon; 29805(a), prohibited person in possession of a firearm; and 30305(a), Prohibited Person in Possession of Ammunition. The man was removed from the APPS database.

Example 3

Felon Outlaw Motorcycle Gang Supporter Arrested for Possession of Firearms. BOF agents conducted an APPS investigation at the residence of a Stockton man who was prohibited from possessing firearms due to a previous felony conviction. The APPS individual was on probation for his conviction and subject to search and seizure by law enforcement. He had one APPS handgun in his name. Agents contacted the APPS individual at his listed address. Upon contact, the man told agents his firearm had previously been stolen, and that he had failed to report it to law enforcement. The APPS individual admitted to agents that he was storing several firearms at his residence for some friends.

Agents conducted a probation search of the man's residence. As a result of the search, agents seized six non-APPS rifles, five non-APPS handguns, four magazines, and approximately 1,800 rounds of ammunition. Agents advised the man to report the stolen firearm to local law enforcement. The man admitted to agents to being an outlaw motorcycle gang supporter.

The man was arrested for violation of Penal Code sections 29800, Prohibited Person in Possession of a Firearm; 30305(a)(1), and Prohibited Person in Possession of Ammunition. The man will remain in the APPS database.

Example 4

Smoke Grenades, Firearms, and Ammunition Found at San Diego Residence. BOF agents conducted an APPS investigation on an individual prohibited from possessing firearms due to a Domestic Violence Restraining Order (DVRO). Agents contacted the prohibited person at his residence in an attempt to determine the whereabouts of his firearms. As agents were speaking with the APPS individual he told them that the firearms were turned into his employer (Federal Bureau of Prisons), and refused to allow agents to conduct a search of the residence. Agents contacted the man's employer who stated the firearms were not in their custody. Agents asked the APPS individual about his ammunition. The man stated that he may have some ammunition inside of the residence but still refused to allow them to search or recover the ammunition. At that time agents secured the residence in anticipation of a search warrant. Agents obtained a search warrant and conducted a search of the man's residence. Agents located approximately 3,500 rounds of various calibers of ammunition and 147 magazines inside the residence, and various types of military grenade flash bangs, smoke grenades, illumination flares, and small detonating devices in the garage. During the search of the residence it was determined that the APPS individual had two additional shotguns being kept at a friend's residence. Agents responded to that location and recovered the additional firearms.

Agents ultimately seized seven APPS handguns, nine non-APPS rifles, and two non-APPS shotguns. The man was arrested and booked in jail for violation of Penal Code sections 30305(a), Prohibited Person in Possession of Ammunition and 166, Violation of a Court Order. The man was removed from the APPS database.

Example 5

Arsenal of Firearms Seized from Felon's San Diego County Home. BOF agents conducted an APPS investigation on a APPS individual prohibited for possessing firearms due to a Criminal Protective Order (CPO) stemming from an arson conviction. Agents contacted the prohibited person at his place of business. During that contact the prohibited person stated all of his belongings and safes were located at another location. Agents asked the man for permission to accompany him back to the residence where his belongings were at to conduct a consent search. Agents conducted a search of the residence and found that the APPS individual was in possession of an arsenal of firearms and tools, including "jigs" that are commonly used as a template to drill and build firearms. The man told agents he ordered most of his gun parts on the Internet to build his firearms. A total of 34 firearms, 45 magazines, and approximately 60,000 rounds of ammunition were seized from the man. Twelve of the firearms seized were APPS firearms and 22 were non-APPS firearms. The man was arrested for violation of Penal Code sections 30305(a)(l), Prohibited Person in Possession of Ammunition; 29825(a), Felon in Possession of a Firearm; 166, Violation of a Court Order; and 182, Conspiracy. The man was removed from the APPS database.

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