



C A L I F O R N I A

DEPARTMENT OF JUSTICE

BIENNIAL REPORT

2021-2022

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EXECUTIVE SUMMARY

When Attorney General Bonta took office in April 2021, California – along with the rest of the United States – was experiencing a worldwide pandemic and public health crisis, and a corresponding period of social upheaval. Communities across the nation saw a historic rise in reported hate crime, an unacceptable stream of gun violence, the proliferation of homemade ghost guns, and continued economic uncertainty. While California crime rates remain at historic lows, this national unrest created public fear and uncertainty. Under these unprecedented conditions, Attorney General Bonta came in with a clear vision to improve the lives of all Californians, build stronger and safer communities, and advance justice for all – especially communities that have been historically marginalized and overlooked. Under Attorney General Bonta’s leadership, the California Department of Justice redoubled efforts to fight for Californians by defending and enforcing laws touching nearly all facets of life, including public safety, healthcare and reproductive rights, the environment, housing, and beyond.

Attorney General Bonta made improving public safety a top priority, and took a multi-dimensional approach to protecting California communities: not only by investigating illegal activity and holding bad actors accountable, but by working to increase trust and transparency between law enforcement and the communities they serve. He worked to address the nationwide rise of organized retail crime that occurred during the pandemic, both through large-scale law enforcement operations and by bringing together law enforcement, retailers, and more. He also made combatting the nationwide gun violence epidemic a top priority: sponsoring commonsense gun control legislation, seizing thousands of illegal weapons through the Armed and Prohibited Persons (APPS) program, and prosecuting ghost gun manufacturers.

To build stronger, safer communities and advance policies that ensure fairness and opportunity for all Californians, Attorney General Bonta established new teams within DOJ to take on California’s housing crisis, fight hate crime, and better engage with historically marginalized communities. In addition to establishing a new Housing Strike Force and Bureau of Racial Justice, he expanded the Department’s Environmental Justice Bureau, a team that fights to protect Californian communities living at the intersection of poverty and pollution. Attorney General Bonta also pioneered the Office of Community Awareness, Response, and Engagement (CARE), an innovative effort that works directly with community organizations, state and local elected officials, and members of the public to help ensure the inclusion of diverse perspectives in DOJ’s work.

Amidst a historic rollback of reproductive rights across the country, the California Department of Justice persisted in its fight to expand access to healthcare, including reproductive healthcare, and oppose abortion bans across the nation.

The Attorney General has remained committed to economic justice, protecting consumers, workers, and taxpayers by holding bad actors accountable for illegal, unfair and anti-competitive practices. Under Attorney General Bonta’s leadership, the Department of Justice litigated major constitutional challenges before the Supreme Court, defending voting, reproductive, environmental, and workers’ rights.

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

Strengthening Public Safety

As the state's chief law enforcement officer, protecting and expanding public safety is a top priority for Attorney General Bonta. Holding people accountable for breaking the law – from human traffickers to sexual predators – is a critical piece of building safer communities. Over the last two years, the Department of Justice has consistently worked to hold bad actors accountable, and fight for victims and their loved ones.

One of the greatest threats to public safety in California and across the country is the proliferation of firearms. While California's rate of firearm mortality is among the nation's lowest, with [Californians 25% less likely to die in mass shootings than residents of other states](#), firearms were still used in nearly 75% of all homicides in 2021. Experts credit California's robust gun safety policies and strict enforcement for its relative safety. California Attorney General Bonta has used the full weight of his office to uphold California's commonsense gun legislation in court.

The Attorney General is not only interested in enforcing current gun safety laws, he is also committed to promoting new commonsense gun legislation. This year, the Department announced the sponsorship of Assembly Bill 1594, legislation that will restore the rights of Californians to hold the firearm industry responsible for their misconduct. To help achieve this goal, the Attorney General filed also a motion for preliminary injunction to halt the sale of illegal ghost gun kits by retailers MDX Corporation (MDX), GS Performance, LLC (Glockstore) and Blackhawk Manufacturing (Blackhawk).

And, in the last two years, the Department continued its commitment to removing firearms from those prohibited from possessing them, performing multiple Armed and Prohibited Persons sweeps across the state. In 2021 alone, the Department seized nearly 1,500 illegal firearms — a 15% increase year-over-year.

In June 2021, the Department formally launched new regional Human Trafficking and Sexual Predator Apprehension Teams (HT/SPAT) across the state. In addition to investigating and prosecuting trafficking cases, the Department makes every effort to provide survivors with the resources they need through the Department's Victims' Services Unit. This work extends across the Department and includes efforts to increase access to sexual assault testing kits through the Untested Sexual Assault Evidence Grant-Backlog Reduction Program, a dollar-for-dollar matching grant aimed at assisting local authorities in reducing backlogs of unprocessed sexual assault evidence in their jurisdictions.

As with other parts of the country, organized criminal activity takes many forms in California, including through retail theft. In fact, according to a report by the Retail Industry Leaders Association and Buy Safe America Coalition, as much as [\\$68.9 billion worth of products were stolen from retailers in 2019](#). The Department has prioritized addressing retail theft, even securing the felony sentencing of multiple defendants involved in one of the largest organized [retail theft](#) operations in California history.

The Department also seeks to address gang violence in California through largescale investigations and takedowns of gangs across California, including the Oak Park Bloods, Westside Verdugo, and Sureño gangs. Within the last six months, the Department announced 90 arrests as part of a multiagency gang takedown in Stockton, plus another 47 felony arrests — including 17 related to human trafficking and pimping — as a result of a months-long, multiagency investigation into violent criminal street gangs operating in Fresno.

Attorney General Bonta is also committed to building trust between law enforcement and the communities they serve. In order to bolster trust, there must be transparency and accountability. So, as one of his first acts, the Attorney General committed to accelerating the public release of peace officer use-of-force & misconduct records in the Department of Justice's possession. Soon after, he established the California Police Shooting Investigation Teams (CaPSIT) to investigate and review officer-involved shootings of unarmed civilians. Since its establishment, CaPSIT has been involved in over 20 investigations of officer-involved shootings. He also reached a [settlement resolving a pattern and practice investigation of the Bakersfield Police Department](#) and the [opened an investigation into the Torrance Police Department](#) as part of an effort to identify and correct potential systemic failures in the police department's policies and practices.

Tackling Discrimination and Hate

Despite being one of the most diverse states in the country, California is not immune to discrimination and hate. [Between 2020 and 2021, the number of reported hate crime events in California increased by over 32%.](#) To help address bias and hate at their roots, the Attorney General launched the Racial Justice Bureau and kicked off a series of statewide roundtables, visiting nine of California's largest cities.

As champion of LGBTQ+ rights across the nation, the California Department of Justice joined other states in advocating for transgender rights, including the right to evidence-based and medically accepted gender affirming care, the right to use the bathroom in accordance with a person's gender identity, and the right to participate in school sports.

The Attorney General also responded to threats against voting rights both in and beyond California, including by defending the California Voting Rights Act at the California Supreme Court. At the federal level, he urged Congress to pass legislation protecting against voter suppression and election subversion. He also fought attempts to revive discriminatory voter suppression laws in Florida and Georgia, while advocating for the voting rights of formerly incarcerated individuals in North Carolina and Minnesota.

In addition, with the assistance of the California Department of Justice, the Reparations Task Force released an interim report, providing an in-depth overview of the harms inflicted on African Americans in California and across the nation due to the ongoing legacy of slavery and systemic discrimination. The Task Force is a first-in-the-nation effort by a state government to study slavery, its effects throughout American history, and the compounding harms that the United States and Californian governments have inflicted upon African Americans.

Protecting the Health and Wellbeing of Californians

Historic events over the last two years – from the COVID-19 pandemic, to the unravelling of reproductive health protections – have emphasized serious inadequacies that remain in the United States healthcare system. Amidst these public health crises, it is crucial that all Californians can access quality, affordable healthcare. To protect the health and wellbeing of Californians, the California Department of Justice redoubled its efforts to ensure all residents can access essential healthcare. As a critical part of this effort, the Department prevailed in the defense of the Affordable Care Act in *California v. Texas*, protecting the backbone of the American healthcare system and access to affordable reproductive care for millions of Americans. In the midst of the United States’ declining life expectancy, the California Attorney General fought to hold healthcare and pharmaceutical providers accountable to ensure greater access to the highest level of care. Moreover, he continues to raise awareness about – and prosecute – organizations and businesses that undermine California’s public health.

Despite the recent United States Supreme Court decision to overturn *Roe v. Wade*, California remains a staunch defender of reproductive rights, including safe and legal abortion, and maintains some of the most robust reproductive freedoms in the country. The Attorney General urged the California Supreme Court to undo an 11-year prison term against a Kings County woman charged with murder following a stillbirth, and issued a first-of-its-kind legal alert to all California district attorneys, police chiefs, and sheriffs stating that California Penal Code does not criminalize pregnancy loss, including miscarriage and stillbirth.

California remains a safe haven for those all those seeking safe and legal abortion care, and has done its part to advocate for the reproductive rights of pregnant people across the nation. In the wake of the Supreme Court’s decision to overturn *Roe*, [an estimated 10,600 more people may come to California each year for abortion care](#). To support vulnerable populations in other states, California led coalitions of attorneys general in opposing abortion bans across the country, including in Mississippi, Idaho, Arizona, South Carolina, and Texas.

The Attorney General continues to use the full weight of his office to protect the health and safety of Californians, including from big businesses that flout the law. Here in California, the Department of Justice addressed the root causes of the opioid epidemic by cracking down on complicit pharmaceutical companies who enabled and profited from addiction. To that end, the Attorney General secured \$32+ billion in national settlements against major players in the opioid crisis, including Johnson & Johnson, Purdue Pharma, and the Sacklers to resolve investigations and litigation over the companies’ roles in aiding the creation and fueling the opioid epidemic.

To aid in maintaining healthy competition in the healthcare field, the Department of Justice monitors hospitals, pharmaceutical companies, and pharmacies across the state. For example, the Department announced final approval of \$575 million settlement with Sutter Health resolving allegations of anti-competitive practices. In addition, the Department secured a \$40 Million settlement against ‘Pharma Bro’ Martin Shkreli’s company Vyera Pharmaceuticals for an illegal monopoly of life-saving drug, banning him from working in the pharmaceutical industry for life.

Holding the Powerful Accountable

No one, including large corporations, are above the law. For too long, corporate entities have been left unaccountable for destructive practices. Often, the communities most impacted lack the resources to fight back. That is where the Department of Justice steps in.

During this biennial period, the Department took on some of the most powerful technology corporations in the world. To protect the health and safety of children and young people, the Department launched nationwide investigations into TikTok and Meta Platform, Inc., previously known as Facebook, for promoting their social media platforms to children and young adults despite evidence of adverse mental and physical effects in youth. The Department of Justice also joined a bipartisan coalition in a challenge to Meta/Facebook's illegal, anticompetitive behavior connected to the company's acquisition of Instagram and WhatsApp.

The Attorney General also fought to hold big companies accountable for the health and safety of California's frontline workers during the COVID-19 pandemic. To help impacted workers, the Department secured a first-of-its-kind stipulated judgment requiring Amazon to: end harmful labor practices concealing COVID-19 case numbers from workers; provide key information on existing workplace protections; and pay \$500,000 toward further enforcement of California's consumer protection laws.

The Attorney General is committed to protecting students from predatory universities and loan providers. Over the last two years, the Department of Justice secured historic victories against these deceptive institutions. In addition to successfully suing Ashford University and Zovio for engaging in unlawful business practices and false advertising, the Department has gone on to secure the sentencing of fraudulent student loan assistance scams, including obtaining \$1.7 billion in private student loan debt cancellation from one of the largest student loan servicers in the country, Navient.

As part of the Department's continued effort to hold corporations accountable, the Attorney General announced a \$141 million settlement against Intuit, resolving allegations that the California-based company deceptively advertised its "free" online TurboTax products.

Defending the Environment

As the State's largest law enforcement agency, the Department of Justice is committed to protecting California's natural resources, biodiversity, and our residents by advocating for robust environmental policies and by holding polluters accountable.

To bolster the fight against environmental injustices throughout California, Attorney General Bonta expanded the Department's Bureau of Environmental Justice. He also fought to undo the Trump Administration's rollbacks of the Natural Environmental Policy Act, the Clean Water Act, Endangered Species Act, and Clean Car Standards, and secured a decision requiring the San Joaquin Valley Unified Air Pollution Control District to comply with state air monitoring requirements for refineries.

Additionally, the Attorney General secured several pivotal victories against corporate polluters. The Department filed a statewide lawsuit against Walmart for the illegal disposal of more than one million items of hazardous waste in California each year. In a similar suit, the Department

announced a \$5.5 million settlement with DISH Network for the illegal disposal and mismanagement of hazardous waste. The Department also took on the fossil fuel and petrochemical industries, announcing a first-of-its-kind investigation into their role in causing and exacerbating the global plastics pollution crisis.

The Department also investigated oil spills in California, resulting in the sentencing of SFPP, a subsidiary of Kinder Morgan Energy Partners. Additionally, the Department filed a lawsuit against USPS, the City of Fontana, and the Port of Los Angeles, challenging their flawed environmental reviews.

Addressing the Housing Crisis

[California is in the midst of a housing crisis, with rent and housing costs in the state significantly higher than the rest of the country.](#) To combat this crisis, the Attorney General spent the last two years fighting housing discrimination, advocating for a moratorium on evictions, and raising awareness about tenant and housing rights. To advance housing access, affordability, and equity, the Department of Justice launched a Housing Strike Force, an online Housing Portal, and a tenant roundtable series.

The Department of Justice brought the fight for housing rights to the federal level, announcing a major appellate court decision upholding the constitutionality and statewide applicability of the California Housing Accountability Act to protect housing availability and affordability in California.

Senate Bill 9, also known as the California Housing Opportunity and More Efficiency (“HOME”) Act, streamlines the process for a homeowner to create a duplex or subdivide an existing lot. The Attorney General defended the legislation in Los Angeles Superior Court and successfully urged the Town of Woodside and the City of Pasadena, among others, to reverse course after attempting to implement changes that would have violated the law.

Like SB 9, SB 10 encourages new housing creating by providing tools for local governments to zone for up to ten homes per parcel in transit-rich areas, or urban infill sites. The Department successfully defended SB 10 before the Los Angeles Superior Court, which deemed the law constitutional.

During the height of the pandemic, the state of California instituted an eviction moratorium, designed to keep California tenants who missed rent payments in their homes during the coronavirus pandemic. However, according to a report by CalMatters, between July 2020 and March 2021, sheriff’s departments across the state enforced lockouts of at least 7,677 households. During this time, the Department sent warning letters to 91 law firms across the state that represent landlords in eviction cases after being notified that some firms and their clients may have filed false declarations to evict families.

In addition to warning consumers, the Department also announced a \$3.5 million judgment against Wedgewood, a Los Angeles county-based real estate investment company, resolving allegations that Wedgewood unlawfully evicted tenants from properties purchased at foreclosure sales.

DEPARTMENT OVERVIEW

The Attorney General’s responsibilities are fulfilled through the diverse programs of the Department of Justice, which has approximately 5,700 positions, four divisions, and an annual operating budget of over \$1.2 billion.

Division	Authorized Positions	Budget
Legal Services Division	1,964	\$585,821,000
Division of Law Enforcement	1,263	\$304,506,000
California Justice Information Services	1,309	\$262,275,000
Directorate and Administration	1,136	(\$154,784,000)
Total	5,672 positions	\$1,152,602,000

EXECUTIVE PROGRAMS

Executive Programs consists of the following units:

- The **Office of Community Awareness, Response, and Engagement (CARE)**, through its three teams, works directly with community organizations, state and local elected officials, and members of the public to help ensure the inclusion of diverse perspectives in the state's work. Specifically, CARE focuses on cultivating relationships with historically marginalized and underrepresented communities in line with the California Department of Justice's commitment to diversity, equity, and inclusion in all aspects of its work on behalf of the people of California. The Office includes the Victims' Services Unit, the Public Inquiry Unit, and Community Outreach Specialists.
- The **Office of the Solicitor General's** core mandate is to provide or promote excellent representation in appellate matters handled by the Department. The Office serves as a resource for Department leadership, attorneys, and staff by providing appellate advice and collaborating with the divisions and sections to foster consistent excellence in appellate practice.
- The **Office of Legislative Affairs** represents the Attorney General in the State Legislature. It is responsible for developing and advocating for the Attorney General's legislative priorities. It also coordinates the Attorney General's communications with the State Legislature and the Governor's Office on legislative matters.
- The Attorney General appoints **Special Assistants to the Attorney General** to focus on priorities of his administration, including civil rights, criminal justice reform and law enforcement, housing, workers' rights, consumer protection, health care, and the environment. Special Assistants serve as the Attorney General's key advisors in his priority areas and work throughout the Department to lead teams and manage special projects for the Attorney General.
- The **Office of Communications** oversees external and internal communications for the Department. The office organizes speaking opportunities, press conversations, and other events to highlight the initiatives the Department engages in on behalf of all Californians. The Office manages press inquiries, oversees the messaging for all legislatively mandated reports, and produces press releases on behalf of the Attorney General. In addition, the Office is responsible for the Department's digital presence including content on the public website, social media, and graphics.
- The **Office of External Affairs** develops and maintains relationships with key stakeholders such as elected officials, law enforcement agencies, labor unions, and business organizations to foster a greater understanding of the initiatives taken by the DOJ. The office oversees the Attorney General's external engagement through attending or planning meetings or events that advance the priorities of the Attorney General.
- The **Equal Employment Rights and Resolution Office** ensures equal employment opportunities (EEO) within the DOJ are consistent with state and federal laws. The office administers the employee discrimination complaint process, monitors departmental employment processes, and provides training to ensure a workplace free of discrimination and harassment

- The **Office of Program Oversight and Accountability** is the DOJ’s primary internal audit organization, and ensures that the Department meets Government Code reporting requirements for accounting and internal control.
Major Accomplishments

Spotlight On: CARE

Office of Community Awareness, Response, and Engagement

Overview

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

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

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

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

The office consists of the following units:

- **Victims’ Services Unit (VSU):** VSU offers support and information to victims and their families at every stage of the criminal process. VSU works to provide client-centered, trauma-informed, and culturally sensitive services to all crime victims, including underserved, at-risk, underrepresented, and vulnerable populations. Through the unit’s services, victims can track the status of appeals, recusal cases, and other matters handled by DOJ’s prosecutors. The unit works in conjunction with victim service providers and frontline prosecutors across the state.
- **Public Inquiry Unit (PIU):** PIU provides information and assistance to the hundreds of thousands of Californians who contact the DOJ each year. A key priority of the Unit is resolving consumer complaints. They do this by coordinating with relevant divisions within the department to provide timely, accurate responses.

- **Community Outreach Specialists:** Community Outreach Specialists establish and build relationships through outreach and engagement with community-based organizations, local and state agencies, faith-based groups and other external stakeholders and constituencies to reach communities that have historically confronted barriers to accessing justice. They initiate and manage programs to promote awareness of DOJ resources, identify additional strategies to support communities, and create opportunities for the Attorney General to meet directly with key stakeholders.

Major Accomplishments

Engaging with California’s Historically Marginalized and Underserved Communities

Strategic Outreach: CARE established five Community Outreach Specialist positions to perform outreach in all 58 counties of California. The Community Outreach Specialists are located in five separate regions: Northern California/Bay Area, Sacramento/Central Valley, Central Coast, Los Angeles/Orange County/Inland Empire, and San Diego/Imperial. Since its creation a year ago (as of this writing in August 2022), Community Outreach Specialists have engaged over 200 diverse organizations and communities by conducting meetings, making presentations, attending key events, and consistently sharing relevant information about CA DOJ resources and activities.

Stakeholder Database: To share information with the public efficiently, CARE created an organized database of stakeholders for timely and relevant distribution of information and resources for communities, organizations, and regions that are most impacted by DOJ’s work.

Public Education Series: In an effort to develop knowledge and awareness of DOJ’s resources and programs, CARE hosts a quarterly virtual presentation series for the public entitled *Demystifying the DOJ*. These presentations are opportunities to learn directly from DOJ experts and ask questions regarding the work of DOJ’s various divisions, sections, bureaus, and offices.

- In April 2022, the first presentation featured the Victims’ Service Unit during National Crime Victims’ Rights Week.
- In August 2022, the Special Assistant Attorneys General and the Criminal Justice Statistics Center presented information on hate crimes in California, as well as DOJ’s ongoing efforts to address the issue statewide. Diverse organizations, agencies, and geographic regions within the state attended this series.

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

Collaborating with State Agencies to Address Hate

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

Spotlight on: Organizing Engagement Activities

Hate Crime Roundtables: As California and the nation experienced an alarming overall increase in reported hate crimes, Attorney General Bonta committed to combat the effects of hate and worked with partners across the state to build stronger, safer communities. Attorney General Bonta began a series of roundtables in partnership with the Mayors of the thirteen biggest cities in California to focus on strategies to address bias, hate, and strengthen responses to hate crimes. The roundtables bring together elected officials, law enforcement officers, and community leaders. CARE assists with organizing these meetings and is the liaison with community leaders.

Tenant Rights Roundtables: As part of an effort to advance housing access, affordability, and equity in California, Attorney General Bonta created a Housing Strike Force within DOJ. CARE helped to organize a series of regional tenant-group stakeholder meetings across the state, hearing from more than 60 groups. These meetings provided the office further insight into issues facing California's tenants, including specific cases where DOJ may take action.

Reproductive Rights Stakeholder Meetings: As part of Attorney General Bonta's commitment to protecting and expanding access to affordable, quality health and reproductive care, CARE and the DOJ's Healthcare Rights and Access Section led four stakeholder meetings. These meetings brought together 18 groups, including reproductive rights advocates and stakeholders, to determine the best way for DOJ to advance reproductive healthcare access and equity.

Office of the Solicitor General

Overview

The Office of the Solicitor General (OSG), under the leadership of the Solicitor General, has plenary authority and responsibility for ensuring the excellence of the Department of Justice's appellate practice. OSG routinely works on matters at every level of the state and federal court systems, with a special emphasis on the Department's work in the U.S. Supreme Court, the California Supreme Court, and certain Ninth Circuit proceedings. OSG attorneys regularly file briefs and present oral arguments in the state and federal appellate courts. OSG also supports the

improvement of appellate practice skills and provides advice on appellate matters throughout the Department. In litigating particular appellate cases, OSG closely collaborates with sections in the Public Rights, Civil, and Criminal Divisions. Select cases in which OSG played an important or lead role during this reporting period are described below, organized under the relevant litigating division.

Public Rights Division

Major Cases Protecting California's Interests in U.S. Supreme Court Merits Cases

California v. Texas: California led a coalition of States and the District of Columbia in defending the federal Affordable Care Act (ACA) against a challenge by Texas and other plaintiffs after the Trump Administration refused to defend the that critical statute. The Trump Administration agreed with Texas' argument that the Act became unconstitutional when Congress reduced the tax penalty for not obtaining minimum health coverage to zero in 2017. California successfully intervened to defend the law in the district court, and OSG worked closely with the Healthcare Rights and Access Section throughout the proceedings. The district court held that Texas had standing to bring the suit and declared the entire ACA unenforceable. The Fifth Circuit affirmed the district court on standing and the constitutional question, but remanded for further proceedings on whether the minimum coverage provision should be severed from the rest of the ACA. In *California v. Texas*, California successfully petitioned the U.S. Supreme Court to take up the matter immediately, and then led the briefing and oral presentation in that Court, with the California Solicitor General presenting argument on behalf of the entire state coalition. In a 7-2 decision, the Supreme Court reversed the Fifth Circuit and remanded with instructions to dismiss Texas' lawsuit for lack of standing, thus preserving the ACA.

Dobbs v. Jackson Women's Health Organization: Working closely with the Healthcare Rights and Access Section, OSG authored a multistate amicus brief in the U.S. Supreme Court to defend reproductive freedom in *Dobbs v. Jackson Women's Health Organization*. In that brief, California—along with 21 other States, the District Columbia, and the North Carolina Attorney General—urged the Supreme Court to uphold the Court's decisions in *Roe v. Wade* and *Planned Parenthood v. Casey*, which recognized and then re-affirmed a constitutional right to choose whether to have an abortion. Overturning half a century of precedent, the U.S. Supreme Court held in a 5-4 decision that the federal Constitution does not confer such a right. Under that decision, abortion regulations are now subject to only a rational basis standard of review, allowing States to outlaw or substantially restrict abortions. In a rare joint dissent, Justices Breyer, Sotomayor and Kagan expressed their “sorrow—for this Court, but more, for the many millions of American women who have today lost a fundamental constitutional protection.” OSG is working with the Healthcare Rights and Access Section and other components of the Department to ensure that California continues to support reproductive choice.

Arizona v. City and County of San Francisco: As part of a cross-sectional team including the Healthcare Rights and Access Section and the Civil Rights Enforcement Section, OSG assisted in the Department's successful challenge to a Trump Administration regulation that would have dramatically expanded the grounds on which immigrants could be denied admission to the United

States as a public charge. California and other States and local governments sued and then secured a preliminary injunction blocking enforcement of the regulation, which the Ninth Circuit affirmed. The Trump Administration petitioned the U.S. Supreme Court to review the Ninth Circuit’s decision, but the Biden Administration later removed the regulation from the Code of Federal Regulations and withdrew the certiorari petition. Arizona and a coalition of States then moved to intervene in the Ninth Circuit for the purpose of defending the now-eliminated Trump-era rule. The Ninth Circuit denied Arizona’s motion, and Arizona filed a petition for a writ of certiorari in the U.S. Supreme Court seeking review of that denial, in a case captioned *Arizona v. City and County of San Francisco*. After the Supreme Court granted Arizona’s petition, California filed a brief on behalf of an 18-state coalition, and a Deputy Solicitor General presented oral argument on behalf of all of the plaintiffs. California’s arguments persuaded the Court to dismiss Arizona’s petition as “improvidently granted,” which left the Ninth Circuit rulings—and California’s win for immigrants—in place.

Viking River Cruises v. Moriana: Advancing the Attorney General’s commitment to workers’ rights, OSG authored California’s merits-stage amicus brief in the U.S. Supreme Court in *Viking River Cruises v. Moriana*. In that case, an employer sought to prevent an employee from bringing a Labor Code enforcement action under California’s Private Attorneys General Act (PAGA) for violations committed against the employee’s co-workers. The employer claimed that the purported waiver of all such “representative” PAGA claims contained in an arbitration agreement was enforceable under the Federal Arbitration Act. Among other things, California’s brief explained that in PAGA actions, the employee acts as proxy for the State, and noted that the Federal Arbitration Act was not intended to interfere with state law enforcement. The Supreme Court rejected the employer’s broad view of preemption, holding instead that the representative claims must be dismissed because—as the Court construed PAGA—an employee was not authorized under state law to pursue those claims in court once the employee’s individual PAGA claims were sent to arbitration. The opinion contains important limiting language and leaves open the possibility that the California Supreme Court may construe PAGA to allow representative PAGA claims to proceed in these circumstances.

Haaland v. Brackeen: Together with the Civil Rights Enforcement Section, OSG is helping to defend the Indian Child Welfare Act (ICWA), which gives Indian families preference for adoptive or foster-care placement of Indian children. Texas and other plaintiffs claim that ICWA is unconstitutional for a variety of reasons, including that it exceeds Congress’s power and violates the Equal Protection Clause and the anticommandeering doctrine. At every stage of the case, California has led a multistate coalition filing amicus briefs that urged the courts to uphold the law. Sitting en banc, the Fifth Circuit issued a lengthy, fractured ruling that rejected the challengers’ most extreme and far-reaching claims. But the court upheld (by an equally divided vote) the district court’s ruling that several provisions of ICWA violate the federal Constitution. OSG authored California’s petition-stage multistate amicus brief filed in the U.S. Supreme Court, asking the Court to grant review of certiorari petitions filed by the United States and by several Tribes. The Court then granted review in *Haaland v. Brackeen* (consolidated with three other cases), and California authored a merits-stage amicus brief supporting ICWA. Twenty-two other States and the District of Columbia joined the brief.

Challenging Unlawful Federal Immigration Policies

Barr v. City and County of San Francisco; City and County of San Francisco v. Garland: OSG and the Civil Rights Enforcement Section collaborated to block the Trump Administration's attempt to require California to assist in the enforcement of federal immigration laws by attaching certain conditions to funds received under the federal Edward Byrne Memorial Justice Assistance Grants (JAG) program. In *Barr v. City and County of San Francisco*, the Civil Rights Enforcement Section successfully argued in the district court that the Executive Branch did not have the power to withhold the funds under the challenged conditions. The team also obtained a judgment declaring unconstitutional a federal law (8 U.S.C. § 1373) that had been the basis for one of the JAG funding conditions. OSG briefed and argued the appeal. After the Ninth Circuit affirmed, OSG opposed the Trump Administration's attempt to seek U.S. Supreme Court review. The federal government under the Biden Administration eventually withdrew its petition for certiorari. In a separate case concerning restrictions placed on fiscal year 2018 grants, *City and County of San Francisco v. Garland*, the Civil Rights Enforcement Section secured a similar district court judgment. OSG defended that judgment on appeal, including by presenting oral argument before the Ninth Circuit. The Ninth Circuit reversed in part, but affirmed the portions of the judgment prohibiting the federal government from attaching the challenged conditions to JAG funds in the future.

Texas v. United States: In *Texas v. United States*, OSG teamed up with the Civil Rights Enforcement Section and the New York DOJ to lead a multistate amicus brief in the U.S. Court of Appeals for the Fifth Circuit in defense of the Deferred Action for Childhood Arrivals (DACA) program. The DACA program protects hundreds of thousands of Americans who came to the United States as children by deferring any immigration removal proceeding and allowing them to obtain a work permit. California had previously led a multistate coalition in successfully challenging the Trump Administration's efforts to terminate DACA, with OSG leading the briefing and the Solicitor General presenting oral argument in the Supreme Court. In the Fifth Circuit, we supported the Biden Administration's appeal of a district court decision holding the program unlawful and enjoining its implementation. Our amicus brief emphasized the many important benefits that the program confers on DACA recipients, their families, their communities, and the broader economy. The Fifth Circuit has not yet issued its decision.

Trump v. Sierra Club: Working in collaboration with the Civil Rights Enforcement Section, the Environment Section, and the Natural Resources Law Section, OSG represented California in two U.S. Supreme Court cases challenging the Trump Administration's diversion of federal funds to build a wall at the U.S.-Mexico border. In one case, *Trump v. Sierra Club*, the Ninth Circuit concluded that transfers of federal funds that Congress had appropriated for certain military activities were unlawful. The Supreme Court granted certiorari. OSG led the preparation of the State's merits brief, which was filed in January 2021. Thereafter, the Biden Administration changed its policy and halted wall construction. Following that development, in July 2021, the U.S. Supreme Court vacated and remanded the case to the lower courts. In the second case, also captioned *Trump v. Sierra Club*, the Ninth Circuit held that the diversion of certain military-construction funds for border wall construction was unlawful. The United States filed a petition

for a writ of certiorari. OSG led the preparation of the State’s brief in opposition, which was filed in July 2021. In October 2021, the Court granted the petition, vacated the lower court’s judgment, and remanded the case. The parties have instituted settlement negotiations.

Advocating for California’s Interests in the California Supreme Court

Presbyterian Camp v. Superior Court; County of Butte v. Department of Water Resources; Serova v. Sony Music: OSG also led the briefing and argument in merits cases in the California Supreme Court, in party and amicus roles, working closely with sections in the Public Rights Division. For example, OSG briefed and argued two important environmental cases, in collaboration with the Natural Resources Law Section. In *Presbyterian Camp v. Superior Court*—arising out of the 2016 Sherpa Fire in Santa Barbara County—the Court held, consistent with DOJ’s arguments, that state law authorizing recovery of fire-suppression expenses holds an employer liable where employees negligently start a wildfire within the scope of their work. In *County of Butte v. Department of Water Resources*, the Court held that that federal law governing the licensing of dams by the Federal Energy Regulatory Commission does not categorically preempt the State’s ability to apply the California Environmental Quality Act to state-owned and operated hydroelectric projects—in that case, the Oroville Dam. In addition, in consultation with the Consumer Protection Section, OSG authored an amicus brief in *Serova v. Sony Music*. That brief described the history of government’s regulation of false and deceptive speech in the marketplace. It also explained that under California’s consumer protection laws, buyers have a right to be accurately informed about the content and authenticity of the products they purchase—whether or not the information relates to an entertainment medium, and whether or not it is connected in some way to a public figure or controversy of public interest. After the reporting period, the California Supreme Court issued a decision tracking the arguments made in our amicus brief and comprehensively discussing how the commercial speech doctrine applies in the artistic context.

Civil Law Division

Major Cases:

Defending Important State Policies in U.S. Supreme Court Merits Cases

Working closely with the Government Law Section, OSG handled three U.S. Supreme Court merits cases arising out of the Civil Division during this reporting period.

National Pork Producers Council v. Ross: Most recently, OSG and the Government Law Section collaborated on a merits case that continues the Department’s work defending against challenges to important California laws under the “dormant Commerce Clause”—a prohibition against state laws that discriminate against or excessively burden interstate commerce. In *National Pork Producers Council v. Ross*, pork producers challenged Proposition 12, a law prohibiting the sale in California of certain pork products derived from animals housed in inhumane conditions. California prevailed in the lower federal courts, which reasoned that Proposition 12’s neutral, in-state sales restrictions did not violate the dormant Commerce Clause under settled precedent. The U.S.

Supreme Court decided to review the case in the spring of 2022. California filed its merits brief in August 2022 and will present oral argument in October 2022.

Cedar Point v. Hassid: In a second case, *Cedar Point v. Hassid*, OSG and the Government Law Section defended a longstanding state regulation requiring agricultural employers to allow union organizers access to their property at certain times and under certain conditions in order to protect vulnerable farm workers. The plaintiffs alleged that the law effected an uncompensated “taking” of property in violation of the Fifth Amendment of the U.S. Constitution. DOJ prevailed in the lower federal courts, but the U.S. Supreme Court granted the plaintiffs’ petition for a writ of certiorari. DOJ filed a merits brief in the Supreme Court and the California Solicitor General argued the case. In a divided, 6-3 decision, a majority of the Court disagreed with DOJ’s argument that the California regulation should be analyzed under the traditional balancing test for alleged “regulatory takings,” and held instead that the regulation constitutes a *per se* physical taking under the Fifth Amendment. Justice Breyer dissented, joined by Justices Sotomayor and Kagan.

Americans for Prosperity Foundation v. Bonta: Finally, OSG and the Government Law Section defended a donor-reporting requirement against a First Amendment challenge in the U.S. Supreme Court. That requirement directed certain tax-exempt charitable organizations to provide the Attorney General, on a confidential basis, with their Internal Revenue Service “Schedule B” tax forms, which list the names of the organizations’ major donors. After the Ninth Circuit upheld the law, the U.S. Supreme Court granted certiorari. DOJ filed a merits brief and a Deputy Solicitor General presented oral argument. In another 6-3 decision, the majority held that the reporting requirement facially violates the First Amendment. It applied “exacting scrutiny,” and determined that the requirement was overbroad and not narrowly tailored to the State’s interest in preventing fraud. Justice Sotomayor dissented, joined by Justices Breyer and Kagan.

Defending California’s COVID-19 Protections Against Constitutional Challenges

Harvest Rock Church v. Newsom; South Bay United Pentecostal Church v. Newsom; Gish v. Newsom; and Tandon v. Newsom: Throughout the Coronavirus pandemic, OSG has worked in close collaboration with Sections across the Department to defend California’s public health restrictions. Of particular significance, the State’s restrictions on indoor gatherings were challenged in a series of emergency applications filed in the U.S. Supreme Court in 2020 and early 2021 (*Harvest Rock Church v. Newsom; South Bay United Pentecostal Church v. Newsom; Gish v. Newsom; and Tandon v. Newsom*). Plaintiffs in these matters sought injunctive relief on Free Exercise Clause grounds, contending that the State’s risk-based approach to limiting in-person gatherings imposed discriminatory burdens on places of worship. OSG, working with the Government Law Section, filed responses to each of the emergency applications. With respect to three applications filed in mid- and late-2020, a majority of the Supreme Court declined to grant the requested injunctions. In 2021, however, the Court granted certain injunctive relief over dissents. In *South Bay*, for example, the Court enjoined the State’s total prohibition on indoor worship services, but left in place the State’s percentage-capacity limitations and prohibitions on indoor singing and chanting. Later, in *Tandon*, the Court enjoined certain restrictions on in-home gatherings.

Defending the Constitutionality of Common-Sense Gun Safety Laws

Duncan v. Becerra; New York State Rifle & Pistol Association v. Bruen: OSG also worked closely with the Government Law Section to defend California’s gun safety laws against Second Amendment claims and other constitutional challenges. In *Duncan v. Becerra*, for example, the Ninth Circuit initially struck down California’s restrictions involving large-capacity magazines (ammunition storage and feeding devices) as unconstitutional. OSG filed a successful petition for rehearing en banc and argued the case before an en banc panel. The en banc panel upheld the law, concluding that California’s restrictions on the acquisition and possession of large-capacity magazines do not violate the Second Amendment, the Takings Clause, or the Due Process Clause. The majority emphasized the detailed evidentiary record developed by the Government Law Section in the trial court, which established that California’s laws save lives and impose at most a minimal burden on individuals’ ability to defend themselves. The en banc decision was later vacated by the U.S. Supreme Court and remanded for further consideration in light of its decision in *New York State Rifle & Pistol Association v. Bruen* (see next entry).

New York State Rifle & Pistol Association v. Bruen: Many of California’s ongoing cases defending California’s gun safety laws will require additional briefing after the U.S. Supreme Court’s June 2022 decision in *New York State Rifle & Pistol Association v. Bruen*. In that case, the Supreme Court considered a Second Amendment challenge to New York’s requirement that applicants for a license to carry a concealed firearm in public must establish “proper cause.” OSG authored a multistate amicus brief on behalf of California, 18 other States, and the District of Columbia. The brief explained why New York’s requirement was consistent with precedent and history surrounding the right to bear arms. In a 6-3 decision, however, a majority of the Supreme Court held that New York’s proper cause requirement was not consistent with our Nation’s historical tradition of firearm regulation. At the same time, the Court made clear that the Second Amendment is not a “regulatory straightjacket,” and that the newly announced constitutional right to “bear commonly used arms in public [is] subject to certain reasonable, well-defined restrictions.” Justice Breyer wrote a dissenting opinion, joined by Justices Sotomayor and Kagan.

Defending California’s Anti-Discrimination Policies

Texas v. California: In *Texas v. California*, Texas sought to bring an original action directly in the U.S. Supreme Court challenging Assembly Bill 1887, which restricts the use of California’s public funds to pay for travel to States with laws that discriminate on the basis of sexual orientation, gender identity, or gender expression. Texas argued that the law violated the dormant Commerce Clause, the Privileges and Immunities Clause, and the Equal Protection Clause. The Trump Administration filed a brief urging the Court to take up the case. With assistance from the Government Law Section and the Civil Rights Enforcement Section, OSG filed multiple briefs explaining that Texas’s proposed complaint did not meet the standards necessary to invoke the Court’s original jurisdiction and responding to the novel legal arguments raised by Texas and the Trump Administration. In a 7-2 decision, the Supreme Court denied Texas’s request to file its complaint, leaving A.B. 1887 in place.

Taking Offense v. State of California: In *Taking Offense v. State of California*, the Government Law Section and OSG successfully petitioned the California Supreme Court for review of a court of appeal decision that struck down on its face an important anti-discrimination law. The law, enacted in 2017 as part of the Lesbian, Gay, Bisexual, and Transgender Long-Term Care Facility Residents’ Bill of Rights, prohibits staff at long-term care facilities from discriminating against a transgender resident by “[w]illfully and repeatedly fail[ing] to use [the] resident’s preferred name or pronouns after being clearly informed of the preferred name or pronouns.” OSG filed a brief before the state high court explaining the important purpose of the law and defends it on its merits, but also arguing that the plaintiff in this case—an organization that objects to the law on philosophical grounds—has no “taxpayer standing” to pursue the challenge. The Court has not yet scheduled oral argument.

Defending California Worker-Protection Statutes

California Trucking Association, Inc. v. Bonta; American Society of Journalists and Authors v. Bonta: In collaboration with the Government Law Section, OSG has defended against various challenges to Assembly Bill 5, a worker-protection law that defines how to determine whether workers are independent contractors or instead are employees who are entitled to the benefits that come with employee status. Two cases are representative of OSG’s successful work in this area. In *California Trucking Association, Inc. v. Bonta*, a trucking services trade group argued that a federal statute governing motor carriers preempted A.B. 5. The district court preliminarily enjoined the law, but the Ninth Circuit reversed, concluding that A.B. 5 was not sufficiently related to carrier prices, routes, or services to be preempted by the federal law. The trade group filed a petition for a writ of certiorari in the U.S. Supreme Court. After California filed a brief opposing certiorari, the Supreme Court called for the views of the U.S. Solicitor General, and OSG met with its federal counterparts to explain why the law was not preempted and why the case was a poor candidate for Supreme Court review. The federal government ultimately filed a brief agreeing with California that the Court should deny the petition and supporting our view of the law. The Supreme Court later denied certiorari.

The Court also denied the petition for a writ of certiorari in *American Society of Journalists and Authors v. Bonta*, a First Amendment challenge to certain exemptions contained in A.B. 5. Two organizations representing freelance writers and visual journalists argued that those exemptions violated the First Amendment because they treated individuals working in various speech-related professions differently. The lower federal courts rejected that argument, and OSG successfully opposed the certiorari petition, explaining that the exemptions do not restrict speech or differentiate between speakers based on their message, and that the case did not implicate any conflict of authority.

Defending California’s Ban on Privately-Operated Detention Facilities

The Geo Group, Inc. v. Newsom: OSG and the Government Law Section are also defending Assembly Bill 32, which generally prohibits privately operated detention facilities within California. In *The Geo Group, Inc. v. Newsom*, the United States and a company that runs

detention facilities alleged that A.B. 32 is preempted by federal law and violates principles of intergovernmental immunity. The district court substantially denied the challengers' motions to preliminarily enjoin the law, but a Ninth Circuit panel reversed. The Ninth Circuit subsequently granted the State's petition for rehearing en banc. OSG presented argument before the en banc court in June 2022 and is awaiting the decision.

Defending State Policies in California Supreme Court Merits Cases

OSG also led briefing and argument in cases in the California Supreme Court in collaboration with Civil Division sections. For example, in *Skidgel v. California Unemployment Insurance Appeals Board*, working with the Health, Education, and Welfare Section, we explained that the Legislature addressed the proper interpretation of a state unemployment benefits statute with respect to parents who serve as In-Home Supportive Services providers for their children; the Court's decision reflects our interpretation of the law. And in *Coast Community College District v. Commission on State Mandates*, working with the Government Law Section, we argued that certain state law provisions entitling community college districts to state aid do not require mandatory state reimbursement as "state mandates" under the California Constitution. OSG presented oral argument in that matter in June 2022; the Court recently issued a decision that agreed with our position.

Criminal Division

Major Cases

Defending Constitutional Protections in State Bail Proceedings

In Re Humphrey: OSG continued to advance the Attorney General's efforts to reform California's bail system in collaboration with the Appeals, Writs, and Trials Section. In *In re Humphrey*, the California Supreme Court granted review to consider whether the common practice of conditioning freedom solely on whether an arrestee can afford bail is unconstitutional. OSG filed a brief arguing that the bail system as then-designed violated due process and equal protection. After OSG presented oral argument, the Court substantially agreed. As a result of the Court's decision, state trial courts must now consider ability to pay when setting bail. They cannot rely solely on local bail schedules, and cannot set unaffordable bail that would result in pretrial detention unless there is clear and convincing evidence that no other condition would reasonably protect public or victim safety or ensure the defendant's presence at trial.

Advocating for the Proper Interpretation of Criminal Justice Reform Statutes

In re Friend: Working closely with the Appeals, Writs, and Trials Section, OSG briefed and presented oral argument before the California Supreme Court in ***In re Friend***, a case interpreting Proposition 66, which reformed the procedures for challenging convictions and sentences in capital cases. Among other things, Proposition 66 introduced new restrictions on the presentation of claims in "successive" habeas petitions. Proponents of the measure argued to the Court that "successive" should be construed literally to bar consideration of any claims presented in a petition

filed after an initial petition was adjudicated—regardless of the justification. We argued that the restriction on “successive” petitions did not preclude consideration of claims that could not reasonably have been raised earlier, such as claims based on newly available evidence or recent changes in the law, or claims that were not previously raised as a result of the ineffective assistance of counsel. The California Supreme Court agreed with our position.

People v. Vivar; People v. Espinoza: OSG litigated two important cases interpreting Penal Code section 1473.7, which allows a person to file a motion to vacate a conviction or sentence that is “legally invalid due to prejudicial error damaging the moving party’s ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a conviction or sentence.” In *People v. Vivar*, the California Supreme Court agreed with our position that the “prejudice” requirement of section 1473.7 requires defendants to show only a reasonable probability that they would have rejected the plea if they had correctly understood its actual or potential immigration consequences, a standard that should be applied in light of all the relevant circumstances. The Court also accepted our position that Mr. Vivar had satisfied that standard. Following on *Vivar*, the Court granted review in *People v. Espinoza* to clarify what a defendant must show to establish prejudicial error. Based on the record in that case, we argued that the Court should either hold that Mr. Espinoza’s showing was sufficient or remand to allow him to provide additional evidence in light of the standard recently established in *Vivar*. The Court has not yet scheduled oral argument.

Litigating Other Criminal Matters in the California Supreme Court

People v. Raybon: In *People v. Raybon*, a court of appeal held that Proposition 64, the “Adult Use of Marijuana Act,” had the effect of legalizing the possession of marijuana in prison. In the wake of that decision, the Appeals, Writs, and Trials Section and OSG successfully petitioned for review, and OSG led briefing and argument in the California Supreme Court. Reversing the court of appeal, the Supreme Court held that Proposition 64 generally decriminalized the possession of small amounts of marijuana for the public, but did not legalize the possession of marijuana in custodial institutions. The Court noted that the statutory language is ambiguous, but that “the Attorney General’s proposed reading . . . [is] more persuasive.”

People v. Lemcke: OSG worked with the Appeal, Writs, and Trials Section on a variety of significant criminal matters in the California Supreme Court. To take just one example, OSG briefed and argued *People v. Lemcke*, presenting the question whether a jury instruction encouraging jurors to consider the certainty of a witnesses’ identification violates a defendant’s due process rights. The Court agreed with DOJ’s view that an instruction allowing a juror to consider the certainty of an eyewitness in evaluating eyewitness identification testimony does not amount to a constitutional violation. The Court also agreed with DOJ’s suggestion that the matter should be referred to the Judicial Council to evaluate whether the instruction might be modified to avoid juror confusion regarding the correlation between certainty and accuracy.

Litigating Criminal and Habeas Cases in the U.S. Supreme Court

Lange v. California: In *Lange v. California*, the U.S. Supreme Court took up the question of whether the “hot pursuit” exception to the Fourth Amendment’s warrant requirement allows a police officer to chase a person suspected of a misdemeanor into a home without a warrant. Working with the Appeals, Writs, and Trials Section, OSG authored a brief that argued against the view that any hot pursuit should always justify entry, and a Deputy Solicitor General presented argument on behalf of the State. California’s brief explained that categorically applying a hot-pursuit exception in the misdemeanor context would be contrary to historical practice and could materially increase intrusions on legitimate privacy interests. The Court was ultimately presented with four different interpretations of the Fourth Amendment (from the defendant, the United States, a court-appointed amicus, and California). A majority of the Court accepted California’s arguments, with seven Justices agreeing with our interpretation. As a result of the Court’s decision, police officers pursuing misdemeanants are now required either to obtain a warrant or to identify a case-specific emergency justifying immediate entry into a home.

Also in the U.S. Supreme Court, OSG continued to work closely with the Appeals, Writs, and Trials Section to oppose certiorari petitions in criminal and habeas cases arising out of decisions by the California Supreme Court, the Courts of Appeal, and the Ninth Circuit. We collaborated on dozens of briefs in opposition to certiorari during the reporting period. With the exception of *Lange*, the Supreme Court has denied review in every one of the cases that it considered during this period.

Office of Legislative Affairs

Overview

The **Office of Legislative Affairs (OLA)** represents the Attorney General in the State Legislature. It is responsible for developing and advocating for the Attorney General’s legislative priorities and reviewing and engaging on thousands of bills introduced in the Legislature each session. It also coordinates the Attorney General’s communications with the State Legislature and the Governor’s Office on all legislative and related matters and provides direct assistance to the 120 legislative offices on constituent inquiries.

Accomplishments

Sponsoring Legislation

During the biennial period, OLA reviewed and tracked more than 5,000 bills introduced in both the Assembly and Senate.

DOJ officially sponsored the following legislation during the biennial period:

SB 918 (Portantino) - Strengthening Concealed Carry Weapon Licensing Laws: SB 918 Reforms and strengthens California’s laws regarding the carrying of firearms in public to address the recent United States Supreme Court decision in *New York Rifle and Pistol Association v.*

Bruen. SB 918 responds to *Bruen* by updating and strengthening California's concealed carry licensing requirements, as well as by incorporating additional protections to ensure public safety.

AB 1242 (Bauer-Kahan & Bonta) - Protecting Reproductive Rights: AB 1242 prohibits a peace officer from arresting a person for receiving, performing or aiding in the performance of a lawful abortion. It also prohibits law enforcement agencies from cooperating with or providing information to an individual or agency from another state regarding a lawful abortion, except as provided. AB 1242 protects our providers from out-of-state legal action and further enshrines California as a safe haven for reproductive healthcare.

AB 1594 (Ting, Ward, Gipson) - Holding the Firearm Industry Responsible for Misconduct: AB 1594 restores the rights of Californians to hold the firearm industry responsible for their misconduct. The law governs the sale and marketing practices of firearms manufacturers and distributors who do business in California, requiring them to make reasonable efforts to prevent their products from being used unlawfully. If gun industry members fail to take proper precautions in their marketing and distribution, AB 1594 will authorize the Attorney General and individual Californians to file civil suits to recoup the damage from those failures.

AB 2311 (Maienschein) - Strengthening Consumer Protections - Car Purchases: AB 2311 establishes baseline consumer protections in connection with the sale and administration of guaranteed asset protection (GAP) waivers, a costly add-on product of little value to consumers that is often sold by car dealers alongside auto loans and is generally targeted at consumers with lower incomes and subprime credit. The bill requires the prompt refund of the consumer's unearned, prepaid GAP waiver charges when the loan or waiver agreement terminates early. It also caps the amount that may be charged for a GAP waiver relative to the loan amount and seeks to restrict partial waivers and valueless waivers from being sold as GAP waivers. Finally, the bill requires the seller to make important disclosures to consumers regarding GAP waivers. Under this bill, any violations of these provisions is enforceable under the Rees-Levering Act.

SB 1311 (Eggman & Atkins) - Protecting California Service Members: SB 1311 extends additional legal and financial protections for active duty and reserve component service members and their families. The bill stems from the California Department of Justice's investigation and prosecution of businesses that have targeted service members and military families. It also draws from previous discussions between the Attorney General and military personnel, JAG legal assistance attorneys, command financial counselors, and other members of the military and veterans community, including a July 2021 roundtable event at Naval Base San Diego. If passed, the bill would establish stronger consumer protection laws for California's service members.

AB 1742 (R. Rivas) - Enforcing the Tobacco Master Settlement Agreement: AB 1742 Strengthens California's ability to enforce both the Tobacco Master Settlement Agreement (MSA) and Fire Safety Act to ensure that the state receives the money it is entitled to from tobacco companies and to protect against dangerous non-fire-safe cigarettes entering the market. This bill equips the Attorney General with tools to better enforce the MSA by enacting additional safeguards to monitor and impose financial obligations on tobacco manufacturers that are not part

of the MSA. Additionally, AB 1742 transfers authority of the Fire Safety Act to the Attorney General's office to streamline enforcement and extends the review window from 10 days to 30 days to allow for adequate review to avoid approval of products by default. Together, these provisions help prevent the state from missing out on hundreds of millions of dollars in annual MSA payments and protect the public from cigarettes that fail to meet fire safety standards

SB 1355 (Portantino) and SB 1358 (Portantino) - Fulfilling State Claims and Settlement Obligations: SB 1355 and SB 1358 appropriates funds from the General Fund to DOJ for the payment of specified claims against the state. Each year, DOJ sponsors legislation authored by either chair of the Appropriations Committee to provide appropriation authority for legal settlements approved by DOJ and the Department of Finance. The settlements contained in SB 1355 and SB 1358 were entered into lawfully by the state upon advice of DOJ and are binding state obligations.

Providing Fiscal Review of Legislation

OLA provides fiscal assessments to the Department of Finance, author, and the respective Appropriations Committees on legislation that impacts DOJ, explicitly outlining how each bill will impact our department in order to determine how to effectively implement the bill should it become law. Over the biennial period, OLA reported in both houses on nearly 300 bills that impacted DOJ.

Handling Constituent Matters

OLA provides dedicated assistance to each of the 120 legislative offices to help answer constituent inquiries relating to matters within the department's purview. Over the biennial period, OLA provided assistance to legislative offices on more than 600 constituent matters and inquiries.

Office of External Affairs

Overview

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

Accomplishments

Connecting with Californians

Event Appearances: Since Attorney General Bonta has taken office, the External Affairs team has overseen his appearance in 300+ events across 30+ different regions in California and the

United States. The team drafts memorandums to prepare the Attorney General for all of his meetings and events, putting together 400+ briefing documents.

Hosting Events

Zone Meetings: External Affairs coordinated five law enforcement Zone Meetings, bringing together over 150+ Chiefs and Sheriffs across the state to regional meetings to discuss DOJ priorities and areas of mutual interest and collaboration.

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

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

Equal Employment Rights and Resolution (EER&R) Office

Overview

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

Accomplishments

Developing New Trainings and Maximizing Efficiencies

Online Self-Paced Training: EER&R successfully trained DOJ's workforce in a remote learning environment resulting in over 9,000 course completions for three equal employment opportunity-related mandatory trainings that are required every two years. In addition to "Discrimination, Harassment and Retaliation Prevention Training" (DHRPT), EER&R created and conducted "Understanding Diversity and Implicit Bias" (UDIB) and "Understanding and Respecting Gender in the Workplace" (URGW), effectively tripling the number of mandatory trainings provided by EER&R without using additional resources.

Online Course Registration: EER&R trainers and support staff worked collaboratively to deliver multiple high quality professional trainings every month and partnered with DOJ's web development team to automate EER&R course registration and certification processes. EER&R and DOJ's web development team identified critical processes, developed a roadmap, and conferred on potential risks, resulting in a new intranet registration site that provides fast and easy access to data. This new registration site eliminates repetitive manual entry tasks for employee registrations and features online fillable fields, allowing users to easily register for trainings and receive Outlook calendar invites and electronic certificates of completion. During this same time

period, EER&R and DOJ's web development team partnered to convert the previously-mentioned UDIB and URGW trainings into self-paced online courses so DOJ's statewide workforce may have access to these mandatory trainings anytime of the day and at their convenience.

Deputy Attorneys General Mentoring Program, Toolkit, Mentor Training, and Surveys: As a follow-up to the development of the Mentoring Toolkit for Deputy Attorneys General (DAG) in 2020, EER&R, at the request of the Chief Assistant Attorney General of the Division of Criminal Law, developed and conducted a training presentation to serve as an orientation and guide for new mentors. The training is available to all DOJ Legal Divisions upon request. EER&R designated a staff member to serve as the DAG Mentoring Program Coordinator and be the main point of contact for questions from the Legal Divisions regarding the DAG Mentoring Program. The Staff member is also responsible for updating and revising the DAG Mentoring Program Toolkit, coordinating with the Legal Divisions to conduct new mentor training, and working with the Legal Divisions to develop and administer the mentor/mentee program evaluation and mentor training survey.

Online Form JUS-105/JUS-130/JUS-8752/JUS-8866/Annual EEO Discussion Implementation: EER&R converted the JUS-105 Equal Employment Opportunity form, JUS-130 Exit Questionnaire, and DOJ's Annual EEO Discussion form from PDFs or hard copies to online fillable forms. The process included evaluating the existing forms, frequent test runs, several levels of review, and ensuring an easy user experience. The conversions were complex and required cross referencing against existing employee databases and/or hard copies and required electronic approval. The online forms streamlined the processes for data entry resulting in countless hours of time saved for staff and program points of contacts. In addition, the JUS-8752 Anti-Nepotism Self-Reporting form and JUS-8866 Discrimination Complaint form were updated to provide clarity as to the purpose of the forms and the information requested, resulting in improved efficiency in intake processing and determining appropriate next steps.

Fostering Inclusivity

Diversity and Implicit/Unconscious Bias in the Hiring Process: EER&R, at the request of the Honors DAG Program Coordinator, developed a guidance document entitled "Understanding Diversity and Implicit/Unconscious Bias in the Hiring Process" to provide interview panel members an opportunity to recognize their biases and make hiring decisions based upon merit. EER&R consulted with DOJ's Employment and Administrative Mandate Section, Labor Relations, and Office of Human Resources during the creation of the resource. This document is available to all DOJ hiring managers, supervisors, and interview panel members on EER&R's Manager/Supervisor Information intranet page.

Religious Accommodation Policy and Formal Request Process – COVID-19: DOJ is committed to providing an inclusive workplace that is respectful of the religious beliefs and practices of its employees and job applicants. In that spirit, DOJ makes a good faith effort to provide a reasonable religious accommodation to any employee or job applicant who has a sincerely held religious belief, practice, need, or observance which conflicts with a work requirement, unless the religious accommodation would result in an undue hardship for DOJ.

In 2021, COVID-19 mandates required State of California employees to either show proof of full vaccination or undergo weekly COVID-19 nasal swab testing when physically working in or visiting a Department facility. EER&R worked expeditiously to research and create a comprehensive Religious Accommodation Policy and formal request process as well as a Health Screening Survey in preparation for COVID-19 related religious accommodation requests, and partnered with DOJ's Employment and Administrative Mandate Section, Government Law Section, Health and Safety, Labor Relations, Office of Human Resources, and Risk Management Unit. EER&R handled requests for accommodation that frequently involved complex religious, personal and/or political matters, particularly related to COVID-19. EER&R initiated and engaged in the interactive process and reviewed the high volume of requests professionally and with careful consideration of an employee's sincerely held religious beliefs.

Americans with Disabilities Act Coordinator and Section 504 Coordinator: EER&R designated a staff member to be DOJ's Americans with Disabilities Act (ADA) Coordinator and DOJ's Section 504 Coordinator. The coordinator serves as an internal and external contact for ongoing compliance of DOJ programs, services and activities in accordance with the ADA, Title II of the ADA, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and other applicable federal and state regulations pertaining to accommodation and accessibility.

Limited Examination and Appointment Program: EER&R manages the Limited Examination and Appointment Program (LEAP), which provides an alternate examination and appointment process to facilitate recruitment and hiring of persons with disabilities into California civil service. During this biennial period, DOJ hired 11 qualified LEAP candidates for positions throughout the Department.

Employee Advisory Committees: EER&R assisted with several Employee Advisory Committee (EAC) cultural events utilizing the Lunchtime Micro Learning Sessions platform, and disseminated information regarding their communities and respective observances via department-wide emails, intranet carousel postings, and postings on an EAC's intranet page.

Attorney General Bonta delivered opening remarks at several EAC events. Speakers at the events included: the Honorable Goodwin Liu, Associate Justice of the California Supreme Court; Abigail Dillon, lead prosecutor of the San Diego District Attorney's Hate Crimes Unit; Carl Chan, President of the Oakland Chinatown Chamber of Commerce; Li Wei Yang, curator of the Huntington Library Exhibition on Y.C. Hong; Nicholas Baham III, Professor at California State University, East Bay; and Yxta Maya Murray, award-winning author and Professor at Loyola Marymount School of Law.

Employee Workplace Concerns and Employee Wellness

File Exchange: EER&R continually provides responsive and outstanding customer service to DOJ employees. Available resources for resolution include formal mediation, an informal resolution process, and the formal complaint process. To ensure confidentiality and security related to employee complaints, EER&R implemented the use of DOJ's online File Exchange to securely and expeditiously receive and/or deliver confidential and sensitive communication and documents. Using File Exchange rather than the US Postal Service or inter-office mail saves EER&R time and

fiscal resources and helps ensure the confidentiality of sensitive matters.

COVID-19 Resources: EER&R provided DOJ employees with Employee Assistance Program resources related to stressors and mental health concerns created by the COVID-19 pandemic as well as civil and global unrest. For example, EER&R offered resources for handling sadness and depression related to isolation and teleworking while caring for family members impacted by COVID-19. Six Critical Incident Stress Debriefings were arranged for DOJ programs whose staff were experiencing the impact of a traumatic workplace related event.

Office of Program Oversight and Accountability

Overview

The **Office of Program Oversight and Accountability (OPOA)** is the DOJ's primary internal audit organization, and ensures that the Department meets Government Code reporting requirements for accounting and internal control.

Accomplishments

Facilitating the Biennial Department-Wide Operation Risk Assessment

Risk Assessments: OPOA facilitated the “2020- 2021 Biennial Risk Assessment Report” and the June 30, 2022 “Ongoing Risk Monitoring Status of Implementation Plan” pursuant to the State Leadership Accountability Act (SLAA). The Attorney General is responsible for maintaining internal and monitoring control systems, as prescribed by SLAA .

Coordinating External Audits and Executing External Audit Resolutions

Coordination of External Audits: OPOA coordinated the following audits that were performed by the California State Auditor's office (CSA):

- California Department of Justice (DOJ) – [Child Abuse Central Index](#)
- Health and Health Care Services – [Hospice Licensure and Oversight](#)
- Peace Officers – [Hate Group Affiliations](#)
- San Diego County Sheriff's Office – [San Diego County In-Custody Death Study](#)
- Department of Technology - [State High Risk Update – Information Security](#)
- Department of Health Care Services - [Proposition 56 Taxes, Tobacco Fund](#)

Resolutions of External Audits: OPOA assisted DOJ program staff in responding to the following audits performed by CSA:

- Statewide Hate Crime Policies and Procedures
- Gambling Control Fund
- Armed Persons with Mental Illness
- Sexual Assault Evidence Kits

- CalGang Criminal Justice System
- California State Department of Social Services Criminal Background Checks
- K-12 School Violence Prevention
- Proposition 56 Taxes, Tobacco Fund

Auditing Delegated Authority

Delegated Authority: OPOA conducted and issued the Department of General Services’ (DGS) required assessment of procurement process to determine if the DGS’ delegated authority of contracting and procuring practices are in accordance with their Directives. Maintaining delegated authority to execute procurement contracts on behalf of DGS is crucial for DOJ operations.

Performing Operational Surveys and Audit Resources

CalWRAP Audits: OPOA performed an audit of the California Witness Relocation and Assistance Program (CalWRAP) to assist the Division of Law Enforcement (DLE) in evaluating the County District Attorney (DA)’s Offices assertions that they have followed the policies and procedures of the CalWRAP and have claimed only reimbursable costs. OPOA completed audits of the DA offices in Los Angeles, Sacramento, and Shasta counties during Calendar Years 2020 and 2021.

Air Card Usage Review: OPOA conducted an assessment to determine whether active Verizon Data only accounts were efficiently utilized. To make this determination, OPOA examined all active accounts for the 9-month period, June 1, 2020 through February 28, 2021.

Review of Grant Compliance with Audit Requirements: OPOA reviewed active grants to determine whether DOJ is complying with current audit requirements. To do this, OPOA identified audit requirements to determine if the grants were part of the statewide single audit or other audit as required by the grant. OPOA further assessed the appropriate party that should be performing the audit if not subject to the statewide single audit.

Accounting Office Process Review: OPOA assessed the internal control practices of DOJ’s accounting functions, identifying and recommending improved practices. OPOA reviewed flowcharts to determine if there were any significant internal control deficiencies and concentrated on changes made since the flowcharts were last updated.

California Single Audit Report/Expenditure Reporting: OPOA interacts with the Accounting Office annually to upload federal expenditures into the Department of Finance’s (DOF) Single Audit database. The federal expenditures are included within the State’s Single Audit Report as part of the Expenditures of Federal Awards.

Single Audit Management Representation Letter (MRL): OPOA submits the Single Audit MRL to DOF annually. An MRL is an “audit evidence” (i.e. a form letter) for the external auditors, in this case the CSA. The letter attests to the accuracy of the financial statements and other information provided to the external auditors. As part of its annual audit of the State, CSA request that DOF make certain representations regarding the financial operations of the State. DOJ,

alongside other agencies, are required to submit their respective MRLs to DOF about their operations for the fiscal year.

Whistleblower Notification: Every year, OPOA attests to the CSA that DOJ provides whistleblower notifications at all appropriate locations and emails all DOJ staff the whistleblower brochure.

Staff Development: OPOA's Director serves as the Training Coordinator for the California Association of State Auditors (CASA). CASA is a professional organization dedicated to improving state-wide auditing practices by providing training classes, education seminars, and other outreach activities that increase auditor technical and analytical skills. The Director identifies and reaches out to qualified professionals for career related education and trainings. Participation in CASA provides affordable and relevant training opportunities to OPOA's audit team.

DIVISION OF LAW ENFORCEMENT

Overview

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

The DLE is organized into the following five areas:

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

Office of the Chief

Overview

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

Major Accomplishments

Developing Standardized Trainings on Best Practices:

External and Internal Specialized Investigative Training: The Advanced Training Center (ATC) within the Office of the Chief provides specialized investigative training to thousands of law enforcement personnel statewide within and outside of DOJ. These classes prepared law enforcement officers to address complex threats – from human trafficking, to internet crimes. In total, ATC conducted over 160 classes, teaching over with 4,000 students. The following classes were conducted in fiscal years (FY) 2020-2021 and 2021-2022:

- Electronic Surveillance, Clandestine Laboratory Safety Certification and Recertification, Semi-Auto Rifle Course, Computer Crime/Pre-Search, Computer/Investigation of Internet Crimes, Human Trafficking, Policing the DarkWeb and Crypto-currency, Advanced Crypto-Currencies Concepts, Computer Digital Evidence Recovery, PC Forensics/Advanced Computer Forensics for the Investigator, LAN Investigations, Advanced LAN Investigations, Cellular Phone Forensics, Advanced Cell Phone Forensics, Threat Intelligence and Campaign, Vehicle Forensics, Computer Forensics – Macintosh, and Advanced Macintosh Forensics.

Internal Training: ATC conducted internal training for DOJ Special Agents. Approximately 200 Special Agents attended 14 classes that included: Entry Weapon Courses, Less Lethal Courses, Distraction Device Courses, and Narcan Courses.

Special Agent Orientation Academy: The ATC presented three Special Agent Orientation Academies for 47 new Special Agents during fiscal years (FY) 2020-2021 and 2021-2022.

Bureau of Firearms

Overview

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

Major Accomplishments

Disarming Dangerous Individuals through the Armed Prohibited Persons System.

Increasing Investigations of Armed and Prohibited Persons: Established in 2006, the Armed Prohibited Persons System (APPS) identifies registered firearm owners in California who subsequently become prohibited from owning and/or possessing firearms and ammunition. The number of active prohibited subjects in the database changes on a daily basis due to the addition of new subjects and removal of others. Overall, the total number of active prohibited subjects in the database is steadily declining despite the continual addition of newly prohibited persons, primarily due to the BOF enforcement efforts. As of January 1, 2021, there were 9,176 active subjects in the APPS database, and 9,650 as of June 30, 2022. During the same period, the BOF enforcement

teams conducted 10,886 investigations which led to the seizure of 2,090 firearms and 420,990 rounds of ammunition. Meanwhile, the Armed and Prohibited Persons Unit (APPU) processed 118,560 triggering events, causing analysts within the APPU to determine whether a lawful firearm owner has become prohibited. Through this analysis, staff confirmed 22,026 prohibited firearm ownership determinations for the time frame of January 1, 2021 through June 30, 2022. Notable APPS seizures from January 1, 2021 - June 30, 2022 include:

Confiscating Ghost Guns from Prohibited Persons:

Search of Convicted San Bernardino Murderer's Home resulted in the seizure of several assault weapons: While conducting surveillance at the Cross-Roads of the West Gun Show in San Bernardino, California, the BOF Special Agents identified a felon purchasing AR-15 style ghost gun parts. Ghost guns are firearms made by an individual, without serial numbers or other identifying markings. Agents contacted the subject and conducted a search warrant at his residence in San Bernardino. During the search warrant, Special Agents located one ghost gun assault weapon, one ghost gun pistol, a short barreled rifle, and several firearms parts which could be utilized to manufacture ghost guns, along with hundreds of rounds of ammunition. This case is still pending court proceedings.

Undercover BOF agents along with ATF purchase assault weapons from Redding man at a flea market in Anderson: The BOF Special Agents received information of a Redding man selling assault weapons at a flea market in Anderson, California. Special Agents conducted two undercover operations, resulting in the purchase of one ghost gun assault weapon, and two additional assault weapons, from the individual. Subsequently, a search warrant was conducted at the subject's residence resulting in the seizure of two short barrel rifles, two handguns, one ghost gun assault weapon, one silencer, 26 unserialized lower receivers, four cane swords, 13 metal knuckles, 24 batons/saps, two nunchakus, 33 switchblades, one large capacity magazine, one standard magazine, 24 rounds of miscellaneous ammunition, one set of ballistic knives, and miscellaneous manufacturing parts. The man was arrested and is currently pending court proceedings.

BOF agents conduct investigation into San Luis Obispo man who purchased "fuel filter" silencer online: The BOF Special Agents received information from the United States Customs and Border Patrol identifying an individual who purchased a "fuel filter" online. The "fuel filter", when fully assembled, was actually a monocoil silencer, which attaches directly to a firearm. Special Agents conducted surveillance on the suspect's residence and obtained a search warrant. As a result of the service of the search warrant, Special Agents seized two ghost gun unregistered assault weapons with one being a short barreled rifle, five ghost gun handguns, 11 rifles, two shotguns, five large capacity magazines, 21 standard capacity magazines, miscellaneous gun parts, and 4,320 rounds of ammunition. The suspect was arrested and is being prosecuted in San Luis Obispo County, California.

Confiscating Weapons from People Convicted of Domestic Violence

Agents served search warrant on Tulare County residence after denial of attempted ammunition purchase: The BOF Special Agents received information of a Tulare County, California man possessing and manufacturing firearms at his residence. Additionally, the man's wife attempted to purchase ammunition, but was denied due to a previous misdemeanor domestic violence conviction. Special Agents served a search warrant on the suspects' residence and seized three rifles, one shotgun, one assault weapon, two handguns, one ghost handgun, four AR style ghost gun lower receivers, five large capacity magazines, six standard capacity magazines, 1,000 rounds of live ammunition, six pounds of tannerite, 54.7 pounds of mushrooms with packaging, two grams of cocaine and multiple firearm parts and firearm manufacturing tools. The man was arrested and is currently pending court proceedings

Confiscating Weapons from an Individual under a Criminal Protective Order:

Assault Weapons seized from Glendora Man who was prohibited from owning or possessing firearms while under a criminal protective order: An APPS investigation was conducted by the BOF Special Agents in Glendora, California at the home of a prohibited subject, due to the subject having several criminal protective orders against him. The prohibited subject was found to be in possession of five assault weapons, one short barreled shotgun, one rifle, four shotguns, one lower receiver, six handguns, and numerous rounds of ammunition. As a result of this investigation, the APPS subject was arrested and charges were filed with the DOJ, Criminal Division. This case is still pending court proceedings.

Confiscating Assault Weapons from Individuals Crossing State Lines

Sacramento men arrested for possession of assault weapons and importation of large capacity magazines after attending Reno gun show: The BOF Special Agents conducted an undercover surveillance operation at the Reno, Nevada Gun Show. During the operation, Special Agents witnessed two California men purchase large capacity magazines and leave the show. Special Agents followed the individuals in their vehicle until they crossed the border into California. Due to the illegal importation of the large capacity magazines, a vehicle stop was conducted and both subjects were detained. Search warrants were conducted on both subjects' residences, resulting in the seizure of three assault weapons. Both subjects were arrested and are currently pending court proceedings.

Streamlining Approval Processes at DOF

Law Enforcement Release (LER) Process – Electronic Submission: Effective December 1, 2021, the DOJ discontinued the practice of receiving manual applications for the LER process, and switched entirely to electronic submissions. This change has allowed the BOF to streamline its process, reduce the processing time, and increase communication with the LER applicants. Before the change, staff spent countless hours manually entering application information into the California Firearms Application Reporting System (CFARS) for further processing. This time is now spent researching criminal history and conducting eligibility checks, decreasing the

processing time for each transaction. On average, the BOF processes 25,000 LER transactions a year.

Prohibited Purchaser Law Enforcement Agency (LEA) Notification Process: On February 1, 2022, the BOF successfully transitioned to an e-fax/electronic notification process. This process was implemented to reduce notification time and ensure LEAs receive timely notification of a prohibited person’s attempt to own/purchase a firearm/ammunition so they can take prompt action to combat and reduce gun violence. On average, the LEA receives a notification within 48 hours of the DROS denial. Since the transition, the BOF has sent approximately 3,400 e-fax notifications to LEAs.

Processing Increasing “Dealer Record of Sales” Transactions:

Dealer Record of Sales (DROS): Firearm sales continue to remain higher than average in California. As a result, the BOF continues to receive a record amount of DROS backgrounds for processing. In 2021, the DOJ received and processed 1,080,536 DROS transactions. So far, through June 30, 2022, the DOJ has already processed 486,676 DROS transactions. The BOF continues to take necessary steps to process DROS background requirements in a timely manner, thereby ensuring firearms and ammunition do not end up in the hands of prohibited individuals.

Training for Mental Health-Related Automated Firearms System Reporting

Automated Firearms System (AFS) Training and Mental Health Reporting System (MHRS)

Training: The BOF created and conducts monthly comprehensive webinar trainings on the AFS for law enforcement agencies (LEAs) to provide the latest information on statutory reporting requirements for the AFS. The BOF has conducted 40 AFS trainings since implementation in May of 2021. The BOF also conducts webinar trainings on the MHRS at the request of mental health facilities, superior courts, juvenile courts, and LEAs to provide the latest information on statutory reporting requirements for individuals who are prohibited from purchasing or possessing firearms due to a mental health illness and/or are a danger to self or others, and how to effectively utilize the MHRS for reporting. The BOF has conducted six trainings since July of 2021 at the request of mental health facilities, superior courts, juvenile courts, and LEAs.

Modernizing DOJ’s Firearms Information Technology:

Firearms Information Technology Systems Modernization (FITSM): The DOJ initiated the FITSM Project in June 2020 and is currently in the Stage 2 Alternative Analysis Planning stage. The project is expected to identify many positive solutions to various firearms systems, including the APPS database. The existing firearms systems utilized by the DOJ, LEAs, and other firearm stakeholders were built many years ago — dating as far back as 1980 — and have been modified piecemeal over the years in response to various legislative mandates. The new system will replace the existing legacy infrastructure, streamlining the DOJ’s processes.

Analyzing BOF-Related Legislation:

Legislative Analysis: On average, there are 140 different legislative bills introduced each year for which the BOF must analyze. Many of the bills must be analyzed multiple times due to amendments, averaging to more than 200 analyses per year. Annually, an average of 30 firearms-related bills are signed into law. When these bills become law, many actions may be required as a result, including the preparation of Budget Change Proposals, promulgation of regulations, implementation of a new program or process, which often requires ongoing participation with California Justice Information Services Division (CJIS) / Application Development Bureau (ADB) in the modification or development of software applications and databases. In 2021, the BOF worked on 14 separate regulation packages, and in 2022, the BOF worked on 10 separate regulation packages. Currently, in 2022, there are 19 regulations packages in various phases of this lengthy process. The accomplishments listed below were made to comply with recent changes in legislation:

Enhancing the Dealer Record of Sale Entry System (DES):

Including a “30 Day Restriction Exemption” Dropdown: Effective July 1, 2021, the DOJ implemented DES (Dealer Record of Sale Entry System) changes to comply with Senate Bill 1100 (Stats. 2018, ch. 894) and Senate Bill 61 (Stats. 2019, ch. 737). The first bill, SB 1000, prohibits the sale or transfer of any firearm by a licensed dealer, except as specifically exempted, to any person under 21 years of age. In addition, individuals cannot acquire a serial number or other identifying mark for a self-built firearm unless they are at least 21 years of age. The second bill, SB 61, delayed the implementation of extending the 1-in-30-day prohibition to all firearms, until July 1, 2021. It also prohibited the sale of a semiautomatic centerfire rifle to exempted persons who are under 21 years of age.

To comply with these new requirements, DOJ enhanced the DES Firearm Transactions to include a “30-Day Restriction Exemption” drop-down. Now, DES Users must select the appropriate exemption from the drop-down in order to meet the requirements set forth in Penal Code section 27535. In addition, the DES Long Gun Transactions were enhanced to include an “Age Restriction Exemption” drop-down. DES Users must select the appropriate exemption from the drop-down in order to meet the requirements.

Including a “Submit Prohibited Temporary Storage Option”: Effective December 1, 2021, the DOJ implemented DES changes to comply with SB 746 (Stats. 2018, ch. 780). SB 746, which authorizes a person who has an outstanding warrant for a felony or misdemeanor, or a person who is prohibited from owning or possessing a firearm or ammunition, to transfer a firearm or ammunition to a licensed firearms dealer for the duration of the prohibition. Consequently, DES transactions were enhanced to include a “Submit Prohibited Temporary Storage” option to submit a Firearm, Ammunition, and/or Ammunition Feeding Device prohibited temporary storage. In addition, the DES was enhanced to include an “Ammunition Prohibited Temporary Return” and an “Ammunition Feeding Device Prohibited Temporary Storage Return” transaction.

Including New Transaction Types for Peace Officers: Effective December 1, 2021, the DOJ implemented DES changes to comply with AB 2165 (Stats. 2016, ch. 640). AB 2165 exempts specified entities and sworn members who are required to complete a firearms portion of a training

course prescribed by the Commission on Peace Officer Standards and Training, from limitations on the sale or purchase of a handgun. Exempt individuals pursuant to this provision are prohibited from selling or transferring ownership of a handgun to an individual who is not exempt. These individuals are also required to lock an unsafe handgun, as described, in their vehicle's trunk or in a locked container out of sight when leaving their vehicle unattended. To comply with this new legislation, DES transactions were enhanced to include a "Peace Officer Non-Roster Handgun Private Party Transfer" transaction type. The DES "Exempt Handgun Sale," "Peace Officer Non-Roster Handgun Private Party Transfer," "Peace Officer Non-Roster Handgun Sale (Letter Required)," and "Handgun Loan" transactions have been enhanced to include a "Purchaser Non-Roster Exemption" drop-down and a "Seller Non-Roster Exemption" drop-down. The DES Users must select the appropriate exemption from the drop-down in order to facilitate compliance with Penal Code section 32000.

Updating the List of Exempt Employees: AB 1872 (Stats. 2018, ch. 56) added a harbor or port district for use by specified employees, a harbor or port police department, or a harbor or port police officer to the list of entities exempt to purchase unsafe handguns. Effective December 1, 2021, the DOJ implemented DES changes specific to the list of exempt entities to comply with AB 1872.

Monitoring Transfers

Monitoring Firearms Transfers: Effective April 8, 2021, the BOF's systems were enhanced to track the number of transactions each non-licensed seller effects via Private Party Transfer and the Acquisition/Buy transaction through a firearms dealer as well as via intra-familial transfer through the California Firearms Application Reporting System (CFARS). The "Unlicensed Seller Report" was developed for investigative purposes and use in enforcing the mandates of *Senate Bill 376 (Stats. 2019, ch. 738)*. SB 376, passed by the legislature in 2019, requires any person who conducts six or more firearm transactions each year to have a dealer license, with some exceptions. SB 376 also requires anyone manufacturing 50 or more firearms per year, selling more than 50 firearms per year, or engaging in five or more transactions in a year to be licensed.

Tracking Unsafe Handguns¹: Assembly Bill 2699 (Stats. 2020, ch. 289) requires the DOJ to maintain a database of records of any past unsafe handgun sales. In March 1, 2021, DOJ started a process of notifying persons and entities who possess or thereafter obtain an unsafe handgun. The DOJ estimates over 241,000 individuals have been notified of the prohibitions on the sale or transfer of the unsafe handguns in their possession. AB also 2699 requires persons or entities to notify the DOJ of the sale or transfer of unsafe handguns within 72 hours of the sale or transfer when the sale or transfer does not take place at a licensed firearm dealer. As of March 2022, the Training Information and Compliance Unit has begun building a new unit to enforce the

¹ For a complete definition of an "unsafe handgun," please see Penal Code section 31910, or consult the Department of Justice [website](#). Please note that the list of approved guns may change monthly.

requirements set forth in this bill. The requirements imposed by AB 2699 began July 1, 2021 and are anticipated to be implemented by the DOJ on March 31, 2026.

Updating the Mental Health Reporting System (MHRS)

AB 1968 (Stats. 2018, ch. 861), prohibits a person who has been taken into custody, assessed, and admitted to a designated facility because they are a danger to themselves or others, as a result of a mental health disorder, and who was previously taken into custody, assessed, and admitted one or more times within a period of one year preceding the most recent admittance, from owning a firearm for the remainder of their life. The BOF, in collaboration with the CJIS / ADB successfully implemented database enhancements to the MHRS and the Mental Health Firearms Prohibition System to capture the necessary personal identifiers for prohibited individuals and applied an automatic matching process to determine whether individuals were admitted one or more times within a one year period; thereby, applying the lifetime prohibition on firearms.

Streamlining the “Private Party Transfer” Notification Process

Senate Bill 715 (Stats. 2021, ch. 250) requires a firearm dealer who retains possession of firearms after a “denied” Private Party Transfer (PPT) (i.e. a transfer in which both the buyer and the seller are prohibited), to deliver those firearms to a local LEA for disposal. Beginning January 1, 2022, firearm dealers are required to notify the DOJ of the delivery of firearms to a local LEA. This notification must be made within 72 hours after delivering the firearms to a local LEA. The BOF implemented the “Report of Dealer Relinquishment” (BOF 1041A) form and the “Report of Dealer Relinquishment (supplemental form for additional firearm(s))” BOF 1041B form for firearm dealers to utilize for the purpose of notifying the DOJ.

Responding to “Ghost Guns”

Applications for Unique Serial Numbers: Assembly Bill 857 (Stats. 2016, ch. 60) requires the DOJ to accept applications for unique serial numbers from new and current California residents who wish to retain possession of self-manufactured or self-assembled firearms. Under the new law, a California resident must apply to the DOJ for a unique serial number prior to manufacturing or assembling a firearm.

To comply with this legislation, BOF helped create an online application within the California Firearms Application Reporting System (CFARS) as well as an application process for individuals to obtain unique serial numbers. The application process includes conducting firearm eligibility checks on applicants, verification of engraving requirements, and ensuring the firearm was built in compliance with California firearm laws. DOJ has issued 2,702 unique serial numbers between July 1, 2020 and June 30, 2022.

Precursor Part Vendor License Applications: AB 879 (Stats. 2019, ch. 730) required the sale of firearm precursor parts, as defined, to be conducted by or processed through a licensed firearm precursor part vendor. This bill required the DOJ to define precursor parts, provide written guidance, and provide pictorial diagrams demonstrating each category of firearm precursor parts.

The DOJ was required to accept applications for Firearm Precursor Part Vendor Licenses. This bill required individuals to undergo an eligibility check conducted by the DOJ before purchasing or taking possession of a firearm precursor part.

Effective April 1, 2022, changes to the Centralized List of Firearms Dealers (CL) and the CFARS were implemented to allow Precursor Part Vendor License Applications to comply with the requirements of AB 879. Effective April 1, 2022, via an emergency regulations package, the BOF provided a definition, written guidance, and pictorial diagrams of categories of firearm precursor parts.

The BOF, in collaboration with the CJIS / ADB, worked vigorously to develop necessary enhancements to the Dealer Record of Sale (DRoS) Entry System (DES), DRoS System, the Automated Firearms System (AFS), the APPS, and the CFARS to meet the mandates that were to be effective July 1, 2022. Although complete, the enhancements specific to AB 879 were not implemented as most of the provisions of the bill were repealed when Assembly Bill 1621 (Stats. 2022, ch. 76) was signed into law by the governor on June 30, 2022.

Assault Weapon Registration Period for “Other” Assault Weapons: Senate Bill 118 requires any person who, prior to September 1, 2020, lawfully possessed an assault weapon, such as certain semiautomatic centerfire weapons, to submit an application to register the firearm between October 1, 2021 and December 31, 2021. These firearms are referred to as “Other” assault weapons as they are not defined as being a rifle, pistol, or shotgun. The BOF helped create an online application to allow for the receipt and processing of the applications and recordation of registered “Other” assault weapons. The application process included verifying the firearms met the definition of an “Other” assault weapon and conducting a firearm eligibility check on applicants. The BOF received and processed 223 applications during the registration period.

Bureau of Forensic Services

Overview

The Bureau of Forensic Services (BFS) comprises one of the largest crime laboratory systems in the nation, operating a 12 specialized laboratories and a training facility. BFS staff evaluate and analyze physical evidence, including crime scene investigation and expert court testimony, for federal, state, and local law enforcement agencies, district attorneys, and courts. BFS staff also maintain the state DNA laboratory database, which compiles DNA profiles of sex and violent offenders, as well as felony arrestees. In addition, BFS provides forensic science training and library services for DOJ criminalists and local government crime laboratory staff through the California Criminalistics Institute. BFS retains several specialized programs, including: forensic toxicology, digital evidence, the Missing Persons DNA Program, latent print comparison, crime scene examination, and the CAL-DNA Data Bank program.

Major Accomplishments

Responding to Analysis Requests

Between FY 2020-2022, BFS completed over 138,000 requests for analysis from client agencies and logged 55,421 breath alcohol records from instruments provided to law enforcement agencies in the field.

Forensic Discipline	Completed Requests
Biological Evidence	2,013
Alcohol Analysis	22,118
Breath Alcohol (DUI)	55,421
Controlled Substance	33,357
Crime Scene Response*	418
Digital Evidence	81 (24 computers, 57 mobile devices)
DNA	8,264
Firearms	981
Latent Print Processing and Comparison	2,168
Toxicology	10,820
Missing Persons DNA Program	2,371
Total	138,012

* Includes latent print and clandestine laboratory response.

Applying for – and Distributing - Forensic Science Funding:

National Institute of Justice Grant: In response to a dramatic decline in funding for the DNA Identification Fund, BFS applied for and was awarded several grants during the biennial period. For the period of January 1, 2018 through December 31, 2020, BFS received over \$3.5 million in grant funds from the National Institute of Justice. BFS leverages these funds to process, record, screen, and analyze forensic DNA and/or DNA database samples. The grant is also intended to increase the capacity of public forensic DNA and DNA database laboratories to process more DNA samples.

Kit Audits: BFS administered two local assistance grants related to an audit of sexual assault evidence kits in California (\$1,000,000) and submission and testing of backlogged kits (\$2,000,000).

Streamlining the Toxicology Laboratory

Forty-Six Percent Decrease in Backlogs: The Toxicology Laboratory decreased its case backlog by forty six percent by implementing the novel One Stop Shot (OSS) method in April 2021. The OSS method combines five different analytical methods, requires significantly less blood sample than prior methods, and identifies 56 different drugs in driving under the influence of drugs samples. Of the 56 prescription drugs and street drugs identified, 45 can also be quantified.

Expanded Drug Screening Capabilities: In February 2022, four additional immunoassay drug tests, including fentanyl, were added to the eight assays that were already in the laboratory’s drug screening panel. The program also took the opportunity to lower the screening cut-off levels for

the eight previous assays. The screening levels now surpass Academy Standards Board recommendations for cut-off levels for drugs in blood and urine samples.

Training Attorneys

DNA Analysis Trainings: In 2021, a group of Casework Unit Senior Criminalists developed training to help attorneys understand changes in how the BFS DNA programs conduct DNA analysis and how they present statistics in court. This high-level training was designed for attorneys with prior experience presenting DNA evidence in court.

Developing New Methods of Data Analysis

Validating Methods:

Evofinder Automated Ballistics Identification System: The Central Valley Laboratory validated the Evofinder Automated Ballistics Identification system (BIS), a scanning device that captures extremely high resolution 2D and 3D digital images of bullets and cartridge cases and stores them in a database for the purpose of comparison and matching to evidence items from potentially related cases. This new technology has proven to be invaluable in forensic casework and will be a major step forward in identifying investigative leads once implemented Bureau-wide.

CAL-DNA Data Bank's Familial Search Program: When cold case evidence has not hit in CODIS, the Familial Search Program at the Jan Bashinski DNA Laboratory searches the DNA evidence in the CODIS Convicted Offender database to try to identify a potential close relative of the source of the evidence. In 2021, the Familial Search Program updated and validated the familial search software program to expand search capabilities. The Familial Search Program can now evaluate additional offenders based on their potential DNA ties to other individuals in the system. The Familial Search Program began using the updated software program in July 2022. Since the Program's inception, 29 familial searches have provided investigative leads that have solved previously unsolved major crimes. Many more familial searches are currently in progress.

Tools to Streamline Investigations: The Method Development team completed the validation of the following:

- *JusticeTrax LIMS-plus DNA:* to facilitate paperless DNA casework documentation;
- STRmix version 2.8 Probabilistic Genotyping Software and GlobalFiler STR PCR Amplification Kit: to improve interpretation of DNA evidence;
- *Hamilton AutoLys instrument:* to enable Automated Direct Amplification of casework reference samples
- *AutoMate Express:* to enable automated and rapid extraction of Missing Persons DNA Program case samples
- Rapid DNA ANDE A-chip for case reference samples and readiness studies of ANDE instrumentation: to enable additional sample type processing.

Contributing to the Field of Forensics

Next Generation Sequencing beta products: Method Development participated in assessments of Next Generation Sequencing beta products for Direct Identification and Investigative Genetic Genealogy of forensic DNA samples.

Conferences and Publications: The Method Development team presented work at several professional technical conferences and provided extensive DNA training for criminalists both within and outside of BFS. Method Development staff contributed to the recent National Institutes of Justice publication “A Landscape Study Examining Technologies and Automation for Differential Extraction and Sperm Separation for Sexual Assault Investigations.” This publication as well as previous peer-reviewed publications and technical presentations has placed the CA Bureau of Forensic Services front and center, leading the way toward improved sexual assault sample processing.

Responding to CAL-DNA Data Bank Submissions

CODIS Database submissions: As of June 2022, the state CODIS (Combined DNA Index System) database has: 3,149,310 offender and arrestee DNA profiles, 149,478 crime scene DNA profiles, 97,842 crime scene-to-offender hits, and 122,206 investigations aided through case-to-case hits. The state database also has 777 DNA Index of Special Concern (DISC)-enabled forensic profiles. Procedures for searching profiles from a Rapid DNA Booking Station arrestee against the DISC Index are in place, awaiting the deployment of CODIS version 11 for searches to begin in those states that have Rapid DNA Booking Stations.

Data Bank Updates: In October 2021, the Data Bank completed the transition to a fully paperless workflow for primary sample processing to improve efficiency and productivity, reduce paper waste, and facilitate telework. It also continued its transition from Bode buccal collectors, begun in 2019, to EasiCollect+ collectors, with approximately 90 percent of incoming samples being submitted using the new collectors. These collectors provide a more stable matrix for long-term preservation of DNA samples than the Bode collector. From July 2020 through May 2022, Outreach staff conducted webinar trainings for over 700 individuals, from agencies representing more than 90 municipalities, in the use of the EasiCollect+ device.

Training Law Enforcement and DOJ Staff

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

Training the California Police Shooting Investigation Team: CCI developed specific courses in support of the DLE California Police Shooting Investigation Team (CaPSIT). These courses were designed to provide specialized training to criminalists, deputy attorneys general, and special agents. These courses ranged from “Bias and Cognitive Factors in Investigating Police Shooting

Incidents” to “Introduction to Use of Force and De-Escalation”. In addition to these formal course offerings, CCI assisted with the coordination of several mock scene and equipment demonstration exercises for criminalists and special agents involved in the CaPSIT program.

Transitioning Trainings to a Virtual Environment: In response to the continued challenges presented by the COVID-19 pandemic, CCI reformatted several courses to an online/virtual format. During the reporting period of July 1, 2020 to June 30, 2022, CCI held 70 in-person courses and 52 online courses. A total of 1,904 students were trained (798 students in person and 1,106 students virtually).

Relocating California Criminalistics Institute (CCI) Offices

California Criminalistics Institute (CCI) Moves Operations from Rancho Cordova to Broadway:

Due the expiration of the building lease, CCI was relocated from its Rancho Cordova location on March 31, 2022 to a state owned facility at 4949 Broadway in Sacramento. CCI moved all of its scientific equipment, personnel, and course supplies to the new facility within a three-month timeframe and continues to retrofit existing space to serve as classrooms and administrative space. CCI offered its first class at the Broadway facility the week of June 6, 2022 and continues to offer classes at the CCI Los Angeles facility.

Updating and Expanding the Bureau of Forensic Services Quality Assurance Program

New accreditation requirements: BFS transitioned to new accreditation requirements in July 2020, which included an overhaul of the Quality Management System (QMS) documents to include the addition of several new QMS programs.

New Criminalist Supervisors: In December of 2020 BFS expanded the Bureau Quality Assurance program as it began hiring a team of eight criminalist supervisors dedicated to quality assurance (QA) at a laboratory level.

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

Assessment: BFS participated in an on-site surveillance assessment to the ISO/IEC 17025:2017 standard by their accrediting body, ANSI National Accreditation Board (ANAB), over the week of July 19-23, 2021. All BFS DNA laboratories were additionally audited to the FBI Quality Assurance Standards during this week as well. This major event involved over 15 technical assessors/auditors from throughout the forensic science community. The ANAB assessors were distributed over all 12 BFS laboratories to ensure BFS was meeting the international standards for the competence of forensic testing laboratories by reviewing a sample of technical and quality assurance records. At the end of the assessment there were no findings of nonconforming work, which is a remarkable achievement and demonstrates the excellence of the BFS Quality Management System. ANAB has continued the BFS accreditation to the ISO/IEC 17025:2017 standard. The BFS QA Program continues to excel in supporting the missions of both BFS and DLE.

Significant Bureau of Forensic Services Cases

Assisting with Homicide Investigations

The Santa Barbara Laboratory assists in the investigation of MS-13 gang related homicides and attempted homicides. In the spring of 2022, after two separate 8-month trials, eight defendants associated with the MS-13 gang were found guilty of multiple gang-related murder charges related to Operation Matador – an investigation into 10 homicides and 14 attempted homicides in the Santa Maria Valley (North Santa Barbara County) from 2013 to 2016. The BFS' Santa Barbara Laboratory processed drug, firearms, and numerous DNA requests related to the case and provided expert testimony in both trials. The trial was reportedly the most complex gang case in the state of California.

The Sacramento Laboratory assists the Truckee Police Department in a 2021 homicide investigation. The suspect allegedly stole a knife from a Safeway store just prior to committing a murder. The suspect is believed to be the individual caught on video opening the knife and throwing the packaging in a trash can. The suspect was later arrested, the knife was found near the murder scene, and the knife packaging was recovered from the trash can. BFS swabbed the knife packaging for touch DNA.

The CODIS Unit provides lead in 2022 unprovoked attack/homicide. On April 8, 2022, 34 year-old man was video-chatting with his brother while walking in the MacArthur Park area of Los Angeles. Without provocation, he was attacked and stabbed in the neck. Despite rapid intervention, he was pronounced dead at the hospital. On April 19, 2022, a DNA profile obtained from evidence found at the scene matched in CODIS to the offender. His name was released to the investigating agency the same day, and he was arrested on April 22, 2022.

Assisting in Cold Case Homicides

The CODIS Unit at the Jan Bashinski DNA Laboratory provides lead in 1988 cold case homicide: On May 23, 1988, two friends found the body of 79 year-old Lucille Hultgren in her home of 25 years in Galt. No suspect was identified until the case was re-opened because of advances in DNA technology. An unknown male DNA profile was developed from Hultgren's fingernail scrapings. On March 27, 2022, the DNA profile was matched in CODIS to Travis Eugene Emery, also known as Terry Leroy Bramble. Bramble, a registered sex offender and longtime resident of Galt, was 32 years-old at the time of the crime. He had died of natural causes in October 2011, but the resolution of this cold case provided Hultgren's surviving son with long overdue closure.

The CAL-DNA Data Bank's Familial Search Program provides lead in 1999 homicide. In 2021, the Familial Search Program identified a male relative in CODIS who was possibly related to the source of DNA evidence recovered from the fingernail clippings of a Richmond woman who had been murdered. The suspected assailant died eleven days after the 1999 murder. As no other evidence was available to confirm the assailant, an immediate relative was used to confirm the DNA results and to confirm him as the assailant.

Assisting with Bodily Identification

The Chico Laboratory assists with processing a body found in a barrel: In February 2022, the Butte County Sheriff's Office requested assistance in processing a body in a barrel. Homeowners who recently bought property in Berry Creek were digging in a ditch to bring more water to the property when they discovered a decomposed body buried in a plastic barrel. The Missing Persons DNA Program (MPDP) identified the victim who went missing in 2013 by comparing her DNA to her sister's DNA.

The Sacramento Laboratory's Latent Print Program assists San Francisco Medical Examiner's Office: An unidentified decomposing male was found on the shoreline at Fort Funston Beach. No personal property was found on the deceased male and his facial features were distorted. The medical examiner did observe friction ridge detail on the deceased male's hands even though degloving of the skin on the hands was present. Both hands of the unidentified male were submitted to the Latent Print Program. The skin of the left thumb was removed and the impression was photographed. The impression was searched through the FBI's Next Generation Identification database. As a result of the search, the male was identified and the San Francisco Medical Examiner's Office was notified.

Assisting with Drug Investigations

The Santa Rosa Laboratory assists with investigation of a large seizure of 40,000 fentanyl pills: Sonoma County Sheriff's Office served a search warrant to two suspects connected to a narcotics investigation. Upon searching their vehicle, a large number of pills were seized by the narcotics investigators. Forty bags were recovered and each contained about 1,000 tablets. All 40 bags were submitted to the Santa Rosa Laboratory for analysis. Each bag was weighed and a portion selected for analysis. All of the tablets tested had the "M 30" logo, which is indicative of the tablets containing the opioid oxycodone.

The Riverside Laboratory continues to receive large, seized drug submissions: On November 2021, the Riverside Police Department submitted a case involving 21 kilogram of possible carfentanil/fentanyl, which upon testing was confirmed be flurofentanyl. Due to the extreme risk of opiate exposure to personnel, additional safety procedures were taken, including having the local CalFire hazardous materials units placed on standby while analysis was performed.

The Santa Rosa Laboratory assists with the investigation of the death of a 15 month old toddler found deceased in her Santa Rosa home. Santa Rosa Police Department detectives located bags containing possible drugs and drug related evidence at the scene and collected swabs of the decedent's body at the scene and at autopsy. The evidence was submitted to Santa Rosa Laboratory for chemical analysis-Indications of fentanyl were found on swabs taken of the deceased toddler at autopsy.

Assisting with Mass Shooting Investigations

The Redding Laboratory assists with investigation of a mass shooting on a Greyhound bus: In February 2022 the suspect was traveling on a Greyhound bus. He told the driver that he was going to be attacked by someone in the back and he wanted to get off the bus. He went to the back of the bus and an altercation occurred. When the bus driver stopped at a gas station in Oroville, California the suspect opened fire on the passengers inside the bus. There were 30-40 passengers on board. He then fled towards a store across the street, stripping off his clothes as he ran. He was apprehended by law enforcement in the store parking lot. Five passengers were shot. One was deceased at the scene and four were transported to the hospital for treatment. The laboratory responded to document, collect, and preserve evidence for the Butte County Sheriff's Office.

Assisting with Sexual Assault Investigations

Fresno Laboratory assists the Fresno Police Department with the investigation of a Sexual Assault Case involving a 71 year old female victim: The victim, who lives alone, awoke to the male suspect in her room and he forced himself on the victim. He took her identification from her wallet and threatened to kill her if she called police. The Fresno Laboratory's Latent Print Unit performed a rush latent print analysis of the evidence on this case due to the nature of the crime and threat to public safety. DNA recovered from some of the evidence items included the suspect. The Fresno Laboratory team collaborated with the Fresno Police Department to solve this case.

Fresno Laboratory's Digital Evidence Unit assists in the investigation of a 2017 sexual assault of a minor: DNA evidence from a case involving a 2017 sexual assault was previously analyzed by the Jan Bashinski DNA Laboratory, but did not provide any useful investigative leads. In March 2018, the agency submitted cell phones, computers, and other digital evidence collected from the suspect's household. The suspect was arrested but released. After his release, he attempted to groom another child. The suspect was arrested again in 2019 and computers were submitted to DOJ's BFS for analysis, which revealed additional evidence of child pornography and efforts to conceal the information. In May 2022, BFS criminalists testified at trial in Del Norte County. The jury found the suspect guilty of all child pornography charges and he was sentenced to 50 years in prison.

Assisting with Manslaughter Investigations

The Eureka Laboratory assists with investigation of Humboldt County DUI vehicular manslaughter case: California Highway Patrol (CHP) officers responded to a two-vehicle collision on Highway 36, in Humboldt County. The first vehicle sustained major front-end damage and its driver was pronounced dead the next day. The driver of the second vehicle was observed by both the surviving passenger of first vehicle and first responders, but disappeared from the scene by the time CHP officers arrived on scene. The driver of the second vehicle was eventually located, had visible head injuries, and apparent blood on his chin and hands. Staff from the Eureka and Sacramento Laboratories later processed the second vehicle for evidence that the driver was linked to the vehicle. The shape and appearance of apparent bloodstains on the passenger side front window and B-pillar (i.e. the column between the passenger and driver doors) indicated they were

deposited when the vehicle was on its passenger side. The apparent blood was most likely left by an occupant of the vehicle who was injured because of the crash.

Assisting in Identity Theft Investigations

The Sacramento Laboratory, Latent Print Program assists Northern California Computer Crimes Task Force in investigating identity theft case: A disk containing two images was submitted to the Latent Print Program as evidence. Each image was of the palmer side of a hand holding a California Driver's License. The detective in the case had taken the images off a social media page suspected to be involved in an identity theft ring. The images were analyzed and friction ridge detail suitable for comparison were observed. The images were calibrated and searched in the FBI's Next Generation Identification database and as a result of the search, a subject was identified as the source and the agency was notified.

Assisting in Kidnapping Investigations

The CAL-DNA Data Bank's Familial Search Program Identifies Lead in 2016 suspected kidnapping: In 2020, the Familial Search Program identified a female relative in CODIS who was possibly related to the source of DNA evidence recovered from the clothing Sherri Papini was wearing when found. Papini had disappeared for three weeks before returning with claims of being kidnapped. The source of the DNA was confirmed as Papini's ex-boyfriend, who informed authorities the kidnapping was a ruse planned by Papini. Papini was arrested March 3, 2022 for mail fraud and making false statements to a federal agent.

Bureau of Gambling Control

Overview

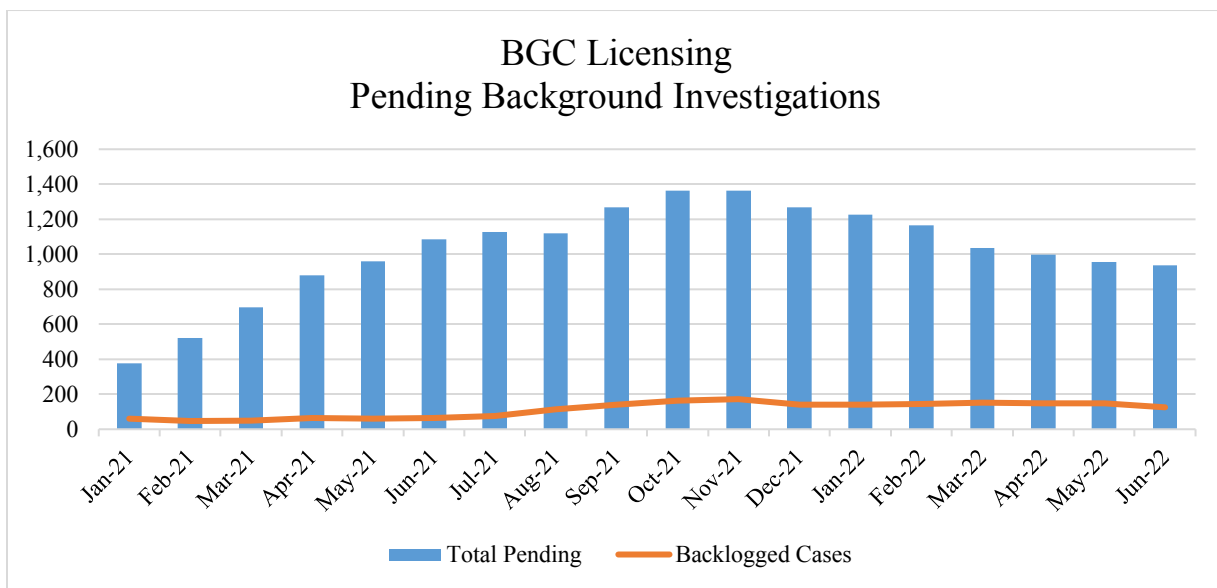
The Bureau of Gambling Control (BGC) regulates legal gambling activities in California to ensure gambling is conducted honestly and is free from criminal and corruptive elements. This is accomplished by investigating the qualifications of individuals and business entities who apply for state gambling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

Major Accomplishments

Reducing Backlog for California Cardrooms and Third-Party Providers of Proposition Player Services (TPPPS) Applications'

California cardrooms and Third-Party Providers of Proposition Player Services (TPPPS): In March 2019, BGC had 1,990 pending background investigations required for applicants of California cardrooms and Third-Party Providers of Proposition Player Services (TPPPS), of which

1,129 were considered backlogged². By the end of fiscal year 2019-2020, BGC reduced the pending background investigations to 842 pending investigations, of which 370 were considered backlogged. By the end of fiscal year 2021-22, BGC reported 937 pending investigations, of which 124 were considered backlogged. Since October 2020, the backlog has remained under 200 cases. It is important to note that there was a significant decrease in applications received during the COVID-19 pandemic due to the closure and restrictions on cardroom operations. Once restrictions were lifted, BGC began to see an increase in applications received. However, applications received have stabilized in recent months.



Cracking-Down on Non-Compliance

The Compliance and Enforcement Section (CES): Between January 1, 2021 and June 30, 2022, The Compliance and Enforcement Section (CES), comprised of Special Agents and Field Representatives, initiated 136 investigations, evaluated 854 complaints, and conducted 160 regulatory compliance inspections of licensed cardrooms and tribal casinos. As a result of criminal investigations, search and arrest warrants were issued and illegal gaming devices, illegal narcotics, and other contraband were seized. CES staff also generated eight letters of warning to cardrooms, and 35 tribal inspection letters/reports.

Significant Bureau of Gambling Control Cases

Assisting in Large-Scale, Illegal Gambling Operations

Illegal Gambling Establishments Lead to State and Federal Charges: Between 2018 and 2021, BGC and the San Diego Police Department (SDPD) conducted a joint investigation of an illegal

² Backlogged cases refers to pending background investigations that are over 180 days old.

gambling establishment, resulting in the seizure of 16 illegal gambling machines and \$900 in U.S. currency. The Federal Bureau of Investigation (FBI), Violent Crimes Task Force (VCTF), Gang Group, expanded the investigation into targeting criminal syndicates of violent Asian street gangs that were operating illegal casinos out of residences and commercial properties. In April of 2021, BGC served 24 search warrants throughout San Diego County resulting in 35 arrests. These warrants were served in coordination with the VCTF, SDPD, Internal Revenue Service, Criminal Investigations (IRS-CI), Drug Enforcement Administration (DEA), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE), U.S. Marshals Service (USMS), and San Diego City Attorney's Office (SDCA). In total, 47 suspects were indicted by a federal grand jury (15 of the 35 arrested were part of the indicted group), 44 firearms, more than 12 pounds of methamphetamine, \$263,000 in U.S. currency, and 640 gambling machines were seized during the investigation. Seventeen State arrest warrants were also obtained for subjects associated with these locations. The charges brought by the U.S. Attorney's Office include: conspiracy, operating illegal gambling businesses, maintaining drug involved premises, possession of methamphetamine with intent to distribute, distribution of methamphetamine, importation of methamphetamine, felon in possession of firearm and felon in possession of ammunition.

Illegal Gambling Investigation: BGC worked with the Vallejo Police Department (VPD) to investigate an illegal gambling operation in the City of Vallejo. In December 2021, BGC and VPD served a search warrant and BGC agents arrested two suspects at the scene for illegal firearms violations. During a search of the premises, agents recovered approximately \$14,000 in U.S. currency, 24 desktop computer gaming terminals, four stand-alone video slot machines, and two table top "Fish Machines" along with an undetermined additional amount of U.S. currency in mixed denominations. Agents also recovered two 12-gauge shotguns, two replica shotguns, one replica nine millimeter pistol and one un-serialized lower rifle receiver (ghost gun), along with firearm manufacturing tools and ammunition in various calibers.

iConnect Illegal Gaming Application: In June 2022, BGC, Federal Bureau of Investigation and the Department of Alcoholic Beverage Control, executed 14 search warrants to gather additional evidence in furtherance of a large-scale illegal gambling investigation. The investigation identified iConnect kiosks located throughout the Bay Area, Central Valley, and Greater Sacramento Area. These kiosks facilitated the purchase of and cash out of credits used in the illegal gambling application. It was estimated that this organization generated profits of approximately \$25 million per year. As a result of the search warrants, agents seized approximately \$525,000 in U.S. currency, one assault rifle, a small amount of suspected methamphetamine, and approximately 45 illegal gambling machines. The investigation is ongoing.

Assisting in Organized Crime, Gang, and Mafia Related Cases

Gang Member Arrested for Operating a Mobile Casino: In April 2021, BGC provided the Riverside County Sheriff's Department (RSD) with gaming expertise that assisted with authoring a search warrant regarding a residence that was operating as an illegal gambling facility in the City of Perris. As a result of the warrant, one suspect, a documented Riverside County gang member, was arrested. Deputies and Special Agents seized firearms, narcotics (approximately 2,000

Fentanyl pills, and a half pound of Methamphetamine), approximately \$10,000 in U.S. currency, and 10 illegal gambling machines. The machines included “Fish Machines,” tabletop gaming devices, and stand-alone “Fish Machines,” several of which were located in a travel trailer utilized as a mobile casino.

Mexican Mafia (MM) Casitas: In October 2020, BGC, the Los Angeles County Sheriff’s Department, Major Crimes Unit, and Casino Team; the California Department of Corrections and Rehabilitation; and the Bureau of Alcohol Tobacco Firearms and Explosives began an illegal gambling investigation involving members of the Mexican Mafia (MM). MM members were operating “Casitas” (Internet Cafés) that offered illegal gaming devices such as slot machines and “Fish Machines.” Criminal activity including homicide and several shootings have occurred at several of the locations. The Casitas have generated significant profits that have been funneled to incarcerated high-ranking MM members. As of July 2022, approximately 50 search warrants have been served and approximately 134 illegal gambling devices have been seized with an estimated value of \$1,072,000.

Asian Organized Crime (AOC) Group: In May 2022, the Orange County Asian Organized Crime Task Force consisting of BGC, the Federal Bureau of Investigation (FBI), the Santa Ana Police Department (SAPD), the Internal Revenue Service, the U.S. Postal Inspectors Service, and the Westminster Police Department (WPD) served numerous federal and state search warrants on businesses and residences, along with arrest warrants related to illegal gambling. The task force had been focusing its four-year investigation on an Asian Organized Crime Group (AOC) operating illegal gambling businesses primarily in the cities of Santa Ana, Westminster, and Garden Grove. The illegal casino businesses known as “Nets” and “Slap Houses” were an attraction to gang members, parolees, probationers, drug users, and dealers. Local street gangs were utilized by the AOC as security to thwart any retaliation from competitors. The investigation yielded multiple arrests, the seizure of several illegal gambling devices with an estimated value in excess of \$1.5 million, over \$300,000 in U.S. currency, several handguns, off-road vehicles, and illicit drugs. In addition, over 20 drones were seized that were determined to be used by the suspects to smuggle contraband into prisons.

Agents Arrested Ring Leader of an Israeli Organized Criminal Gambling Organization: In 2022, the leader of an Israeli organized criminal gambling organization, along with his two partners and three additional co-conspirators were arrested by BGC and the Federal Bureau of Investigation for violation of Title 18 United States Code (U.S.C.) section 1955 - Illegal Gambling and Title 18 U.S.C. section 1956 - Money Laundering. The BGC identified over 100 illegal gambling locations and the organization generated millions of dollars in annual cash revenue. BGC agents served search warrants and seized over \$100,000 in cryptocurrency from the suspects and an additional \$20,000 in U.S. currency from the gaming machines. Three residences are also in the process of being seized according to Federal asset forfeiture laws.

Assisting in Residential Gambling Investigations

Residential Gambling Investigation: In September 2021, BGC and the San Bernardino Police Department (SBPD) served a search warrant at a residence in the City of San Bernardino resulting

in the seizure of firearms, narcotics, U.S. currency, and illegal gambling machines. The illegal gambling machines discovered included “Fish Machines,” table top gaming devices, and stand-alone “Fish Machines.” One suspect was arrested for violation of Bookmaking, Possession of a Firearm by a Prohibited Person, Possession of Ammunitions by Person Prohibited, Possession of an Assault Rifle, Possession of a Controlled Substance and Loaded Firearm present during the service of the search warrant, and Possession of Controlled Substance for Sales.

Serial “Home Game” Investigation: In May 2022, a joint investigation conducted by BGC and the Los Angeles County Sheriff’s Department led to the service of a search warrant at a residence located in the City of Walnut. The search warrant resulted in the arrest of one suspect and the seizure of approximately \$8,000 in U.S. currency, evidence of illegal gambling/bookmaking, narcotics including cocaine and methamphetamine, as well as evidence of narcotics sales. The suspect was found to have numerous active felony and misdemeanor warrants in the counties of Riverside and San Bernardino, including felony charges for illegal gambling, possession of dangerous weapons, domestic violence, assault with a deadly weapon, theft, and fraud. Over the past three years, the suspect has facilitated illegal gambling operations in residences in Riverside and Los Angeles counties. In 2020 and 2021, BGC and the Corona Police Department served three search warrants at the suspects’ residence for illegal gambling.

Assisting in Money Laundering and Human Trafficking Investigations

Human Trafficking/Money Laundering Investigation: In May 2021, BGC assisted the San Mateo County Sheriff’s Office (SMCSO), Crime Suppression Unit (CSU) in investigating a human trafficking and money laundering operation spanning several different jurisdictions (San Mateo County, Alameda County, Contra Costa County, and Santa Clara County). The suspects were known to take proceeds from multiple brothels in the bay area and visit local Tribal casinos and California cardrooms. BGC assisted in the service of multiple search and arrest warrants resulting in the arrest of eleven suspects for prostitution and human trafficking crimes.

Significant Administrative Actions

Blackstone Gaming, LLC: In December 2021, an accusation was filed against Blackstone Gaming, LLC (Blackstone) a Third-Party Provider of Proposition Player Services (TPPPS) for their failure to comply with applicable regulations. Blackstone operated in a manner that violated gaming regulations by assigning multiple tables and “player’s banks” to a single player. As a result, TPPPS players left gambling tables unattended and chips unsecured and out of the players’ possession, custody, or control, which violated the regulations. Blackstone’s players also provided chips to the cardroom’s dealers to pay winning and collect losses from patrons. This matter will be heard by Office of Administrative Hearings unless a settlement is reached.

Outlaws Card Parlour: In November 2021, an Accusation was filed against former cardroom owner Dora Brown for allowing the cardroom to be operated by an unlicensed individual, routine failure to ensure that employees are wearing required badges and for continued violations of the Minimum Internal Control Standards. Brown was the former owner of the Outlaws Card Parlour in

Atascadero. The cardroom has since been sold and this matter will be heard by Office of Administrative Hearings unless a settlement is reached.

East Sea Investment Group, Inc: After a thorough licensing investigation, BGC recommended denial of the TPPPS license for East Sea Investment Group, Inc. in September 2020 for having been loaned \$9.8 million by unlicensed individuals with an unknown background and unknown origin of funds. In May 2022, after an evidentiary hearing, the Commission denied the license citing, among other things, that a “catch-me-if-you-can” approach to regulation circumvents the purpose of the Gambling Control Act in protecting the public and the integrity of the gaming industry.

Bureau of Investigation

Overview

The Bureau of Investigation (BI) is comprised of 15 specialized programs staffed by approximately 274 employees statewide. BI investigates organized retail crime, organized violent street gangs and criminal syndicates, human trafficking, white collar crime, fentanyl enforcement, recycled materials fraud, consumer fraud protection, cyber-crimes, embezzlement, and U.S. Hague Convention Child Abduction Treaty enforcement. Additionally, BI oversees the statewide mandate of investigating all California police officer-involved shootings where an unarmed civilian is killed.

Major Accomplishments

Investigating Officer Involved Shootings (OIS)

Assembly Bill 1506: Effective July 1, 2021, Assembly Bill 1506 (Ch. 326, statutes of 2020) required the DOJ to investigate all Officer Involved Shooting (OIS) incidents in California that resulted in the death of an unarmed civilian. In response, the DOJ’s created the BI California Police Shooting Investigation Team (CaPSIT) program. Special Agents, Criminalists, and professional staff were selected and strategically located throughout the state. The CaPSIT personnel received exemplary training to prepare them to conduct some of the most comprehensive, thorough, and timely criminal investigations in the state. In addition to teaching them necessary and practical skills, these trainings placed an emphasis on minimizing bias.

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

Since CaPSIT its inception on July 1st, 2021, DLE Special Agents have responded to 38 critical incidents for evaluation and initiated 21 independent AB 1506 investigations.

Investigating Criminal Street Gangs

Operation Sleepwalker: In May 2021, the Sacramento Police Department and BI's Special Operations Unit (SOU) began an investigation of the Oak Park Bloods criminal street gang. The city of Sacramento had experienced an unprecedented level of violence over the prior eighteen months, including over 200 shootings victims and over 50 homicides. Twenty of the homicides had direct ties to notorious local street gang known as the Oak Park Bloods. During the investigation, investigators prevented two armed robberies and one gang-related shooting. In conjunction with the controlled purchase of firearms, investigators identified the sources of supply for assault weapon "ghost" guns and Glock handguns that were being converted into fully-automatic machine guns. One of the goals of the investigation was to solve the shooting death of a 14-year-old boy that occurred during a robbery. Detectives were able to recover the murder weapon and two juvenile suspects were arrested for charges related to the homicide.

Operation Westside Jenga: In May of 2021, Santa Bernardino Police Department (SBPD) requested the assistance of SOU in an effort to target key members and associates of the West Side Verdugo criminal street gang and the Mexican Mafia prison gang. The suspects were involved in crimes including murder and attempted murder, assaults, robberies, narcotic and firearms trafficking. The gang members ran illegal gaming establishments throughout the city of San Bernardino to fund their criminal enterprise and were a magnet for criminal activity, including numerous murders. Each of these illegal gaming establishments provided the Mexican Mafia approximately \$10,000 to \$30,000 dollars per month in illegal proceeds. During the investigation, the SOU and SBPD made 180 felony arrests, executed 32 residential and commercial search warrants, seized \$295,870.00 in U.S. currency, 19 assault rifles, 92 handguns, four rifles, over 100 gaming devices, and closed 30 illegal gaming establishments. In addition, SOU and SBPD seized 130.25 pounds of methamphetamine, 260 pounds of marijuana, 278 grams of cocaine, 126 grams of heroin, 333 pills, and 10 grams of powder fentanyl. The San Bernardino County District Attorney's Office prosecuted 39 subjects for assorted charges including murder, attempted murder, assault with a deadly weapon, robbery, narcotics, and weapons violations.

Investigating Sexual Predators and Other Illegal Activities

Kings County Sexual Predator Operation: In August 2021, the Sexual Predator Apprehension Team (HT/SPAT) Special Agents conducted an online sexual predator operation with the Hanford Police Department, the Lemoore Police Department, the Kings County Sheriff's Office, and the Kings County District Attorney's Office. The mission of the operation was to target individuals who prey on and sexually-exploited minors. A total of 17 suspects were arrested for various crimes, including meeting with a minor for the purpose of sexual acts, sending explicit materials to a minor, and human trafficking of a minor. One of the people arrested during the operation was a counselor at a local high school. After this operation concluded, four juveniles came forward to the Hanford Police Department and alleged that a suspect arrested during this operation committed illicit acts against them. These allegations are being investigated by the Hanford Police Department

Sacramento Area Prostitution Ring: In June 2022, Sexual Predator Apprehension Team (HT/SPAT) Special Agents executed search at residences in Sacramento, Citrus Heights, Roseville, and a Wells Fargo Bank. The search represented a coordinated effort by HT/SPAT and various participating law enforcement partners. The warrants were the culmination of an investigation into multiple subjects who operated at least three brothels in the Sacramento region. During the course of the investigation, agents executed 31 search warrants, and identified ten sex workers. On June 15, 2022, two subjects were arrested at their residence for seven counts of PC 266(i) pandering. Approximately \$38,000 was located at their residence and was seized. Agents located some of the cash in envelopes marked with recent dates and the names of sex workers. A sex worker was located at the brothel and was offered victim services, including resource materials and referrals to social service agencies, consistent with HT/SPAT procedure. In total \$54,891, was seized in illegal cash proceeds.

Returning Abducted Children Back to the United States

Informal Mutual Legal Assistance Treaty – Child kidnapping: In August 2021, the Sunnyvale Police Department (SPD) requested the DOJ's Foreign Prosecution and Law Enforcement Unit's (FPLEU) assistance with a kidnapping investigation. Based on information provided by SPD, the biological mother and her Parolee-At-Large boyfriend went to visit the minor at the minor's biological grandmother's residence. The grandmother has full custody of the minor and during the visit, the boyfriend physically assaulted the grandmother, kidnapped the minor, and fled to Mexico. SPD informed FPLEU the suspects would be traveling with the minor within Mexico to Mexicali via commercial flights. The Baja California State Police (GESI) located the mother, the boyfriend, and the juvenile at the airport. GESI arrested the mother for being under the influence of a controlled substance and booked her into the Mexicali Jail. GESI arrested the boyfriend and transported him to Mexican Immigration for repatriation proceedings, because he was an American citizen with an active warrant. The boyfriend was booked into the Imperial Valley County Jail on kidnapping charges. Meanwhile, FPLEU coordinated with U.S. and Mexican officials to ensure the juvenile's safe return. The juvenile subsequently arrived at the U.S. Customs and Border Patrol (CBP) Port-of-Entry where she was reunited with her grandmother.

1980 U.S. Hague Convention Treaty / Child Abduction & Safe Return of a Child: In May 2021, the San Joaquin County District Attorney's Office (SJDA), Child Abduction Unit requested the FPLEU's assistance with the formal return of a 14 year old child. The juvenile was a U.S. citizen and in the illegal custody of her mother in Jalisco, Mexico. In 2019, SJDA filed a formal Hague Convention Application for assistance in the return of the abducted child with the U.S. Department of State and Mexico Central Authority. In that application, SJDA requested FPLEU assist in the recovery of the juvenile from Jalisco, Mexico, once a Hague Hearing was scheduled. The Jalisco State Judge would only release the child to the father and requested the father be present. The father immediately traveled to Jalisco to ultimately take custody of his child. FPLEU contacted the CBP and requested their assistance with facilitating the expedited entry of the child back to California. On May 23, 2021, the child and the father traveled by commercial air, from Jalisco to Tijuana and subsequently to the San Ysidro Port-of-Entry. FPLEU, SJDAI, and CBP met the

family at the Pedestrian Entry and escorted everyone back to the CBP office. CBP subsequently admitted the family and the child into the U.S.

Cracking Down on White Collar Crimes

Huntington Beach Oil Spill Investigation: On October 1, 2021, a failure occurred in a pipeline running from an offshore oil platform known as Elly, to the Beta pump station at the Port of Long Beach, owned by Amplify Energy Corporation (Amplify), causing the release of over 24,000 gallons of oil. DOJ's White Collar Investigation Team (WCIT) led a joint investigation on the pipeline failure. California Department of Fish and Wildlife (CDFW), Office of Spill Prevention and Response (OSPR), Orange County District Attorney (OCDA) and the Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR) assisted with the investigation. WCIT continues to investigate and identify the timeline and the responsibilities of the Marine Exchange, the vessels, placement of the contingency anchorages and Amplify's actions during the high wind event and pipeline failure.

Grand Theft from Elders in Sacramento: In May 2021, the WCIT investigated allegations into a former California Public Employees' Retirement System (CalPERS) employee, who illegally accessed CalPERS members' accounts, and fraudulently redirected approximately \$689,465.00 to bank accounts she controlled or had access to. CalPERS' investigation was initiated after discovering the theft of money from an alleged victim. CalPERS subsequently identified nine additional victims, ranging in age from 55 to 95 years old. The WCIT also authored multiple search warrants for the subject and her family members' bank accounts, investment accounts, life insurance policies, and electronic devices. In May 2022, the case was filed in the Sacramento County Superior Court and an arrest warrant was obtained for the subject. The case is being prosecuted by the DOJ Special Prosecution Section.

Responding to Recycling Fraud

Out of State RFT Program Operations: In 2021, the Recycle Fraud Team (RFT) investigated several large scale, multi state, recycling fraud operations with the assistance of the Arizona Department of Public Safety (AZ DPS). Throughout the investigations, RFT has served multiple search warrants. These searches found that the empty beverage containers (EBC) that were used to defraud the State of California originated in lots in Phoenix and elsewhere. In early 2022, AZ DPS and the California DOJ served additional search warrants in Arizona. Agents located 15,060 pounds of Aluminum EBC's and 21,560 pounds of Plastic (PET) EBC's at the lot which was operated by Arizona based suspects. The primary suspect was taken into custody by AZ DPS and extradited back to California. Records located during the search warrant indicated they had coordinated the smuggling of over three million pounds of EBC's in the past 18 months, resulting in a potential loss to the California Recycling Fund of over \$4.3 million.

California RFT Program Operations: In May 2022, the RFT arrested six suspects and served search warrants at nine California locations. This enforcement operation concluded a seven month investigation into an organized fraud ring importing ineligible out of state empty beverage containers (EBC) into California, which resulted in the theft of approximately \$10 million from the

California Recycling Fund. The subject coordinated with a trucking company to import multiple 53-foot trailer loads of out of state EBC's from Phoenix, Arizona, every week. The ineligible out of state EBCs were then processed by the subject's recycling centers, who claimed the material for the California Refund Value. The search warrants resulted in the seizure of multiple tons of ineligible material. Concurrent with the service of the search and arrest warrants, Cal Recycle served notice on the seven recycling centers, revoking the recycling centers' certification indefinitely.

Recovering Funds from Tax Evaders

Saechao Investigation: In August of 2021, the Tax Recovery in the Underground Economy Program (TRUE) program initiated a sales tax evasion case into an unlicensed cannabis dispensary network. The two primary suspects involved utilized family and friends to operate a network of underground cannabis dispensaries in order to intentionally evade sales taxes. Both suspects' businesses were also alleged of selling black market cannabis to underground retailers. They utilized various means to disguise their unlicensed business and illicit profits. In February 2022, TRUE Special Agents executed multiple search warrants in Orange County. The warrants took place at residences in Huntington Beach and Anaheim and at unlicensed cannabis dispensaries in Anaheim and Stanton, as well as at two private safe deposit boxes. TRUE seized approximately \$2,200,000 in U.S. currency, 125 pounds of contraband untaxed cannabis products, 62 electronic devices, and 14 boxes of related evidence. The estimated evaded tax amounts were approximately \$125,000,000 to the State of California.

Buffet Restaurants Investigation: In March of 2019, the Los Angeles TRUE Program initiated an investigation into eight restaurants and the restaurants' owners for income tax evasion, sales tax evasion, and employee tax violations. The eight restaurant locations were using a Point of Sale (POS) system which manipulated or "zapped" the sales records for the restaurants to conceal their true sales. The owners then appeared to use the manipulated sales to evade California income taxes. This investigation was coordinated with the IRS - Criminal Investigation Division who was conducting an investigation of the person who designed the POS software. In June of 2022, TRUE successfully adjudicated two of the defendants in court. The result was a combined sentence of four years and eight months state prison and paid restitution totaling \$6,755,523 to the California Department of Tax and Fee Administration, the California Franchise Tax Board, and the California Employment Development Department and penalties. Additional defendants are pending prosecution for similar charges.

Uncovering and Prosecuting Widespread Sexual Abuse

Megachurch Leader Sentenced to Prison for Nearly 17 Years: In June 2022, Special Agents from the Special Investigations Team (SIT) concluded a four year investigation into allegations of sexual abuse committed by the La Luz Del Mundo megachurch spiritual leader, an international religious organization headquartered in Mexico with over five million followers in 52 countries worldwide. In June 2019, multiple subjects were arrested at the Los Angeles International Airport and were taken to the Los Angeles County Jail. In February 2020, Special Agents coordinated with

the DOJ's Foreign Prosecution and Law Enforcement Unit's (FPLEU) to plan and execute an operation to rescue an additional victim. The rescue operation was coordinated with the Federal Bureau of Investigation Attaché's Office in Mexico City. The victim was kept safe in the protective custody of the DOJ pending her testimony in the jury trial. After a preliminary hearing in August 2020, a victim agreed to testify against the subject as part of a plea agreement with prosecutors. The subject pled guilty to one count of assault and was sentenced to one year of probation and given credit for time already served in jail. In June 2022, the Megachurch Leader pled guilty and was sentenced to 16 years and eight months in prison.

Career Criminal Caught after Decades of Nefarious Activities: In April 2015, Special Agents from the Special Investigations Team (SIT) were referred to a large scale fraud investigation by the Imperial County Sheriff's Office. Special Agents identified a subject who was a career criminal specializing in commercial burglaries and safe cracking. The suspect had been twice convicted and sentenced to state prison as a fraudster. However, it was eventually discovered the subject faked his death in Gila County, Arizona by staging a vehicle accident and using his own blood to plant DNA evidence at the scene. During the course of the investigation, it was discovered there were numerous suspicious Writs of Judgments, awarding monies from small claims cases, filed in San Bernardino County and other courts in various counties throughout California. Special Agents and San Bernardino County Sheriff's detectives utilized specialized investigative techniques and search warrants to locate the subject in Sandpoint, Idaho. The Sandpoint Police Department was contacted and in August 2015, officers arrested the subject and he was extradited to Los Angeles County where he remained in custody for over five years pending trial. Special Agents wrote numerous search warrants for bank records and identified over 200 victims from the schemes. Ultimately, 58 victims were presented at trial. In November 2021, the subject was found guilty in the court trial of 57 felony counts, including special allegations of embezzlement over \$100,000. In December 2021, the subject was sentenced to 40 years and four months in state prison and ordered to pay restitution in the amount of \$110,144.46.

Leveraging BI Task Force Programs

Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (L.A. IMPACT)

Supporting Federal Law Enforcement Partners: In May 2021, DOJ's Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (L.A. IMPACT), in collaboration with Homeland Security Investigations, investigated a drug trafficking organization that utilized semi-truck tractor trailers to smuggle large amounts of narcotics into the United States. During the investigation, L.A. IMPACT task force officers identified a semi-truck transporting a cargo load of fresh beets concealing narcotics, crossing into California from Mexico. Investigators identified several involved parties and a "stash" house in East Los Angeles, where the contraband was destined. At the conclusion of the operation, five subjects directly related to the criminal organization were arrested and 2,478 pounds methamphetamine and 198 kilos of cocaine were seized by law enforcement.

Supporting Local Law Enforcement Partners: Throughout 2021, L.A. IMPACT investigative teams, in collaboration with the Los Angeles Police Department and Los Angeles County Sheriff's

Department launched a series of investigations into various Mexican drug cartels with distribution cells operating throughout the Los Angeles region. This investigation focused on high-ranking members of organizations in Mexico that were transporting narcotics into California in order to supply narcotics to major cities throughout the United States. Throughout 2021, this continuous investigation led to the arrest of 41 subjects, as well as the seizure of \$509,481 in U.S. currency, 20 firearms, 77 kilos of cocaine, 28 kilos of fentanyl (pills and powder), 2,880 pounds of methamphetamine, and 20 kilograms of heroin.

Inland Crackdown Allied Task Force (INCA)

Significant Narcotic Proceeds Seizure: In January 2022, Inland Crackdown Allied Task Force (INCA) received information that a suspect was in possession of a large amount of U.S. currency, presumably from illegal narcotics sales. INCA located the suspect in a vehicle in San Bernardino. Guided by INCA, California Highway Patrol conducted a traffic stop on the suspect's vehicle, impounded the vehicle, and recovered \$999,920 hidden in the vehicle's gas tank.

Merced Area Gang and Narcotic Enforcement Team (MAGNET)

Merced County Narcotics-Dealing Suspect Caught in Undercover Operation: In January 2021, Merced Area Gang and Narcotic Enforcement Team (MAGNET) agents became aware of a suspect who was supplying large amounts of crystal methamphetamine in Merced County. An undercover MAGNET agent brokered a deal to purchase 180 pounds of crystal methamphetamine. After further investigation, the suspect was arrested and search warrants in Southern California resulted in the seizure of 55 pounds of cocaine, two pounds of heroin, 236 pounds of methamphetamine, 20 pounds of suspected counterfeit OxyContin pills, six pounds of fentanyl powder and approximately \$73,000.00 in U.S. currency. The suspect is currently pending a federal jury trial in Fresno County.

High Impact Investigation Team (HIIT)

Multi-State Narcotics Takedown: In January 2019, High Impact Investigation Team (HIIT) agents initiated a large scale investigation into a subject from Sinaloa, Mexico. The subject and his drug trafficking organization were suspected of distributing large amounts of methamphetamine, marijuana, heroin, cocaine and fentanyl pills in California, Nebraska, Oregon, and other states. In 2019 and 2020, the HIIT continued to investigate and dismantle the organization, to include conducting an electronic surveillance investigation. Assisting the HIIT with this investigation were the BI Fresno Regional Office, Merced Area Gang and Narcotic Enforcement Team, California Highway Patrol, Fresno County Sheriff's Office, Tulare County Sheriff's Office, Kings County Sheriff's Office, Fresno Police Department, Fresno County District Attorney's Office, Visalia Police Department, Fontana Police Department, Omaha and Fresno offices of the Federal Bureau of Investigation, the Denver, CO office of the Drug Enforcement Administration and the Fresno United States Attorney's Office. As a result of this investigation, agents seized 243 pounds of methamphetamine, six kilos of heroin, 15 kilos of cocaine, 10 pounds of marijuana, 41,200

fentanyl pills, and \$150,390 in U.S. currency. A total of 24 suspects were arrested, 13 of the 24 were charged with federal violations. All of the defendants are pending jury trial.

Placer Special Investigation Unit (PSIU)

Fentanyl Overdose Leads to Murder Charges: In 2021, the Placer Special Investigation Unit (PSIU) Task Force assisted the Placer County Sheriff's Office with a coroner's case involving a fatal Fentanyl toxicity investigation in which a 20-year-old male overdosed on Fentanyl and died in a supermarket restroom in Roseville. PSIU agents subsequently analyzed the decedent's mobile phone and discovered he had communicated with a local suspected oxycodone drug dealer less than one hour before his death. Over the course of the next several weeks, PSIU authored ten search warrants to obtain historical geographical information, social media conversation data for multiple platforms, ride-share transportation history, and financial transactions data. PSIU subsequently detained the suspect in a parking lot and found him to be in possession of eight suspected counterfeit oxycodone pills, which were suspected of being hand-pressed Fentanyl pills. Inside his apartment, PSIU agents seized approximately 80 additional suspected Fentanyl pills masked as oxycodone. The suspect was released on December 23, 2021. In the interim, PSIU agents met with the Placer County District Attorney's Office and discussed the possibility of homicide charges for knowingly selling the victim Fentanyl pills that resulted in the victim's death. On February 15, 2022, the Placer County District Attorney's Office announced the filing of murder charges related to knowingly selling Fentanyl resulting in the death of the male overdose subject discovered in the supermarket.

Placer County Major Narcotic Source Arrested: In July 2021, the PSIU began investigating a suspected methamphetamine dealer in Placer County and the surrounding areas. During the investigation, the PSIU identified the source of supply of the methamphetamine. The source of the supply, who was on Post Release Community Supervision, was a Northern Structure prison gang member. The suspect was also believed to be a major narcotics source for the Placer County area. In September 2021, the PSIU facilitated a multi-agency operation executing search warrants at the suspect's residences. Law enforcement subsequently seized two pounds of methamphetamine and a gallon of Dimethyltryptamine, as well as another two pounds of methamphetamine, an ounce of heroin, and \$2,880 in narcotic proceeds.

San Diego Human Trafficking Task Force (SD HTTF)

13 Year Old Female Victim Rescued: In August 2021, the San Diego Police Department (SDPD) responded to a domestic violence call that occurred at a motel in the City of San Diego. While officers were talking with the two adult individuals involved in the domestic violence incident, officers noticed a 13 year old juvenile female appear near the scene. The DOJ's San Diego Human Trafficking Task Force (SD HTTF) responded and conducted interviews with the adult individuals. SD HTTF officers learned that two days prior, the juvenile female met the subjects in San Diego and asked them for a ride to a nearby truck stop. The male subject agreed to give the victim a ride and ended up taking the victim to the motel where he and the adult female subject had been staying. The victim was transported to Rady Children's Hospital for a Sexual Assault Response

Team forensic examination and was released to the custody of Child Welfare Services. The male subject was on parole and has an extensive criminal history that included domestic violence, robbery, burglary, DUI, and possession, manufacturing, and selling dangerous weapons. He was booked on multiple charges.

19 Year Old Female Calls Police about Assault: In May 2022, the SD HTTF was contacted by SDPD regarding a possible victim of human trafficking. A 19-year old female staying at a Super 8 Hotel in San Diego called SDPD to report she was assaulted and threatened by an adult male. An officer observed a person matching the suspect running up a hill next to the hotel. Officers chased the suspect on foot and detained him. Believing the circumstances of this case could involve human trafficking, SD HTTF agents responded to the hospital to interview the female victim. She explained that she had met the suspect in Los Angeles where he recruited her to prostitute for him. The suspect and the female victim traveled to San Diego this week for the purpose of engaging in prostitution. While at the hotel, the suspect would not let the victim leave the hotel. The victim subsequently called police. SD HTTF agents reviewed the victims' phone and saw text messages between the suspect and the victim that revealed he was sex trafficking the victim. Based on this information SD HTTF agents arrested the suspect for attempted murder, human trafficking, false imprisonment, and resisting arrest. The suspect was not granted eligibility to bail.

Campaign against Marijuana Plants (CAMP)

CAMP program investigates illicit and environmentally toxic Marijuana cultivation schemes: is a High Intensity Drug Trafficking Area-supported task force administered by the Department of Justice's Bureau of Investigation. The program, in coordination with local, state, and federal partners, eradicate large scale illegal marijuana cultivation sites on public and private lands that cause deforestation, damage to wildlife habitats, pose danger to our citizens, and create hazardous chemical pollutants. Additionally, CAMP works with local agencies to remove tons of debris and dangerous chemicals that often kill off wildlife and poison California's environment, damaging natural resources.

During the 2021 season, three CAMP teams were operational from July 3rd to September 30th. The teams eradicated 1,198,599 marijuana plants from 491 illicit marijuana grow sites in 27 counties across California. In addition, 90.1 tons of processed marijuana was seized from the sites. Of the illegal grow sites, 17.1 percent were located on public lands, designated forests, county parks, wildlife refuges, and conservation and/or preserve areas, and accounted for 12.48 percent of the marijuana plants seized. Additionally, 51 (about 59.3 percent) of the 86 illegal sites on Public Lands were determined to be the product of Transnational Criminal Organizations.

Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR)

Man Killed Outside Hollywood Restaurant: In 2021, the Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR), Special Operations Support Unit assisted the FBI and Los Angeles Police Department Violent Fugitive Task Force with investigative and analytical support for a murder case. A 23-year-old man was shot and killed outside a restaurant in Hollywood. The victim was attempting to help a woman who was being attacked by robbery

suspects. Four men were arrested and charged, and law enforcement recovered evidence including a handgun, a replica handgun, over \$30,000, a Rolex watch, and handbags. They also seized two vehicles that were used during the robbery.

Taskforce Leverages Geolocation Data to Triangulate Robbery Suspects: In 2021, Long Beach Police Department investigators requested assistance from the LA CLEAR Analytical Unit regarding a recent follow-home robbery. The unsuspecting victim left a local jewelry convention and was followed as she drove to her home in Long Beach. As she was getting out of her car, multiple assailants robbed her at gunpoint. A detailed analyses of multiple cellphone tower dumps along with Google location data led to the identification, arrest, and prosecution of several suspects that were involved in the robbery.

LA CLEAR Identifies Murder-Suspect's Vehicle using Social Media and Communication Analysis: In 2021, a fatal shooting occurred in the parking lot of a Stanton nightclub. Patrol deputies quickly responded to the scene but were unable to locate a victim or suspects. The victim was later found at a hospital, where he died from his injuries. Investigators identified a vehicle that fled the scene and was captured on video surveillance. The LA CLEAR Analytical Unit (AU) was asked to help identify the vehicle and its occupants by providing accurate social media and communications analyses from various sources. The investigators then used the AU's analysis to obtain multiple search warrants throughout Southern California. At the conclusion of the investigation, the two homicide suspects were arrested while in possession of seven pounds of methamphetamine and more than 30 firearms.

Watch Center: The DOJ's Watch Center analysts assist investigators 24/7 with target inquiries into the RISS Criminal Intelligence Database (RISSIntel), and other law enforcement databases. These programs assist the analysts with case coordination and help prevent investigative overlap when two or more independent investigators have inquired on the same or similar targets. When a match or a potential case overlap is identified by the analysts, they will promptly notify each of the involved investigators to help facilitate successful criminal case coordination. In 2021, the Watch Center received 228,074 investigative inquires and posted 65,895 operations.

Western States Information Network (WSIN)

Annual WSIN Human Trafficking Summit: WSIN held its fifth and sixth annual Human Trafficking Summits in October, 2021, and May, 2022. Both located in the Sacramento region, the conferences provided instruction to 320 and 349 attendees, respectively, from local, state, federal, and tribal law enforcement agencies, prosecutorial offices, and service providers throughout the United States and Canada. Both conferences were multi-day events and featured instructors from a variety of disciplines, including investigators, analysts, prosecutors, trafficking survivors, and victim advocates from multiple states.

WSIN Analytical Unit Identifies Human Trafficker: The Santa Clara County, California, Law Enforcement Investigating Human Trafficking Taskforce 2.0 (LEIHT) began a sex trafficking investigation focusing on a male subject who targeted a 16-year-old female victim. Over the course of two years, the subject was able to isolate the victim from family and friends and conditioning

her to accept prostitution to make a living. Throughout this investigation, LEIHT investigators served more than a dozen search warrants for hotel records, text messaging apps, online sex advertisements, social media accounts, and financial records from various banking apps and institutions. The investigation showed that the subject engaged in a trafficking capacity of the 16-year-old victim as he pimped/pandered her, posted child pornographic images of her, advertised her on commercial pornographic/prostitution online sites for sex, facilitated her prostitution dates, arranged motel rooms for her commercial sex activity, and continuously provided her with methamphetamine, psilocybin, and other drugs during his criminal conduct. They requested assistance of WSIN analytical staff, who meticulously combed through and analyzed thousands of pages of records to prepare a detailed PowerPoint slide deck summarizing the case. In the meantime, LEIHT investigators arrested the subject on 17 felony counts associated with human trafficking. He is currently in-custody on \$1.1 million bail awaiting trial.

WSIN RISSIntel Success: While investigating a case involving the illegal possession of assault weapons, the Merced County Sheriff's Office, Sheriff Tactical, and Reconnaissance (STAR) team identified the owner of a company in California who conducted work on various types of firearms. STAR reached out to WSIN to de-conflict the information through the RISS Criminal Intelligence Database (RISSIntel) and post an operation to the RISS Officer Safety Event Deconfliction System (RISSafe). WSIN staff advised the deputies that their subject was also connected to a Drug Enforcement Administration investigation. The Sacramento DEA advised the deputies the nicknamed individual had previously been arrested for transporting approximately 1,000 fentanyl laced pills. The Sacramento DEA supported the STAR team pursuing the individual for illegal possession of assault weapons. Eight firearms were seized, two of which were assault rifles, and approximately 3,000 rounds of various types of ammunition. The connection provided by WSIN allowed the STAR team to develop additional information for their search warrant, without disrupting the ongoing investigation by the U.S. DEA.

PUBLIC RIGHTS DIVISION

Overview

The Public Rights Division, through its 510 employees, serves Californians by protecting their civil rights, ensuring their access to effective and efficient healthcare, safeguarding the State's environment and natural resources, protecting state lands, maintaining competitive markets, preventing fraudulent business practices, protecting consumers against false advertising and other predatory practices, and preserving charitable assets.

The Public Rights Division consists of the following sections:

- Antitrust Law
- Charitable Trusts
- Civil Rights Enforcement
- Consumer Protection
- Corporate Fraud
- Environment Law

- Healthcare Rights and Access
- Indian and Gaming Law
- Land Use & Conservation
- Natural Resources Law
- Worker Rights & Fair Labor

Antitrust Law

Overview

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

Major Accomplishments

Significant cases and activities include:

Preventing Anti-Competitive Practices

California v. Vitol. In May 2020, the Attorney General filed a complaint charging two major gasoline trading companies with conspiracy to manipulate California gasoline markets between 2014 and 2016 by means of collusive and fraudulent trades on the spot market³ in order to raise prices of larger transactions and the gasoline market as a whole. The investigation leading to this complaint included information from the proceedings of the Petroleum Marketing Advisory Committee of the California Energy Commission and its 2017 final report. Trial is set for June 2023.

US et al. v. American Airlines, Jet Blue. California joined the US Department of Justice and six other states in this challenge to the Northeast Alliance codeshare agreement between these two airlines. The terms comprehensively govern routes, slots, and scheduling in a manner that eliminates true competition between them. The impacts of such *de facto* consolidation will be felt by California consumers traveling on nonstop routes to and from Boston and New York, as well as connecting routes to and from nine other California airports. Trial is set for September 2022.

US et al. v. Google. In December 2020, California joined the US Department of Justice in filing a complaint against Google for monopolization in online search and search advertising. It charges Google with entering into a series of exclusionary agreements that collectively lock up the primary avenues through which users access search engines, and thus the internet, by requiring that Google

³ A Spot Market is a financial market wherein financial instruments and commodities are traded for instantaneous delivery

be set as the preset default general search engine on billions of mobile devices and computers worldwide and, in many cases, prohibiting preinstallation of a competitor. Trial is to begin in September 2023.

Charitable Trusts

Overview

The Charitable Trusts Section has authority over charities, charitable trustees, and fundraising professionals incorporated, or operating in, California. The section is responsible for:

- Identifying, registering, collecting and maintaining public records for California charities and their fundraisers.
- Prosecuting charity fiscal abuse, including fraud, diversion and mismanagement of funds.
- Prosecuting fraudulent or misleading charitable solicitation and reporting.
- Reviewing transactions that have a significant impact on the charity and its assets, including mergers, sale of assets, conversion to another corporate status and disposition of assets when a charity is dissolved.
- Representing the People of the State of California, as beneficiaries, in trust and probate litigation involving charitable gifts to unnamed charities.

Major Accomplishments

Managing Reporting

Registry of Charitable Trusts: The Registry of Charitable Trusts manages the registration and annual reporting requirements for charities, charitable trustees and charitable fundraisers and provides these reports publicly on the DOJ webpage. The Registry receives and processes initial registration and annual renewal reports for nonprofit charities and professional fundraisers. Currently, over 104,000 registered charities are required to file annual reports with the Registry. The Registry also responded to over 262,800 requests for information, and made over 351,375 documents available to the public. Total documents available to the public now exceed 2.8 million. The following table reflects some of the Registry’s core metrics:

Registry of Charitable Trust Statistics	2020-2022 Biennial Volume
Initial Charity Registration Forms Processed	10,736
Annual Charity Renewal Reports Processed	89,053
Charity Delinquency Notices Issued	35,541
Charity Dissolution Requests Processed	5,797
Charity Dissolution Waivers Issued	3,752
Raffle Registration Forms Processed	9,053
Raffle Report Forms Processed	8,101
Professional Fundraiser Financial Reports	3,856

Processed	
Professional Fundraiser Notice of Intent Forms Processed	6,315
Complaints Processed	2,182

Operational Notes: Due to the COVID-19 outbreak and the resultant stay at home orders, temporary business closures, and the extension of the IRS tax filing deadline, many renewal fees and forms submissions have been delayed/deferred during this report period. Impacts to the Charities reporting and the Registry due to these events has been reflected in some of the above metrics. It is anticipated that these variables will continue to create a material impact to compliance measures such as registrations, delinquencies, and fees.

Regulations and forms updates were made effective in 2020 and 2022. These changes included the introduction of the new annual renewal registration form CT-TR-1, new fee schedules, and other enhancements to data fields and instructions. These changes were meant to improve reporting accountability/data transparency reported by registered non-profits and fundraisers, and to sustain adequate fiscal resources required for section operations. In the short term, these changes have caused disruptions with higher than normal incomplete or inaccurate report submissions. Over time this impact will be addressed.

Modernizing Online Charity Fundraising

Charitable Fundraising on Internet Platforms: The Attorney General’s Office was instrumental in drafting legislation that modernized the Supervision of Trustees and Fundraisers for Charitable Purposes Act through enactment of statutes to regulate charitable fundraising on internet platforms. Newly enacted Government Code sections 12599.9 and 12599.10 require charitable fundraising platforms to register and report to the Attorney General. Their partnering platform charities would also be subject to reporting requirements. In addition, the new statutes protect donors and recipient charities from deception and other wrongdoing that may occur through the soliciting, handling, and distribution of donations made through the platforms and platform charities. This is the first statutory framework of this kind in the country.

Raising Donors’ Awareness

Resource Information and Public Outreach: The Registry provides resource materials such as the “Attorney General’s Guide for Charities and Guide to Charitable Giving for Donors”. The Registry also publishes the Attorney General’s Annual Commercial Fundraising Report, which contains a summary of charitable solicitation campaigns conducted by commercial fundraisers. The report assists the public in making informed decisions on spending their charitable dollars. In addition, the Registry posts informational webinars. From 2020-22 the Registry prepared eleven webinars currently available on its website covering a wide range of program topics from initial registration, paper and electronic annual renewal of registrations, curing delinquency status, professional fundraising, dissolutions and Best Practices for Charities During Pandemics and Disasters. Web views to this content average 2000 per month and since inception over 58,000 views have occurred.

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

During this reporting period the Registry initiated the use of reminder postcards and e-mail notifications for filing and delinquency reminders. This added layer of communication has allowed for more nimble and lower cost communication. The Registry also made material enhancements to their web pages. These changes focused on ease of use/navigation, enhanced data, and the update/standardization of format and content.

Auditing the Selling, Transferring, and Disposing of Charitable Assets

Audit and Legal: The Charitable Trusts' audit and legal team conducted financial reviews of 456 transactions. Public benefit corporations, mutual benefit corporations and religious corporations that are selling, transferring or disposing of all or substantially all of their assets are required to give the Attorney General 20-day advance notice. The auditors review these notices to evaluate whether the charitable organization is getting fair market value, whether the transfer is in the best interest of the charity and to ensure that the property is not being transferred to a charity insider. The auditors also review conversion and merger transactions. A public benefit corporation cannot convert into a mutual benefit corporation, religious corporation, business corporation, social purpose corporation, or cooperative corporation unless the Attorney General provides written consent. Conversion and merger transactions are reviewed by auditors to ensure that charitable assets are properly being transferred to another charity. DOJ auditors also review dissolution requests. All California nonprofit corporations seeking to dissolve must obtain the Attorney General's written waiver, without which the Secretary of State will not grant the request. During the last two years, the Charitable Trusts Section opened 197 audit investigations and filed 128 civil and administrative enforcement actions.

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

Investigating and Prosecuting Fraudulent Charities

AIDS Research Alliance (Los Angeles Superior Court): In December 2021, Donnelly Montenegro, the former acting Chief Operating Officer of the AIDS Research Alliance (ARA), pled guilty to grand theft by fraudulent pretenses after being charged in a 22-count complaint and was sentenced to two years imprisonment. Our investigation uncovered that from 2015 to 2017 Montenegro led people to believe that ARA was still in operation, rather than defunct, in order to obtain and launder hundreds of thousands of dollars in donations intended for AIDS research. He used the stolen donations for personal expenses including investments, credit card bills, and firearms.

Associated Community Services, Inc. (U.S. District Ct., E.D. Mich.): The Attorney General's Office participated in a multi-state sweep investigation organized by the Federal Trade

Commission (FTC) targeting Associated Community Services, Inc. (ASC) and its individual owners and operators. ASC created false or misleading telemarketing scripts and solicitation materials for more than 20 nonprofits that suggested donations would support charitable programs. Instead ASC was paid 80-90% of every donation and only a tiny fraction of each donation went to support charitable programs. Further, ASC used illegal “soundboard” technology in violation of the FTC’s Telemarketing Sales Rule. The case settled and \$495,000 collected from the defendants went to charities approved by the sweep settlement committee.

Bay Area Wine Project Inc: Our investigation uncovered improper loans paid by the charity to a director. The Attorney General’s Office recovered \$196,658. A settlement filed with the court requires that the charity dissolve and two officers are subject to permanent nonprofit sector bans, while the other directors and officers are subject to 10-year bans.

Canyon Vineyard Estates v. Paul DeJoria et al: On April 21, 2022, the Court of Appeal, Second District, affirmed the trial court’s summary judgment finding that over 400 acres of undeveloped land in Malibu Canyon is protected from development by a conservation easement. The property was donated/sold by Paul DeJoria to the Mountains Restoration Trust (MRT), to be kept as open space in perpetuity. MRT took out a loan to pay for the property and defaulted. A developer purchased the 400 acres of undeveloped land in foreclosure for \$1.3 million, and brought a quiet title action claiming, among other things, that the foreclosure extinguished the conservation easement. The Court confirmed the validity of the conservation easement and the award of fees and costs to the DOJ.

Gatherer Family Foundation (Los Angeles Superior Court): The Attorney General’s Office filed a petition to remove a director who sought to dissolve and transfer the Gatherer Family Foundation’s funds to a newly incorporated charity that was to operate in Arizona. The Gatherer Family Foundation had assets of over \$20 million and the bylaws required that the charity be located and operated in California. They also stated that the directors would not be paid any salary. Upon the death of the founders, the treasurer (and the Gatherers’ book keeper) named himself as director and officer, appointed two friends as co-directors, paid himself a salary, initiated proceedings to dissolve the Foundation, and registered a Gatherer Family Foundation in Arizona. The matter settled and the treasurer agreed to step away from the Foundation and resign as trustee. In addition, he agreed to a lifetime ban from acting as a director or in any fiduciary capacity in California.

People v. Newton Center, et al. related appeal (In Re Marriage of Tamir (2021) 72 Cal.App. 5th 1068): During the pendency of litigation in *People v. Newton Center*, the Attorney General’s Office engaged in appellate filings to unseal records. The Office received a favorable published opinion from the Court of Appeal. The Court of Appeal confirmed that the Attorney General is authorized to investigate transactions and relationships of corporations and trustees to ascertain whether or not the purposes of the corporation or trust are being carried out. The Court further confirmed that Government Code sections 12581, 12582, and 12588 authorize the Attorney General to investigate private individuals and entities in connection with his supervision of nonprofits.

Pelletier Foundation Settlement: The Attorney General’s Office negotiated a settlement agreement for over \$650,000 from an Estate of Sandra Pelletier Denison. Before she died in 2019, Sandra Pelletier Denison mishandled the assets of the Pelletier Foundation which her parents helped form and operate as a nonprofit organization to carry on charitable purposes in the field of agriculture. DOJ audited the foundation and found that Ms. Denison misappropriated approximately \$340,000. In 2021, DOJ filed a petition for recovery of foundation property that Ms. Denison died holding, namely, real property mineral interests in Texas and a bank account titled in the name of the foundation. The settlement funds and charitable assets were transferred to Bakersfield College Foundation.

People v. ZeroDivide, et al: The Attorney General’s Office filed a complaint against ZeroDivide, and its officers and directors for breach of fiduciary duty, misrepresentations in solicitations, failure to file reports, and inadequate and incorrect books and records. The parties agreed to a stipulated judgment which requires ZeroDivide to be dissolved and bans two of its officers from the nonprofit sector in California for three years. The defendants must also pay \$326,008 in damages, and \$138,525 in penalties, late filing fees, and attorney’s fees.

Civil Rights Enforcement

Overview

The Civil Rights Enforcement Section enforces civil rights laws on behalf of state agencies and the Attorney General in his independent capacity. The section acts when there are civil rights law violations or where an important or unsettled issue of law is presented. The section, which also houses the Bureau of Children’s Justice, conducts investigations, files civil actions in state and federal courts, and participates in appellate proceedings, often as amicus curiae.

Major Accomplishments

Defending Immigrant’s Rights

Litigation Challenging the Diversion of Funding For Construction of the Border Wall in California: In February 2019, the State of California, along with a coalition of 19 states, challenged the Trump Administration’s diversion of funds toward construction of a border wall on various constitutional and statutory grounds. The States prevailed on the merits of two legal issues at summary judgment. On June 26, 2020, the Ninth Circuit issued an opinion affirming the district court’s grant of summary judgment holding that sections 8005 and 9002 of the Department of Defense Appropriations Act of 2019 did not authorize the Administration to transfer funds for border wall construction. The panel held that the Act did not permit the transfer of funds to build the border wall because the wall is not an "unforeseen military requirement," and because Congress previously denied funding for the wall. The federal government has since filed a petition for writ of certiorari with the Supreme Court. With respect to the second legal issue, which relates to the diversion of funds under 8 U.S.C. section 2808, we are still awaiting a Ninth Circuit opinion.

In March 2020, the State of California and a coalition of states, filed a new challenge relating to the Trump Administration's diversion of funds toward construction of the border wall in Fiscal Year 2020. The litigation is ongoing.

Federal Grant Funding Conditions Litigation: In 2017 and 2018 the Attorney General filed successful complaints against the federal government challenging immigration enforcement conditions imposed on federal grants, including Edward Byrne Memorial Justice Assistance Grants ("JAG"). The Attorney General alleged that the federal government violated the separation of powers by adding these conditions, and that the conditions violated the Spending Clause of the U.S. Constitution because they were ambiguous and unrelated to JAG's federal purpose, and were arbitrary and capricious under the federal Administrative Procedure Act. In both cases the district court held that the federal government cannot require California and its local jurisdictions to comply with immigration enforcement requirements in order to receive law enforcement grants.

In federal fiscal year 2019, California again filed a lawsuit challenging two sets of immigration related requirements that the U.S. Department of Justice (USDOJ) imposed on its grants. First, it imposed immigration enforcement requirements on both a JAG grant and a Juvenile Justice Formula Grant that were already governed by the district court's previous injunctions. Second, it imposed a requirement on ten formula grants totaling \$327.7 million that several state agencies receive requiring grant recipients to comply with certain federal immigration requirements governing employment of non-citizens. California and USDOJ reached a settlement under which USDOJ agreed not to enforce the conditions that the district court has enjoined in the past.

Defending California's right not be compelled to enforce federal immigration law in United States v. California: In June 2020, the U.S. Supreme Court denied the federal government's petition for review in *United States v. California*. At issue in the federal government's petition for review was whether federal law preempts Senate Bill 54 (SB 54), a law enacted in 2017 to protect public safety by enhancing trust between state and local law enforcement and the communities they serve. In 2019, the U.S. Court of Appeals for the Ninth Circuit upheld the ruling by the district court, noting that the federal government was unlikely to succeed on the merits.

Amicus Brief Supporting the Protection of Asylees in U.T. v. Barr: In March 2020, the Attorney General and the Attorney General for the District of Columbia Attorney General led a coalition of 19 attorneys general in an amicus brief supporting the plaintiffs in *U.T. v. Barr*, who challenged the Trump Administration's actions to undermine asylum protections. Under an interim final rule, the Trump Administration effectively ignored asylum claims by sending people, many of whom were fleeing violence and persecution, to third countries that have signed asylum cooperative agreements with the federal government. In addition to harming asylum-seekers, the rule deprives states of the valuable economic contributions made by immigrants, including asylees and asylum-seekers, who join workforces across the country, start entrepreneurial ventures, and pay millions of dollars in taxes each year.

Amicus Brief Supporting the Protection of Asylees in Al Otro Lado v. Wolf: In February 2020, the Attorney General lead a coalition of 21 attorneys general in filing an amicus brief supporting petitioners challenging a rule that barred tens of thousands of people from asylum if they did not

apply in a third country while en route to the United States. Despite losing at the district court, the Trump Administration appealed the case to the Ninth Circuit Court of Appeals. In the amicus brief, the coalition urged the court to uphold the preliminary injunction and asserted the Trump Administration is harming communities across the country by effectively punishing people fleeing violence and persecution for attempting to comply with the Administration's dangerous and arbitrary asylum requirements.

Comment Letter Opposing Proposed Changes to Procedures for Assessing Credible Fear and Reasonable Fear in Asylum Screening: On July 15, 2020, California led a coalition of 23 attorneys general in filing a comprehensive comment letter opposing the Trump Administration's proposal to make several significant changes to the asylum system that would effectively nullify the meaningful right to apply for protection in the United States.

Amicus Brief in HIAS, Inc. v. Donald Trump, et al: On December 13, 2019, DOJ co-led a coalition of 12 attorneys general in an amicus brief seeking to block President Trump's unlawful executive order on refugee resettlement and the U.S. Department of State's recent attempt to implement that order's consent requirement. The executive order seeks to upend the existing refugee resettlement process by requiring resettlement agencies to obtain written consent from state and county authorities before being able to place refugees in their jurisdictions. The district court of Maryland granted plaintiffs motion for a preliminary injunction in that case and defendants appealed. On June 1, 2020, California, Illinois, and Maryland co-led a coalition of 19 attorneys general in an amicus brief filed in the Fourth Circuit Court of Appeals in support of the district court's injunction blocking defendants from implementing the executive order while litigation is ongoing.

Comment Letter on Proposed Changes to Rules Regarding Mixed-Status Immigrant Families Housing: On July 9, 2019, the Attorney General urged the U.S. Department of Housing and Urban Development (HUD) to withdraw a proposed rule on housing assistance eligibility that raises the specter of eviction for tens of thousands of Californians. The proposal would eliminate housing assistance funds going to families living with people who are ineligible for assistance, such as those with Temporary Protected Status, work visas, student visas, nonimmigrant visas for victims of crimes, and those who are undocumented. The Attorney General also joined a multistate comment letter led by New York and the District of Columbia.

Comment Letter Opposing System of Record Notice Update: The Attorney General led a coalition of attorneys general, along with the heads of the California Department of Health Care Services, Social Services, and Motor Vehicles, in a comment letter urging the U.S. Department of Homeland Security and U.S. Citizenship and Immigration Services to withdraw the proposed updates and modification to the Systematic Verification of Alien Entitlement (SAVE). The letter explained that the proposed expansion of the SAVE Program sought by the federal government exceeds the limited purpose for which Congress established the program. The States also expressed concerns regarding whether the expanded collection of personal information violated federal privacy protections and the Administrative Procedure Act. .

Amicus Brief in East Bay Sanctuary Covenant v. Barr: In 2019, the State of California filed a multi-state amicus brief in the Ninth Circuit in support of plaintiffs’ opposition to the Federal Government’s appeal of the district court’s order granting a nationwide injunction preventing application of the *Interim Final Rule: Asylum Eligibility and Procedural Modifications*. This rule, with limited exceptions, bars asylum to any applicant who transited through a third country but did not apply for and fail to obtain humanitarian protection there.

Amicus Brief in Make the Road N.Y. v. McAleena: The State of California filed multistate amicus briefs in support of plaintiffs in the district court and on appeal in a challenge to the Trump Administration’s rule relating to expedited removal. The D.C. Circuit issued its decision reversing the district court’s preliminary injunction. The litigation remains ongoing.

Amicus brief in O.A., et al. v. Trump, et al.: The Attorney General led a coalition of 22 attorneys general in an amicus brief opposing the Trump Administration’s unlawful regulation prohibiting individuals from applying for asylum if they have entered the United States between ports of entry. A federal district court correctly nullified the regulation as contrary to statutes passed by Congress allowing all individuals who come to our country due to persecution in their countries of origin to apply for protection, regardless of how they enter. The Trump Administration asked the U.S. Court of Appeals for the District of Columbia to overturn that decision.

Fighting for Equity in Education

Litigation in Oakley, et al v. DeVos, et al: In May 2020, the Attorney General filed a lawsuit in the Northern District of California on behalf of Chancellor Eloy Ortiz Oakley and the Board of Governors of the California Community Colleges, and 5 Community College Districts against the U.S. Department of Education and Education Secretary Betsy DeVos. The suit challenges the federal defendants’ decision to place arbitrary eligibility restrictions on emergency grants to students under the CARES Act, which Congress enacted to mitigate the effects of the COVID-19 pandemic. On June 17, the district court issued a preliminary injunction. The federal government filed a notice of appeal in August 2020.

Commonwealth of Pennsylvania, et al. v. DeVos, et al: The States of California, Pennsylvania, and New Jersey are co-leading litigation filed in June 2020 in the district court for the District of Columbia challenging the Department of Education’s final regulations implementing Title IX of the Education Amendments of 1972. The lawsuit alleges that the new Title IX regulations create barriers for schools seeking to prevent and remedy sexual harassment and violence, including by mandating that schools employ an inequitable grievance process to respond to sexual harassment complaints under Title IX and by prohibiting schools from using Title IX to prevent and address many types of sexual harassment.

Amicus Brief in Students for Fair Admissions, Inc. v. President and Fellows of Harvard College: On May 21, 2020, the Attorney General joined the States of Massachusetts, Colorado, Delaware, Hawaii, Illinois, Maine, Maryland, Minnesota, New Mexico, New York, Pennsylvania, Rhode Island, and the District of Columbia, supporting a district court decision to uphold Harvard College’s race-conscious undergraduate admissions policy.

Upholding the Rights of Transgender and Gender Non-Binary Individuals

Implementation of State Prohibition on State Funded and Sponsored Travel to States with

Discriminatory Laws: Assembly Bill 1887 (2016) prohibits state agencies from approving travel for state business to states that have enacted any law since June 26, 2015 that discriminates on the basis of someone’s sexual orientation, gender identity or gender expression. This law also requires the Attorney General to develop, maintain, and post on the office’s Internet web site a current list of states that are subject to this travel restriction. As of the date of this publication, the states of Alabama, Idaho, Iowa, Kansas, Kentucky, Mississippi, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, and Texas are on the Attorney General’s AB 1887 list. In 2020, the State of Texas sought to initiate a lawsuit in the United States Supreme Court against California to challenge the state’s implementation of this law. This dispute is ongoing as of the time of the publication of this report.

Amicus Brief in 303 Creative LLC, et al. v. Aubrey Elenis: On April 29, 2020, California joined a coalition of states in support of Colorado’s public accommodations laws, which forbid sexual-orientation discrimination by businesses engaged in sales to the public, and forbid such businesses from posting a notice indicating their intention to refuse service on the basis of sexual orientation

Amicus Brief in Zzyym v. Pompeo: In May 2019, the Attorney General along with the Attorneys General of Colorado and Oregon led a coalition of attorneys general in a friend of the court brief to defend the rights of gender non-binary individuals. Under federal policy, individuals who are neither male nor female (non-binary individuals) were under threat that their U.S. passport applications will be denied. In the brief filed with the U.S. Court of Appeals for the Tenth Circuit, the Attorneys General asserted that individuals deserve full legal recognition of their accurate gender identity on passports provided by the U.S. Department of State (Department). The Tenth Circuit remanded the case to the district court with instructions to the State Department to revisit its rules regarding gender markers.

Amicus Brief in Grimm v. Gloucester County School Board: In November 2019, the Attorney General joined a multi-state amicus brief in the federal Fourth Circuit Court of Appeals. The case concerns a school district policy that prohibits students from using restrooms and other single-sex facilities except in accordance with their “biological gender” as opposed to the gender with which they identify. The multi-state brief argued that gender identity discrimination constitutes sex discrimination under Title IX.

Grappling with Government Funding Allocation

Amicus Brief in Espinoza v. Montana: In July 2020, California joined a multi-state amicus brief in support of Respondents, Montana Department of Revenue, in *Espinoza v. Montana Department of Revenue* in the U.S. Supreme Court. At issue in *Espinoza* was whether states should retain some freedom, following the Supreme Court’s decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer* to decide the extent to which they do, or do not, use government money to fund religious endeavors.

Cracking-Down on Profiling

Continuing Implementation of the Racial and Identity Profiling Act (RIPA) of 2015: In 2019 and 2020, pursuant to the Racial and Identity Profiling Act (RIPA) of 2015 (AB 953) the Racial and Identity Profiling Advisory Board established by the Attorney General released two reports focusing on the past and current status of racial and identity profiling with policy recommendations for eliminating its unlawful practice. California's eight largest law enforcement agencies began collecting the stop data on July 1, 2018, and reported that data to the California Department of Justice by April 1, 2019. The 2020 report contains an analysis of the approximately 1.8 million stops conducted by the law enforcement agencies during the second half of 2018. The report also examines civilian complaint data and provides recommendations law enforcement can utilize to enhance their policies, procedures, and trainings on topics that intersect with bias and racial and identity profiling. In addition to the Board's report, the Department of Justice launched an online dashboard to give researchers, advocates legislators, journalists, and all members of the public greater access to RIPA data.

Implementing Police Reforms

Issuance of Law Enforcement Bulletin on Modifications to California's Use of Force

Standards: The Department of Justice issued a bulletin in May 2020 to advise law enforcement officers around the state of changes codified by AB 392, effective January 1, 2020, and the training and policy mandates, effective January 1, 2021, imposed by SB 230, related to an officer's use of force. AB 392 amended California law by redefining the circumstances under which homicide by a peace officer is deemed justifiable and by affirmatively prescribing the circumstances under which a peace officer is authorized to use deadly force to effect an arrest, prevent escape, or overcome resistance. SB 230 requires law enforcement agencies to implement certain training and policy mandates regarding use of force by January 1, 2021.

Implementation of Memorandum of Understanding for Reform of San Francisco Police

Department: In February 2018, the Attorney General signed a Memorandum of Understanding with the San Francisco Police Department and the City and County of San Francisco to provide independent monitoring and review of the San Francisco Police Department's ongoing efforts to implement recommendations for reform set forth by the U.S. Department of Justice in 2016. The recommendations for reform address issues related to use of force, bias, community policing, accountability, and recruitment, hiring, and personnel. The Attorney General stepped into this role at the request of the police department after the U.S. Department of Justice terminated its reform work with the police department as a result of a broader reorganization of the Community Oriented Policing Services (COPS) Office. In May 2019 and February 2020, DOJ issued progress reports regarding the police department's implementation of the recommended reforms, finding that while some progress has been made, there is still a significant amount of work to be done.

Completion of Systemic Review of the Sacramento Police Department: In April 2018, the Attorney General announced that the California Department of Justice would conduct a review of the Sacramento Police Department's use-of-force policies, training, and practices in response to

community concerns following the Stephon Clark shooting. Our office conducted an investigative review and published two reports with detailed recommendations for reform and implementation.

Review of the Los Angeles Police Department's use of the CalGang Database: On February 10, 2020, our office initiated an independent review of the Los Angeles Police Department's (LAPD) records and policies regarding the use of CalGang, a criminal intelligence database used by law enforcement agencies to share gang-related intelligence. The review came as a result of reports that LAPD officers had falsified field records used to identify possible gang members. On July 14, 2020, the Attorney General announced that DOJ had revoked access to CalGang records generated by LAPD to law enforcement agencies statewide. That announcement followed the decision by LAPD Chief Michel Moore to permanently withdraw from the CalGang program after an internal audit uncovered significant misuse of the gang-tracking database by LAPD personnel, including entry of false information.

Pursuing Fair Housing

Comment Letter on Proposed Changes to the HUD Disparate Impact Rule: In October 2019 the Attorney General co-led a coalition of attorneys general in opposition to a new proposal that would weaken federal protections intended to safeguard against housing discrimination. Under the proposed rule, the U.S. Department of Housing and Urban Development (HUD) would make it far more difficult to initiate a disparate impact claim under the U.S. Fair Housing Act (FHA) and, as a result, make American communities more vulnerable to discriminatory housing policies.

Comment Letter on Changes to the Affirmatively Furthering Fair Housing Rules and Guidance: In October 2018 and March 2020, the Attorney General and along with the Attorney General of New York led a coalition of 22 attorneys general in filing comment letters criticizing the U.S. Department of Housing and Urban Development's (HUD) proposed rule rolling back crucial fair housing protections. The proposed rule would gut the current Affirmatively Furthering Fair Housing (AFFH) rule and replace it with a drastically scaled back rule that lacks meaningful guidance for local jurisdictions, public housing authorities, and states working to address segregation and promote integration in their communities. It would also reduce the federal government's oversight of those groups.

Comment Letter on Proposed Changes to Rules Implementing the Community Reinvestment Act: In November 2019 and April 2020, the Attorney General led a coalition of attorneys general, urging the Trump Administration to maintain rules requiring banks to take steps to serve low- and moderate-income communities and protect against lending discrimination. The comment letters respond to the Office of the Comptroller of the Currency's (OCC) efforts to weaken oversight of bank compliance under the Community Reinvestment Act (CRA). The CRA encourages banks to help meet credit needs of all segments of the population. The OCC's proposal would undermine the CRA, resulting in less access to banking service, loans, and investment for disadvantaged populations.

Bureau of Children's Justice

Overview

The Bureau of Children's Justice (BCJ) was created to focus on enforcing California's civil and criminal laws that protect children and to hold accountable institutions that fail to uphold children's rights under the law. During this Biennial period, it has expanded its role in investigating and engaging in policy actions that help to address gaps in regulation or oversight between different subject matter areas. Significant cases and activities include:

Major Accomplishments

Defending Dreamers and Immigrant Children

Lawsuit Challenging Rescission of Deferred Action for Childhood Arrivals (DACA): In January 2018, the Attorney General, in conjunction with the Attorneys General for Maine, Maryland and Minnesota, as well as the University of California, individual Dreamers and other plaintiffs – obtained a preliminary injunction from the United States District Court against the Trump Administration over its decision to end DACA. Since the program was created in 2012, nearly 800,000 young immigrants who were brought to this country as children have been granted DACA after paying application fees, submitting to and passing background checks and applying for work permits. The District Court's ruling blocked the Trump Administration's rescission of DACA while the underlying case continued. This decision was appealed to the Ninth Circuit, which affirmed the preliminary injunction, and then the Supreme Court. California's Solicitor General, Michael Mongan, argued the case before the Supreme Court and in June 2020, the Court issued an opinion finding the rescission was unlawful.

Washington, et al. v. United States of America: In June 2018, the Attorney General, along with the Attorneys General of 16 other states and the District of Columbia, filed a lawsuit challenging the federal government's policy of separating parents from their children for the express purpose of deterring immigration along the Southwestern border. This policy is related to the federal government's refusal to permit applicants to seek asylum when presenting themselves at the border and the "zero tolerance" prosecution approach to criminally charge all individuals who enter the United States without inspection. The litigation is ongoing.

Litigation on the Flores Settlement Agreement: In August 2019, the Attorney General led a coalition of attorneys general in filing a lawsuit opposing the Trump Administration's new rule circumventing the Flores Settlement Agreement, which has governed the treatment of children in immigration custody since 1997. In the complaint, the coalition argues that the Trump Administration's final rule interferes with the states' ability to help ensure the health, safety, and welfare of children by undermining state licensing requirements for facilities where children are held. The states' case is stayed pending resolution of a Ninth Circuit appeal in the related *Flores* litigation.

Letter to Congress and Multiple Amicus Briefs in Defense of Temporary Protected Status for Covered Immigrants from El Salvador, Honduras, Haiti, and Other Nations. In March 2018, the Attorney General, along with 19 other state Attorneys General, called on congressional leaders to protect long-time residents of the United States from being forced to return to dangerous or uncertain conditions in their countries of origin. Temporary Protected Status (TPS) is a federal immigration program that allows individuals from countries experiencing armed conflict, natural disaster, or other extraordinary conditions which foreclose safe return to live and work legally in the United States. The Trump Administration has decided to terminate a number of TPS designations (including El Salvador, Honduras, Haiti, and others) despite continuing dangers to returning nationals. Because of the length of many nations' TPS status, nationals from those countries are the parents to approximately two hundred thousand US citizen children. The letter urged Congress to pass a bill allowing recipients of TPS to receive lawful permanent resident status in light of these actions by the Administration. The Attorney General also filed amicus briefs in several lawsuits filed in district courts across the country challenging the termination of TPS, highlighting the significant harm to states and their residents that terminating TPS will cause.

Fighting Discrimination in Education

Stipulated Judgment Against the Sausalito-Marín School District: The Attorney General's office filed a complaint and stipulated judgment in August 2019 in San Francisco Superior Court requiring the District to take steps to desegregate. After conducting a comprehensive investigation, DOJ concluded that the District established a K-8 school in 2013 with the intent that it be racially segregated, while promising that the new school would have an improved, attractive program. The stipulated judgment requires that the District: implements a comprehensive academic plan to create an educational program that serves the entire school district; is overseen by a third-party monitor; establishes a compensatory counseling program and scholarship fund for affected students; and creates a community advisory group to examine racial segregation and its effects within the surrounding community. Our office continues to monitor the judgment.

Michigan, California, et al. v. DeVos, et al.: In July 2020, the Attorney General co-led a coalition of nine attorneys general, and several local jurisdictions, including local education entities, in a lawsuit against U.S. Department of Education (Department) and Secretary Betsy DeVos' unlawful attempt to siphon pandemic relief funds away from K-12 public schools to private schools. As a result of the interim final rule, tens of millions of dollars in California alone could have been diverted away from taxpayer-funded public schools in our poorest school districts to private institutions—in violation of the requirements established by Congress, the Administrative Procedure Act, and the U.S. Constitution. In August the district court granted our motion for a preliminary injunction.

Stipulated Judgment Against the Mojave Unified School District: In July 2020, the Attorney General announced that the California Department of Justice (DOJ) has entered into a settlement with the Mojave Unified School District (District) to address critical shortfalls in the District's policies and practices, including in relation to complaints of discrimination and retaliation. The settlement follows findings that the District failed to investigate a report that a principal threatened

immigration consequences against the employer of a student's parents in retaliation for advocacy efforts to address a complaint of discriminatory treatment against the student. To address the systemic concerns, DOJ and the District worked cooperatively to agree on an extensive four-year plan memorialized in a stipulated judgment that provides for corrective actions. As part of the settlement, the District is required to take action to resolve several education access and opportunity issues, including improving procedures for discrimination and retaliation, student discipline, searches and seizures, and special education evaluation.

Statewide School Enrollment Discrimination Investigation: Since March 2017, the Attorney General has received complaints that a number of school districts in California were engaging in discriminatory enrollment practices against immigrant youth by collecting social security numbers, citizenship or immigration status information, and/or other information regarding national origin. The Bureau has conducted an investigation into over 100 school districts regarding their compliance with law and the Attorney General's K-12 Model Policies, and sent letters to districts that were requesting social security numbers and/or citizenship or immigration status information on their enrollment or registration forms. The letters informed the districts that their enrollment forms may be in violation of federal and California law and demanded that the districts update their forms within 21 days and demonstrate full compliance with relevant laws. The Attorney General received cooperation and full compliance from all districts contacted regarding these issues.

Comment Letter Opposing Rollback of the Collection of Civil Rights-Related Data: The Attorney General filed a comment letter opposing a U.S. Department of Education (DOE) proposed rule curtailing the collection of critical civil rights data in schools. That data is used by policymakers, researchers, and educators to understand and address disparities in education quality and access.

Advocating for Children's Access to Food

Comment Letter on Proposed Rule Limiting Categorical Eligibility for Supplemental Nutrition Assistance Program (SNAP): On September 24, 2019, the Attorney General joined a coalition of 24 attorneys general in opposing a U.S. Department of Agriculture Food and Nutrition Service (FNS) proposal that would categorically deny families access to the Supplemental Nutrition Assistance Program (SNAP). In a comment letter to FNS, the coalition described how the proposed rule would illegally limit eligibility for SNAP and constrain state flexibility in administering the program.

Litigation Challenging Proposed Rule Eliminating or Reducing the Healthfulness Standards for School Meals: In April 2019, the Attorney General joined a multistate lawsuit challenging the Trump Administration's reversal of school meal nutrition standards that protect the health and well-being of students around the country. The litigation was brought to challenge a 2018 final rule that eliminates the standard requiring that all grains be whole grain-rich, even though the standard provided a process for states to grant exemptions to schools based on hardship. The litigation is now resolved, as the federal government declined to appeal a decision in a related case

that permanently prevents the rollbacks and the coalition correspondingly agreed to dismiss the case.

Regulating School Policing

Stipulated Judgment Concerning School Policing in the Stockton Unified School District: The Attorney General’s office filed a complaint and stipulated judgment in February 2019 in Sacramento County Superior Court requiring changes to the Stockton Unified School District’s policies and procedures relating to the school district police department, with the goal of minimizing arrests and citations for minor disciplinary conduct and ensuring equity in referrals to law enforcement. The monitoring period will continue for a period of 5 years.

Law Enforcement Bulletin Regarding Protocols with Regard to Certain Youth: On July 5, 2019, the Office of the Attorney General released Information Bulletin 2019-DLE-04, which provides a summary of Senate Bill (SB) 439 that amended Welfare and Institutions Code sections 601 and 602, and added section 602.1. The Bulletin provides a summary of the law and suggested protocols that law enforcement officers should follow when they come into contact with youth under the age of 12 whose conduct, if committed by a youth 12 through 17 years old, inclusive, could otherwise subject them to the jurisdiction of the juvenile court.

Defending the Indian Child Welfare Act (ICWA)

Multistate Amicus Briefs in Defense of the Indian Child Welfare Act (ICWA): In May 2018, the Attorney General, joined by six other Attorneys General filed an amicus brief in defense of ICWA against a lawsuit filed by Texas and two other states, as well as individual plaintiffs challenging the constitutionality of the statute. ICWA is a federal law that protects the interests of Indian children and the sovereign tribes of which they are members in child custody proceedings. The brief focused on the history of the removal of Indian children from their families and tribes that led to Congress’s passage of ICWA, and the unfortunate role of states in that history. The Attorney General subsequently filed amicus briefs in the Fifth Circuit, including rehearing *en banc* proceedings, in defense of ICWA.

Consumer Protection

Overview

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

Major Accomplishments

Protecting Consumers

People v. Heald, et al. (Corinthian Colleges): In June 2022, the Attorney General worked with the US Department of Education to obtain \$5.8 Billion in federal student loan debt relief for 560,000 student borrowers who had attended Corinthian’s Heald, Everest, and Wyotech-branded schools. This announcement by the Department of Education was the culmination of a decade of work. This included the Attorney General’s investigation of Corinthian, which uncovered widespread fraud regarding career placement and other advertising claims, the Attorney General’s resulting enforcement action against the school, a related lawsuit filed by the Attorney General challenging the Trump Administration’s denial of relief to these student borrowers, and engagement by the Attorney General in Department of Education rulemaking regarding the rights of student loan borrowers.

People v. Ashford University, et al: In March 2022, after a five week trial, the Attorney General obtained a \$22.37 million judgment against Ashford University and Zovio on allegations that the online for-profit school and its operator misled prospective students about their career prospects, financial aid, ability to transfer credits, and degree pace in order to persuade them to enroll.

People v. Johnson & Johnson, et al: In April 2022, the Attorney General successfully defended its judgment against Johnson and Johnson related to the company’s violation of California consumer protection laws through the deceptive marketing of its surgical mesh devices used for pelvic surgeries in women. The Court of Appeal affirmed the judgment but modestly reduced the People’s civil penalty award from \$344 million to \$302 million. The California Supreme Court denied Johnson and Johnson’s petition for review.

People v. Adir International dba Curacao: In March 2021, following four years of litigation, the Attorney General announced a \$10.5 million partial settlement with Curacao, a retailer that targeted immigrant communities with bait-and-switch advertising, illegal debt-collection practices, and other unlawful business practices. The case is proceeding to trial on the Attorney General’s remaining claims.

People v. McKinsey & Company: In February 2021, the Attorney General obtained a \$573 million multistate settlement against McKinsey for the consulting firm’s role in advising Purdue Pharma and other drug makers and helping them to increase the prescribing of OxyContin and other opioids.

People v. Navient: In January 2022, following protracted litigation, the Attorney General obtained a nationwide multistate settlement providing \$95 million in relief to 66,000 federal student loan borrowers harmed by Navient’s deceptive federal student loan servicing practices. The settlement also included \$1.7 billion in private student loan debt relief.

People v. Hansen, et al. (Student Loan Relief Department): In December 2021, the Attorney General announced the criminal sentencing of four defendants for their role in operating a student loan debt relief scam known as the Student Loan Relief Department, and for engaging in related

computer crimes involving illegally accessing and creating records in the US Department of Education's computer systems.

BBB Bonding v. Caldwell: In August 2021, the Attorney General and Insurance Commissioner successfully argued in an amicus brief filed with the Court of Appeal that California's consumer credit laws protect Californians who co-sign premium-financing agreements to help friends and loved ones obtain bail bonds.

California Consumer Privacy Act Enforcement and Outreach: In July 2021, the Attorney General published a summary of its California Consumer Privacy Act enforcement efforts, and released an online tool that enabled individual Californians to provide legally sufficient notice to businesses that have failed to comply with the Act's requirement that they post a "Do Not Sell My Personal Information" link.

Corporate Fraud

Overview

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

Major Accomplishments

Taking on Corporate Fraud

San Diego Gas & Electric Company v. Sellers of Energy: In April 2020, the Attorney General and the Department of Water Resources, as well as the California Public Utilities Commission and the California investor-owned utilities, filed a petition at the Federal Energy Regulatory Commission to conclude most of the litigation over the 2000-2001 California energy crisis. The litigation has resulted in over \$8 billion in recoveries for California ratepayers. The office provided the Commission with the complex calculations needed for a final accounting of a vast web of financial obligations in the organized CalISO and California Power Exchange markets and to permit final payouts. In May 2021, the Commission approved our petition, which has resulted in payouts of approximately \$250 million for California ratepayers and allowed the California Power Exchange to finally close its doors.

Public Utilities Commission v. Sellers of Long-Term Contracts: In June 2022, after over 20 years of litigation, a Federal Energy Regulatory Commission Administrative Law Judge issued a decision in favor of the Attorney General and the Public Utilities Commission, finding that during the 2000-2001 energy crisis, Shell wrongfully induced the State to enter into a \$2.85 billion 12-year energy contract at inflated prices. If affirmed by the full Commission, this decision may result in refunds of up to \$1 billion for the benefit of California ratepayers.

Supporting Federal Rules to Protect Investors and Advance the Fight Against Climate Change:

The Attorney General has signed two detailed comment letters addressing major regulatory proposals of the Securities and Exchange Commission (SEC). The Attorney General's letters were each joined by a group of over 20 other states. One letter was in response to the SEC's request for comment concerning possible requirements that companies report on climate change impacts. DOJ provided numerous reasons for supporting such requirements, and the letter was cited in the SEC's subsequent proposal to issue such regulations. DOJ submitted a second letter supporting and justifying the SEC's proposed regulations against opposing arguments, and advocating an aggressive approach to disclosure of the impacts of climate change on public corporations.

AB 2311: GAP waiver reform: DOJ has drafted a bill to protect car buyers from GAP (guaranteed auto/asset protection) coverage abuses. The bill, AB 2311, was introduced by Assembly member Maienschein. GAP waivers are costly add-on products of little value to consumers, often sold by car dealers along with auto loans and targeted at consumers with lower incomes and subprime credit. The bill will cap excessive charges, ensure that GAP waivers provide at least some benefit to purchasers, and require creditors to automatically refund the unearned portion of a GAP waiver if a consumer pays off or otherwise terminates their auto loan early, which will result in hundreds of millions of dollars going back to California consumers that were previously kept by dealers and creditors. AB 2311 has passed the Assembly and will be voted on in the Senate in August.

Investigation of Complete Logistics Company: In August 2021 we reached a \$2.38 million settlement against Complete Logistics Company (CLC), resolving allegations that the trucking operator falsely claimed compliance with California emissions regulations in order to obtain \$2.2 million in state grants to purchase newer, cleaner trucks. The Goods Movement Emission Reduction Program, funded under Proposition 1B, uses incentive grants to entice trucking companies to reduce emissions below the threshold required under law. Trucking operators must affirm they meet state emissions standards before acquiring funding for the purchase of additional clean trucks.

Environment Law

Overview

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

- Ensure that environmental laws are enforced fairly, so that all Californians enjoy the benefits of a clean environment.
- Protect all Californians from toxic chemicals, reduce emissions of greenhouse gases that contribute to global warming, and prohibit air and water pollution. This includes carrying out the Attorney General's statutory role to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), which prohibits discharge of carcinogens and reproductive toxins into sources of drinking water and requires businesses to provide warnings if they expose individuals to carcinogens and reproductive toxins. As part of this work, the Section also defends the Office of

Environmental Health Hazard Administration’s identification of harmful chemicals under Proposition 65.

- Exercise the Attorney General’s broad independent authority under a variety of state and federal laws to protect California’s natural resources from pollution, impairment, and destruction so that they may continue to be enjoyed by current Californians and future generations.
- Support, as appropriate, the U.S. Environmental Protection Agency (U.S. EPA) and other federal regulatory and land management agencies in their efforts to reinstate, strengthen and enforce progressive environmental laws, policies and programs that were rolled back by the prior federal administration. In some instances, the Section also continues litigation to combat the improper and illegal rollback of federal environmental laws under the prior federal administration.
- Represent the Department of Toxic Substances Control (DTSC) in its enforcement of federal and state hazardous waste control laws, including enforcement of the “Superfund Law” created to protect people and communities from heavily contaminated toxic waste sites.

The Bureau’s mission is to protect low-income people and communities of color that endure a disproportionate share of environmental pollution. The Bureau pursues a variety of enforcement cases and investigations, including: providing full consideration of the potential for cumulative impacts to vulnerable communities under the California Environmental Quality Act (CEQA); eliminating or reducing exposures to lead and other contaminants in the environment and in consumer products; penalizing and preventing illegal discharges of pollution from facilities located in disadvantaged communities; and appearing as amicus curiae to advocate for legal principles that advance environmental justice.

Major Accomplishments

Protecting California’s Water

Sackett v. U.S. EPA (Clean Water Act WOTUS Multi-state Amicus): In 2021 and 2022, the Attorney General continued his efforts in challenging various attempts to narrow the Clean Water Act’s definition of “waters of the United States” (WOTUS) to remove protections for all ephemeral streams, many wetlands, and other waters that were previously covered under the Act. In June 2022, the Attorney General joined a multi-state amicus brief urging the U.S. Supreme Court to maintain a broad definition of WOTUS that is consistent with the Clean Water Act’s objective, Congressional intent, and the principles of cooperative federalism. In January 2022, the U. S. Supreme Court granted the Sacketts’ petition for certiorari to consider the question “whether the Ninth Circuit set forth the proper test for determining whether wetlands are ‘waters of the United States’ under the Clean Water Act. 33 U.S.C. § 1362(7)?” The Sacketts have been involved in a long-standing litigation with U.S. EPA over the applicability of the Clean Water Act to their residential lot, which includes a wetland near Idaho’s Priest Lake.

Clean Water Act Section 401 Litigation: In 2021, the Attorney General continued litigation challenging the Trump Administration’s Clean Water Act Section 401 Certification Rule (2020 Rule), which revised U.S. EPA’s long-standing water quality certification regulations and guidance to unlawfully curtail state authority under Section 401 of the Act. California has been particularly affected by the 2020 Rule in the context of the U.S. Army Corps of Engineers’ reissuance of various nationwide permits under Section 404 of the Act. In July 2021, U.S. EPA sought a voluntary remand of the 2020 Rule without vacatur (i.e. to allow judicial orders or rules to remain in effect after they are remanded by the reviewing court for further agency proceedings), which the Attorney General and the multistate coalition opposed, requesting vacatur of the rule. The court granted EPA’s remand motion and vacated the 2020 Rule. Intervenors oil, gas, and hydropower groups appealed and sought a stay of the vacatur of the 2020 Rule pending appeal. Both the district court and the Ninth Circuit denied intervenors’ request for stay of the vacatur. In April 2022, the U.S. Supreme Court granted intervenors’ emergency application for stay and reinstated the 2020 Rule, pending completion of the appeal or the resolution of any petition for certiorari following the appeal. Merits briefing in the Ninth Circuit appeal is underway. In 2021, the Attorney General also joined multi-state comments on U.S. EPA’s Notice of Intention to Reconsider and Revise the 2020 Rule.

Blocking Fracking Off the California Coast: In June 2022, the Attorney General secured a decision by the Ninth Circuit Court of Appeals blocking the Department of Interior (Interior) from authorizing fracking on offshore platforms off the coast of California. In its decision, the Ninth Circuit found that Interior’s flawed final environmental analysis, which found that fracking poses “no significant impact,” violated the National Environmental Policy Act, Endangered Species Act, and Coastal Zone Management Act. In December 2016, the Attorney General and the California Coastal Commission filed a lawsuit challenging Interior’s final environmental assessment, which would have cleared the way for fracking, acidizing, and other advanced well treatments on the Pacific Outer Continental Shelf off the coast of California.

Maintaining Vehicle Emission

Stringent GHG and NOx Standards for Light Duty Vehicles: The Attorney General and the California Air Resources Board (CARB) continued their efforts in urging the Biden Administration to reduce emissions from the transportation sector and to reaffirm California’s authority to do the same. In June 2021, the Attorney General and CARB’s Chair testified, and later submitted comments, urging the EPA to restore California’s waiver under the Clean Air Act for its greenhouse gas GHG and zero emission vehicle standards. The Attorney General and CARB also led a coalition in urging the National Highway Transportation Safety Administration to repeal a Trump-era rule, known as the “Preemption Rule,” that purported to preempt California’s GHG and zero-emission-vehicles standards. In October 2021, the Attorney General led a multistate coalition in urging the EPA to swiftly adopt strong regulations limiting oxides of nitrogen (NOx) emissions from heavy-duty trucks. NOx is a smog-forming pollutant that exacerbates asthma and other health problems, has outsized impacts on communities of color and low-income communities, who disproportionately live near transportation and trade corridors. In May 2022, the Attorney General, California Governor Gavin Newsom, and CARB led a multistate coalition in filing a motion to

intervene in defense of EPA's decision to restore California's waiver under the Clean Air Act for its GHG and zero-emission vehicle (ZEV) standards. California's standards, which 17 states have chosen to adopt, result in emissions reductions of hundreds of thousands of tons annually and are essential components of California's and other states' plans to fight climate change and protect public health. In June 2022, the Attorney General testified again before EPA in support of California's waivers for its heavy-duty truck regulations.

Restoring California's Clean Air Act Waiver for Clean Car Standards: In July 2021, the Attorney General and CARB led a coalition of 22 attorneys general, as well as the cities of Los Angeles, New York City, Oakland, San Francisco, and San Jose, in support of the U.S. Environmental Protection Agency's (EPA) proposal to restore California's waiver under the Clean Air Act for its greenhouse gas and zero emission vehicle (ZEV) programs. The coalition also supported the EPA's proposal to rescind its previous determination that Section 177 of the Clean Air Act does not authorize other states to adopt California's greenhouse gas standards for passenger cars and light trucks. California's standards, which already result in emissions reductions of hundreds of thousands of tons annually, are essential components of California's and other states' plans to fight climate change and protect public health.

Protecting Endangered Species and Habitats

Restoring Endangered Species Act Protections for Habitat: In November 2021, the Attorney General, co-leading a multistate coalition, filed comments in support of the Biden Administration's proposal to rescind two Trump-era rules that would drastically reduce the designation of critical habitat under the federal Endangered Species Act. In California, there are over 300 species listed as endangered or threatened under the Endangered Species Act — more than any other mainland state — as well as millions of acres of designated critical habitat. In the comments, the coalition argued that these rules, which were finalized in the last days of the Trump Administration, violate the Endangered Species Act, the Administrative Procedure Act, and the National Environmental Policy Act and should be rescinded. The Attorney General, along with the Maryland and Massachusetts Attorneys General, lead a coalition in challenging Trump rules in court, and urged the Biden Administration to finalize its rescission of the two rules without delay. Subsequently, in July 2022, the district court issued its decision vacating the Trump-era rules that undermined critical protections of the Endangered Species Act.

Restoring and Enforcing Meaningful Environmental Review Processes

Efforts to restore meaningful environmental review under the National Environmental Policy Act (NEPA): In November 2021, following multistate litigation in 2020 led by California and Washington (California, et al. v. Council on Environmental Quality (CEQA)), the Attorney General, along with the Washington and New York Attorneys General, led a multistate coalition in support of the Biden's Administration's efforts to restore rules for meaningful environmental review of federal projects under the National Environmental Policy Act (NEPA). The Biden Administration's proposal is an important first step toward undoing a Trump-era rule that upended requirements ensuring that federal agencies comprehensively evaluate the impacts of their actions

on the environment and public health. In the comments, the coalition expresses their support for the proposal, but urged the Administration to move swiftly to further revise or repeal the unlawful Trump-era NEPA Rule in its entirety. As a result of these efforts, in April 2022, CEQ published a final “Phase 1” NEPA rule that would repeal and revise a few provisions of the Trump Administration’s NEPA Rule. CEQ is expected to publish a Notice of Proposed Rulemaking for a more comprehensive “Phase 2” rule in August 2022.

Securing Decision Overturning Flawed Environmental Review for China Shipping Terminal Project:

In June 2022, the Attorney General and CARB secured a decision from the San Diego County Superior Court overturning the Port of Los Angeles’ approval of the revised China Shipping Terminal project and certification of its Supplemental Environmental Impact Report (EIR). The China Shipping Terminal is located at the Port of Los Angeles, in close proximity to residential communities that are already exposed to disproportionately high amounts of air pollution. Under CEQA, the Port of Los Angeles was required to implement all feasible mitigation measures to reduce harmful air pollution and other significant environmental impacts of the revised China Shipping Terminal project. In the decision, the Superior Court found that the Supplemental EIR violated CEQA because it failed to include all feasible mitigation measures to address the China Shipping Terminal’s harmful air emissions and to provide a mechanism for enforcement to ensure that the included measures are implemented.

Lawsuit Against Postal Service for Faulty Environmental Review Used to Justify Purchase of New Gas-Powered Vehicle Fleet:

In April 2022, the Attorney General, co-leading a multistate coalition, filed a lawsuit against the U.S. Postal Service challenging its flawed environmental analysis for its Next Generation Delivery Vehicle Acquisition program. The Postal Service has the largest civilian vehicle fleet in the world, consisting of over 212,000 vehicles, many of which are near the end of their useful lives. The lawsuit alleges that the Postal Service’s plans to replace 90% of this fleet with fossil-fuel-powered, internal combustion engine vehicles fails to comply with even the National Environmental Policy Act’s (NEPA) most basic requirements and should be vacated

Regulating Toxic Chemicals

Settlement with EPA to Protect Americans from One of World’s Most Toxic Substances:

In June 2021, the Attorney General secured a settlement with the U.S. Environmental Protection Agency (EPA), which agreed to initiate rulemaking to collect data on and eliminate reporting exemptions for uses of asbestos, a long-known toxic carcinogen. California and Massachusetts previously led a multistate coalition in challenging the EPA’s failure to create a new rule requiring data collection on the importation and use of asbestos, and in December 2020, the U.S. District Court for the Northern District of California found in favor of the state attorneys general. As part of the settlement, the EPA agreed to complete rulemaking by specific deadlines consistent with the court’s summary judgment order and to not appeal the court’s ruling.

People v. Walmart (Hazardous Waste Illegal Disposal): In December 2021, the Attorney General, joined by the California Department of Toxic Substances Control (DTSC) and twelve district attorneys, filed a statewide lawsuit against Walmart for the illegal disposal of hazardous waste.

Over the past six years, Walmart is alleged to have violated California’s environmental laws and regulations by disposing of hazardous waste products at local landfills that are not equipped or authorized to receive this type of waste. The waste includes alkaline and lithium batteries, insect killer sprays and other pesticides, aerosol cans, toxic cleaning supplies, electronic waste, latex paints, and LED lightbulbs, as well as confidential customer information. According to results from Walmart’s own inspections, the California Department of Justice estimates the company unlawfully disposes of approximately 159,600 pounds – or more than one million items – of hazardous waste in California each year.

Urging the Bureau of Land Management to Consider Climate and Environmental Justice Impacts of Federal Coal Leasing Program: In October 2021, the Attorney General led a multistate coalition in urging the U.S. Bureau of Land Management (BLM) to take into account the full social and environmental costs of the federal coal program when making decisions about whether, and to what extent, to continue coal leasing. The last full environmental review of the federal coal program was completed in 1979, when the federal government’s policy was to increase reliance on coal and climate change was not yet fully understood. In 2016, the Obama Administration placed a moratorium on coal leases while it initiated a comprehensive environmental review of the program. However, after taking office, the Trump Administration ceased this review and restarted the program. The coalition argued – as it has in its ongoing litigation – that BLM must conduct a comprehensive environmental review that considers the climate and environmental justice impacts of the federal coal-leasing program.

Protecting Infants from Toxic Substances

Efforts to Reduce Dangerous Concentrations of Heavy Metals in Baby Foods: In October 2021, the Attorney General, as part of a multistate coalition, urged the U.S. Food and Drug Administration (FDA) to take swift action to reduce the concentrations of toxic heavy metals in baby foods. In February and September 2021, the U.S. House of Representatives released alarming reports showing that baby foods manufactured by seven popular brands, including Gerber, Beech-Nut, and Earth’s Best, contained elevated levels of lead, inorganic arsenic, cadmium, and mercury. While California has a long history of taking action to protect infants and children from toxic heavy metals, nationwide standards are necessary to push manufacturers to do more to reduce heavy metal contamination. In the petition, the coalition requested FDA to immediately set interim proposed action levels, which represents the limit at or above which the FDA will take legal action to remove products from the market, for these four toxic heavy metals in baby foods, among other actions. Also, in February 2022, the Attorney General, along with 10 district attorneys, announced a settlement with Perrigo Company and two of its subsidiaries (Perrigo) to improve the safety of the company’s infant and toddler formula products by putting in place ingredient sourcing and quality control processes to significantly reduce levels of lead. In 2018, the Attorney General filed a lawsuit against Perrigo after testing showed that its infant and toddler formula products contained levels of lead that exceeded the Proposition 65 warning threshold. The settlement sets maximum lead levels of 5-7 parts per billion (ppb) for most of these products, levels much lower than applicable guidance levels established for this type of product by any U.S. regulatory authority.

Regulation of Toxic “Forever Chemicals.”: In November 2021, the Attorney General joined a coalition of 19 attorneys general in urging Congress to pass the “PFAS Action Act,” legislation that would amend federal environmental laws to address contamination from per-fluoroalkyl and poly-fluoroalkyl substances (collectively, PFAS) and provide funding to treat and remediate it. Known as “forever chemicals” because of how they accumulate in the human body, PFAS are estimated to be detectable in the bloodstream of 97% of the U.S. population and have been shown to cause adverse health impacts, including developmental defects, kidney cancer, liver damage, and impacts on the thyroid and immune system. In their comment letter, the state attorneys general express their strong support for provisions of the PFAS Action Act that address the entire PFAS “lifecycle”— production, use, exposure, cleanup, and disposal — and urge the swift passage of this critical legislation.

Supporting State and Local Governments in Their Efforts to Hold Oil Companies Accountable for Contributions to the Climate Crisis. In 2021, the Attorney General, as part of a multistate coalition, filed amicus briefs in support of city, county, and state efforts to hold the major fossil fuel producing companies accountable for their contributions to the climate crisis. In *Honolulu v. Sunoco*, *BP v. Baltimore*, *Rhode Island v. Shell*, and *Minnesota v. American Petroleum Institute*, the governments allege that the fossil fuel industry violated state common law and/or consumer protection laws during its decades-long campaign to mislead the public about the harms of climate change. Oil companies have repeatedly attempted to remove these and similar cases to federal court. The multistate coalition argued in the briefs that these cases belong in state court as the right to remove cases is narrowly construed so as to protect states' sovereign authority to enforce state laws.

Environment Law Section’s Bureau of Environmental Justice:

Within the DOJ’s Environmental Law Section, the Bureau of Environmental Justice serves to protect California’s frontline communities from the deleterious impacts of pollution and climate change.

Defending California’s Frontline Communities against Pollution and Climate Change

Protecting San Joaquin Valley Communities from Air Pollution: In September 2021, the Attorney General secured a court decision requiring the San Joaquin Valley Unified Air Pollution Control District (Air District) to comply with state air monitoring requirements for refineries. Petroleum refineries are among the largest non-vehicle sources of air pollution in the state and are often located in communities that already suffer from significant health disparities associated with exposure to pollution. This disproportionately includes low-income communities and communities of color. In an effort to address the air quality issues experienced by these communities, the legislature enacted a refinery air quality monitoring law and tasked local air districts with implementation. However, in December 2019, the Air District adopted regulations effectively exempting all four of the refineries in its jurisdiction from the full suite of air monitoring requirements. The decision by the Fresno Superior Court finds these regulations unlawful and

orders the Air District to adopt new regulations that do not contain illegal and arbitrary exemptions for the refineries in its jurisdiction.

Challenging Approval of Warehouse Project in South Fontana Neighborhood Already Overburdened by Unhealthy Air Pollution: In July 2021, the Attorney General filed a lawsuit against the City of Fontana challenging its approval of the Slover and Oleander Warehouse Project. The 205,000 square-foot project shares a border with a public high school and is located in one of the most polluted areas in the state. Under CEQA, the City of Fontana is required to implement all feasible mitigation measures to reduce harmful air pollution and other significant environmental impacts of the Slover and Oleander Warehouse project. In the lawsuit, the Attorney General argued that the City's limited environmental review of the project and its failure to appropriately analyze, disclose, and mitigate the project's environmental impacts violates CEQA. In April 2022, the Attorney General secured an innovative settlement with the City of Fontana to protect vulnerable communities from pollution associated with industrial development where they live, work, and go to school. As part of the settlement, developer Duke Realty will be required to adopt substantial mitigation measures to minimize the impacts of the Slover and Oleander warehouse project to the surrounding community. More broadly, the City of Fontana also adopted an ordinance, as required by the settlement, setting stringent environmental standards for all future warehouse development in Fontana.

Limiting Warehouse Pollution in Disadvantaged Los Angeles and Inland Empire Communities: In October 2021, the Attorney General and CARB intervened in litigation in support of South Coast Air Quality Management District's (Air District) rule requiring warehouses to reduce emissions from heavy sources of on-road pollution that visit those warehouses. The Air District's rule regulates these "indirect sources" by requiring operators of some of the largest warehouses in the state to take direct action to mitigate their emissions. This will reduce air pollution in Los Angeles and the Inland Empire, help California meet state and federal air quality standards, improve the health of our communities, and promote environmental justice. In September 2021, California Trucking Association filed a lawsuit challenging the rule as outside the scope of the Air District's authority, preempted by federal law, and an unlawful tax. In defending the rule, Attorney General and CARB argued that these claims are meritless and that state and federal law supports the Air District's authority to adopt the Indirect Source Rule.

SB 1000 Compliance by the City of Huntington Park. In December 2021, the Attorney General announced a settlement with the City of Huntington Park to bring the city into compliance with Senate Bill 1000 (SB 1000), a law requiring local governments to address environmental justice in their land use planning. The City of Huntington Park faces some of the highest pollution levels in the state, and its residents are at increased risk of asthma, cardiovascular disease, and other health burdens. Huntington Park is exactly the type of community that SB 1000 seeks to protect; despite this, the city failed to meet any of SB 1000's requirements when it adopted its 2030 General Plan. The settlement required the City of Huntington Park to take immediate action to come into compliance with SB 1000. It also set enforceable compliance milestones to ensure the development and adoption of a meaningful, tailored environmental justice element that considers

input from the impacted communities regarding their environmental burdens, concerns, and priorities.

Protecting Environmental Justice Communities in South Los Angeles: In May 2021, the Attorney General filed a motion to intervene in the Los Angeles City Attorney’s lawsuit against S&W Atlas Iron & Metal Company (Atlas Metal) for endangering the health and safety of environmental justice communities in South Los Angeles. Over several years, Atlas Metal’s operations allegedly launched metal shards and projectiles into outdoor areas at Jordan High School. In that same time period, operations at the facility allegedly resulted in incidents of noxious plumes of smoke, dust, and fumes being released into the surrounding community. Loud noise from the Atlas Metal site also negatively impacts the neighborhood and impedes the learning environments of Jordan High School. In this action, the Attorney General argues that Atlas Metal violated California’s public nuisance law, Health and Safety Code section 41700, and the Unfair Competition Law.

Challenging Moreno Valley’s 2040 General Plan: In June 2022, the Attorney General intervened in a lawsuit challenging the City of Moreno Valley’s 2040 General Plan for violations of CEQA. The General Plan, which is the city’s primary document for long-term land use planning, sets out to increase development in Moreno Valley, particularly in western Moreno Valley, which is already home to dozens of large scale warehouses and some of the worst air pollution in the state. In the petition, the Attorney General argued that Moreno Valley’s environmental review did not adequately analyze, disclose, and mitigate the air pollution that would be generated from buildout of the 2040 General Plan as required by CEQA.

Healthcare Rights and Access

Overview

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

Major Accomplishments

Upholding Non-Discrimination Protections

California v. Azar (Section 1557 litigation): In July 2020, the Trump Administration issued a new Final Rule rolling back non-discrimination protections in section 1557 of the Affordable Care Act (ACA). The Attorney General co-led a multistate coalition of attorneys general with New York and Massachusetts in filing a lawsuit challenging the new rule. The complaint argues that the rule violates the Administrative Procedure Act and the equal protection guarantee of the Fifth Amendment to the United States Constitution.

Maintaining Immigrants' Right to Public Assistance

California v. Azar (Public Charge Rule): In 2019, California, with Oregon, Pennsylvania, Maine, and the District of Columbia, filed suit challenging the Trump administration's reinterpretation of "public charge," discouraging immigrants from accessing Medicaid, SNAP, and housing assistance, and making it harder for low-income immigrants to get green cards. On December 2, 2020, after a full review, the Ninth Circuit affirmed an earlier preliminary injunction by a California district court. The Biden administration rescinded the policy on March 15, 2021. On June 21, 2022, the U.S. Supreme Court dismissed an effort led by Arizona to intervene in California's lawsuit.

Advocating for LGBTQ+ Americans

Amicus in Brandt v. Rutledge: The Attorney General led a coalition of 21 state attorneys general in support of a challenge to an unconstitutional Arkansas law that prohibits healthcare professionals from providing transgender teenagers with medically necessary care. The coalition filed an amicus brief in the U.S. Court of Appeals for the Eighth Circuit urging the court to affirm a district court judgment that blocked enforcement of Arkansas Act 626, the "Save Adolescents from Experimentation" or SAFE Act. Despite medical consensus that gender-affirming care has a positive impact on adolescents with gender dysphoria, the law seeks to prohibit physicians and other healthcare providers from referring or providing this treatment to minors. The attorneys general argued that access to gender-affirming healthcare must be protected, as it adheres to well-accepted medical standards. They further argued that decisions made between children, their families, and their doctors that are based on widely-accepted medical practices should be protected.

Fighting for Reproductive Rights

California v. Azar (Contraceptive Coverage Mandate): In 2017 and 2018, the Trump Administration issued rules that violated the Affordable Care Act's (ACA) birth control requirement and allowed employers to deny birth control coverage to their employees based on religious or moral objections. California successfully led a coalition of 14 states and Washington, D.C. in defending the ACA's birth control coverage requirement. California obtained injunctions against these rules. However, after California won injunctions that protect the birth

control coverage mandate, the federal government, Little Sisters of the Poor, and March for Life filed petitions for certiorari in the U.S. Supreme Court. When the Court granted the petitions in related Pennsylvania litigation, California co-lead a multistate amicus brief in the U.S. Supreme Court supporting Pennsylvania in its challenge to the Rules.

Dobbs v. Jackson Women’s Health Organization. In September 2021, California led and filed a multistate amicus brief supporting plaintiffs’ challenge to Mississippi’s prohibition of most abortions after 15 weeks (also referred to as an “abortion ban”) and urging the Court to retain *Roe v. Wade*. On June 24, in a decision authored by Justice Alito and joined by Justices Thomas, Gorsuch, Kavanaugh, and Barrett, the United States Supreme Court held that the U.S. Constitution does not confer a right to abortion. The Court overturned half a century of precedent, reasoning that stare decisis principles do not support retaining the Court’s prior decisions in *Roe v. Wade* and *Planned Parenthood v. Casey*, which together held that a State may not impose an undue burden on the constitutional right to an abortion before the point of viability. Under the majority’s decision, abortion regulations are now subject to a rational basis standard of review.

Foothill Church, et al. v. Watanabe. Plaintiffs are three churches challenging the Department of Managed Health Care’s enforcement of state constitutional and statutory law that requires health benefit plans to provide coverage for abortion services without restriction. Plaintiffs appealed the dismissal of their action. On July 19, 2021, in a published opinion, the Ninth Circuit vacated and remanded the district court’s decision as to the Free Exercise claim and the Equal Protection claim for reconsideration in light of *Fulton v. City of Philadelphia*, 141 S. Ct. 1868 (2021). By separate order, the Ninth Circuit affirmed the district court’s dismissal of plaintiffs’ Establishment Clause claim. On remand, the parties filed cross-motions for summary judgment and the court heard argument in June 2022.

Skyline Church v. Watanabe. Skyline Wesleyan Church seeks an order declaring that the Department of Managed Health Care’s letters to seven health plans reminding the plans of their legal obligation to provide non-discriminatory treatment of all female enrollees, including providing lawful abortion, violate the First and Fourteenth Amendments of the U.S. Constitution. The parties filed cross-motion for summary judgment. Reversing the district court, the Ninth Circuit concluded, in a published opinion, that plaintiff had standing to pursue its Free Exercise claim. On remand, the parties filed supplemental briefing in light of *Fulton v. City of Philadelphia*.

Title X Comment Letter and Amicus Support: In *Ohio et al v. Becerra et al*, California led multistate amicus briefs in support of the Biden Administration’s Title X rule that restored reproductive care access to vulnerable populations. The Attorney General also submitted a comment letter support of the Department of Health and Human Service’s Notice of Proposed Rule Making on Title X.

Section 1303 Comment Letter: California co-lead a comment letter in support of the Proposed Rule, which would reverse the Trump Administration’s harmful regulatory changes to Section 1303 of the Affordable Care Act, known as the “Separate Abortion Billing Rule.” This Office was

a leader in opposing the Trump Administration’s changes and led a multistate lawsuit successfully vacating the Rule in July 2020.

Amicus in Challenging State Reason and Abortion Bans:

- ***Reproductive Health Sys. v. Parsons (Abortion Ban & Reason Ban)***. California co-lead with Illinois a multistate amicus brief supporting plaintiffs’ challenge to Missouri’s “Abortion Ban” and “Reason Ban.”
- ***Little Rock Family Planning services v. Rutledge (Abortion Ban & Reason Ban)***. California led a multistate amicus brief supporting plaintiffs’ challenge to Arkansas’s “Abortion Ban” and “Reason Ban.”
- ***Paul Isaacson, et al v. Mark Brnovich, et al.*** California led a multistate amicus brief supporting plaintiffs’ challenge to Arizona's Reason Ban in the Ninth Circuit.

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

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

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

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

Legislation to strengthen protections for people seeking abortion care. In June 2022, the Attorney General sponsored Assembly Bill 1242 (Bauer-Kahan). This bill will prevent peace officers from arresting individuals or cooperating with other states against individuals performing, aiding, abetting or obtaining an abortion in CA.

California v. Azar (Refusal Rule Litigation). The Department of Health and Human Services proposed “Refusal Rule” that would permit healthcare providers to refuse service on religious or morale grounds. The Attorney General filed suit, arguing that the rule exceeds legal authority and undermines the Constitution and federal law, including the Affordable Care Act, Title X, Title VII, and the Emergency Medical Treatment and Labor Act. The Attorney General moved for summary judgment, and on May 26, 2020, the district court granted California’s motion, holding the rule at issue unenforceable. Defendants appealed and the case remains in litigation.

Prohibiting Anti-Competitive Healthcare Practices

State of California et al. v. Sandoz, Inc. (Dermatology): As part of a multistate case involving three complaints of interlocking conspiracies to fix the prices on generic drugs, 52 States and Territories filed a 650-page multistate complaint in federal court. The plaintiffs allege certain manufacturers of topical generic drugs and individual executives at those companies engaged in a broad, coordinated, and systematic campaign to conspire amongst themselves to fix prices, allocate markets, and rig bids for upwards of 80 different generic drugs. The Complaint (commonly referred to as the *Dermatology* Complaint) has been designated as the bellwether, or lead, case for purposes of pretrial (and effectively trial). In September 2021, California joined that case, alleging federal and state antitrust claims for injunctive relief, damages/disgorgement, and civil penalties. Defensive and offensive discovery are underway, as is outreach to state agencies to secure their assistance and quantify damages. In addition, the district court recently sustained both of DOJ's injunctive claims and standing to bring those claims. However, the court also dismissed DOJ's federal disgorgement claims. The states are considering next steps, including the impact on state disgorgement claims.

Monitoring Mergers in Healthcare

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

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

Association for Accessible Medicines (AAM) v. Becerra (AB 824 Litigation): In the face of skyrocketing prescription drug prices, the California Legislature enacted Assembly Bill 824 (AB 824), sponsored by the Attorney General, to strengthen pre-existing California antitrust law by creating an evidentiary burden-shifting framework and deeming pay-for-delay agreements presumptively anticompetitive. AAM previously sued California, challenging AB 824, and seeking a preliminary injunction enjoining its enforcement. The district court denied the

preliminary injunction and the Ninth Circuit ordered that the case be dismissed for lack of standing. In light of the Ninth Circuit decision, AAM filed a new complaint, asserting that AB 824 violates the dormant Commerce Clause, the Excessive Fines Clause, and the Due Process Clause. They also claimed that it is preempted. On December 9, 2021, the district court granted AAM's preliminary injunction, concluding that AAM was likely to succeed on its dormant Commerce Clause claim. The court subsequently amended its order limiting the injunction. We served discovery requests on AAM.

Amicus in Federal Trade Commission v. Hackensack Meridian Health, Inc. et al: California co-sponsored an appellate multistate amicus brief drafted by Pennsylvania and joined by 24 other states supporting a district court decision enjoining a merger between a high-quality hospital and a competing hospital system in Bergen County, New Jersey. The merging parties have appealed the decision to the Third Circuit.

Affiliation of Cedars-Sinai Health System with Huntington Memorial Hospital: In 2020, the Attorney General conditionally approved the affiliation of Cedars-Sinai Health System and Huntington Memorial Hospital. In March 2021, the parties filed a writ in Los Angeles Superior Court challenging the Attorney General's conditional approval. In July 2021, the parties entered into a settlement agreement that imposed the following conditions on the affiliated system: maintain services for 10 years in reproductive care, LGBTQ care, pediatric care, trauma centers, oncology and neonatal intensive care units; provide charity care for five years in an annual minimum amount of \$4,924,930 and community benefit for five years in an annual amount of \$30,351,088; fund \$560 million for capital improvements; and maintain competition through price caps, conditions prohibiting bundling, and enforcement through a monitor.

Sale of Glendora Oaks Behavioral Health Hospital: In June 2021, the Attorney General conditionally approved the sale of Glendora Oaks Behavioral Health Hospital, an acute psychiatric hospital that provides inpatient and outpatient behavioral health services to residents of Azusa, Baldwin Park, El Monte, Glendora, Pomona, and other surrounding areas, to CHLB, a limited liability company. The Attorney General's conditional approval required, among other things, that CHLB: maintain existing services at Glendora Oaks for 10 years; provide charity care in an amount equal to about \$45,664.02 per year for six years and community benefits in an amount equal to about \$10,000 per year for six years; improve staffing and training in accordance with legal and regulatory requirements and prepare, in consultation with employees and other relevant stakeholders, a comprehensive audit and evaluation of patient and employee safety conditions within one year of the closing date; and report any safety incidents directly to DOJ annually for the next ten years.

Sale of Adventist Health Vallejo: In October 2021, the Attorney General conditional approved the sale of Adventist Health Vallejo (Adventist Vallejo), an acute psychiatric inpatient hospital, to Acadia Healthcare Company Inc. (Acadia). The Attorney General's conditions, upon which the sale is contingent, address the risk of price increases in the limited market for acute psychiatric services in Northern California and ensure the availability of high-quality services for patients in the region, including those under the age of 18. The conditions include: a price freeze on contract renewals at Adventist Vallejo for a five-year period; barring Acadia from burdening Adventist

Vallejo with debt to an extent that would impair the financial viability of Adventist Vallejo or indirectly undermine the Attorney General's other conditions; appointing an evaluation team to conduct a comprehensive survey of the quality of care; an access impact condition requiring Adventist Vallejo to continue to serve patients under 18 years old for 10 years; and a monitor to oversee compliance with the conditions.

St. Mary Medical Center and Kaiser Transaction: In December 2021, the Attorney General conditionally approved a change in control of St. Mary Medical Center (SMMC), a general acute care hospital in Apple Valley in San Bernardino County. The approval will allow Kaiser and SMMC to form a new company that will be jointly owned by SMMC and Kaiser. The new company will construct a new hospital in Victorville that will add 47 new beds, increasing SMMC's capacity from 213 beds to 260 beds. The Attorney General's approval imposed multiple competitive impact and health impact conditions including but not limited to: caps on price increases for current SMMC contracts; a reduction in profit sharing between SMMC and Kaiser; a reduction in the discount Kaiser receives for its reimbursement rates at SMMC; firewalls and separate governance teams; continued participation in Medi-Cal and Medicare; feasibility reports to continue access to trauma center, to determine the use of the old hospital facility, and to increase access to mental health and reproductive services; and a monitor to ensure compliance with the conditions.

Affiliation between USC Health System and Methodist Hospital: In June 2022, the Attorney General conditionally approved the affiliation of Methodist Hospital of Southern California (Methodist) and USC Health System (USCHS). The Attorney General's conditional approval would allow Methodist Hospital to become part of USCHS's healthcare delivery system. Among other things, the conditions require USCHS and Methodist Hospital to: maintain competition by refraining from bundling, conditioning, and other related anticompetitive practices for a period of at least 10 years; limit price increases for contract renewals for a period of at least five years; maintain existing services and investment for 10 years (including comprehensive cancer care program, cardiology services, interventional radiology and diagnostic imaging, surgical services); participate in Medicare and Medi-Cal programs; maintain existing language services; provide charity care in the amount of \$3.7 million per year and \$39.6 million to community benefit programs per year; and, investment of \$200.7 million in Methodist Hospital over five years for capital improvements. The parties must submit to independent monitoring to ensure compliance with these conditions.

Prosecuting Healthcare Scams

The People v. Alier Companies et. al.: In January 2022, the Attorney General lawsuit against The Alier Companies (Alier) and the Moses family – the family that founded Sharity Ministries, Inc. (formerly called Trinity Healthshare, Inc.), a nonprofit corporation that purported to be a health care sharing ministry (HCSM). Alier, a for-profit corporation, created, operated, and sold unauthorized health plans and insurance through Sharity/Trinity, collecting hundreds of millions of dollars in monthly premiums from thousands of Californians and others throughout the country. However, rather than paying its members' healthcare costs, the company declined claims and

retained nearly 84% of its members' contributions – leaving many crushed by the burden of impossible medical debt. Our complaint alleges that Alera violated California law by making false or misleading statements about Sharity that led consumers to believe its HCSM plans were being used to pay members' healthcare costs and provide coverage similar to that of a traditional ACA health insurance plan.

Investigating COVID-19 Scams

Consumer Protection from COVID-19 Scams: The Attorney General has been investigating the proliferation of COVID-19 testing centers falsely representing themselves as providers of rapid test results, working with laboratories licensed by the Centers for Disease Control and registered with the federal Clinical Laboratory Improvement Amendments program. As part of this investigation, DOJ is working with a multistate group and the federal government against the Chicago-based Center for COVID Control. We are also investigating complaints concerning fraudulent vaccination cards. The Attorney General issued a Consumer Alert warning Californians of the consequences of using a fraudulent card. In response to this fraud, in September 2021, The Attorney General organized a working group with local district and city attorneys to coordinate investigations. This working group has assisted in the coordination and referral of cases between local, state, and federal agencies regarding fraudulent vaccination cards, including complaints received by the Department of Justice in response to the Consumer Alert. More recently, DOJ has investigated complaints from the California Department of Public Health about individuals suspected of uploading fraudulent COVID-19 vaccination cards into the California Immunization Registry (CAIR).

Healthcare Rights and Access Section's Tobacco Unit

Major Accomplishments

Promoting Health through Tobacco-Law Enforcement

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

Big Sandy Rancheria Litigation: In 2019, Big Sandy Rancheria Enterprises (BSRE), a tribal corporation of the Big Sandy Rancheria of Western Mono Indians, appealed the dismissal of its suit against the Attorney General and the California Department of Tax and Fee Administration, which sought to enjoin the state from enforcing tax, licensing and MSA-related laws against its (unlicensed, tax-evading) cigarette distribution business. In June 2021, the Ninth Circuit affirmed the district court's dismissal of all BSRE's claims in a published decision. The Ninth Circuit also denied BSRE's petition for rehearing en banc in August 2021, and the United States Supreme Court rejected BSRE's petition for certiorari in February 2022.

Grand River Litigation against Illegal Cigarette Sales: The Attorney General pursued litigation against entities responsible for illegal cigarette sales in California, including associated appeals. In November 2018, the Attorney General entered into a settlement with Grand River Enterprises, a Canadian cigarette manufacturer that sold large quantities of cigarettes without complying with California’s escrow, directory, and unfair competition statutes. Under the terms of the settlement agreement, Grand River paid \$1.5 million in attorney’s fees, continues to make back escrow payments of approximately \$22 million, and must comply with additional monitoring and reporting requirements. Furthermore, Grand River must assign half of all escrow payments, which includes all post-settlement sales, to the State’s General Fund. To date, Grand River has assigned over \$18 million dollars of tobacco escrow to California.

Huber Enterprises litigation: In February 2019, the First District Court of Appeal affirmed the grant of a permanent injunction and summary adjudication against Huber Enterprises, a cigarette retailer and distributor located on Table Bluff reservation near Eureka. Huber, a tribal member, unlawfully sold millions of packs of cigarettes to non-members of her tribe, in violation of the directory statute, fire safety act, tax stamp act, and unfair competition law. In 2021, the People settled with Huber for \$3.2 million.

LA County: In May 2021, the Attorney General filed an amicus brief in the Ninth Circuit in support of Los Angeles County’s ban of the retail sales of flavored tobacco products, emphasizing states and localities’ long-standing roles as tobacco regulators. Recognizing this historical role, the Ninth Circuit upheld the ban, and affirmed Los Angeles County’s authority to determine what kinds of tobacco products may be sold within its borders.

Local Law Enforcement Tobacco Grant program: The California Department of Justice has awarded approximately \$124 million in grant funding to local law enforcement agencies for activities to support enforcement of state and local tobacco laws relating to underage sale and marketing of tobacco products. These grants are funded by Proposition 56, a statewide initiative approved in November 2016 that increased the state excise tax of tobacco products by \$2 a pack of cigarettes or the equivalent, and earmarks the resulting revenue for specified purposes, including support of local law enforcement for tobacco-related enforcement activities. Over one hundred local agencies are current grant recipients.

Native Wholesale Supply Litigation: In January 2022, the Attorney General provided notice pursuant to Native Wholesale Supply’s bankruptcy plan of the trial court’s award of civil penalties to the People. The court granted the People more than \$4 million in penalties for violations of the directory statute, fire safety act, and unfair competition law related to its distribution of more than a billion cigarettes to the Big Sandy Rancheria Band of Mono Indians, a small tribe in central California, for resale to the general public, and millions more in attorney’s fees and expert expenses. To date, Native Wholesale Supply has released nearly \$400 thousand to the Attorney General, with the remainder to be paid at the conclusion of other states’ litigation against the company.

New York City, et al. v. United States Postal Service: In October 2019, the Attorney General and the City of New York filed suit against the U.S. Postal Service and the Postmaster General, in the

district court for the Eastern District of New York. Three more states have since joined the action. The complaint alleged USPS violated the Prevent All Cigarette Trafficking Act by accepting and transmitting packages containing cigarettes. The action sought injunctive and declaratory relief. In July 2022, the parties advised the district court they had reached a settlement resolving the action.

Outreach to video streaming industry to protect young viewers from tobacco imagery: In August 2019 the Attorney General led a bipartisan coalition of 43 state attorneys general to urge the streaming industry to limit imagery of tobacco use in their video content. In February 2021 representatives from a multi-state working group encouraged the creative guilds to do the same. As a result, many streaming platforms now warn viewers of content with tobacco and provide improved parents controls. The working group, in coordination through the National Association of Attorneys General, continues to communicate with the companies and guilds.

Passing Legislation to strengthen tobacco laws: The Attorney General sponsored Assembly Bill 1742 (Rivas), legislation that would strengthen the Attorney General's ability to enforce state tobacco laws. The bill would protect Californians from cigarettes that fail to meet public safety standards and preserve California's ability to receive substantial annual payments under the tobacco Master Settlement Agreement.

People v. JUUL Labs, Inc.: In November 2019, the Attorney General filed suit in Alameda County Superior Court against JUUL Labs, Inc., a leading manufacturer of electronic cigarettes, for violating the state's remote sales law, STAKE Act, Privacy Rights for California Minors in the Digital World Act, unfair competition law, public nuisance laws, false advertising laws, and others. In March 2022, the Attorney General filed a first amended complaint adding in claims against officers and directors Adam Bowen, James Monsees, Nicholas Pritzker, Riaz Valani, and Hoyoung Huh for public nuisance, false advertising, and unfair competition. The officers and directors demurred, and hearing on the demurrers was held in June 2022. The action is ongoing.

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

Rose Litigation: With the assistance of a receiver, the People collected more than \$2 million from Daren Rose, a tribal member, in connection with unlawful sales of millions of packs of cigarettes to non-members of his tribe. This recovery satisfies the full judgment and associated attorneys' fees and interest. Pursuant to court order, nearly \$600 thousand was distributed to Shasta County for UCL penalties and to the California courts for previously waived fees.

Indian and Gaming Law

Overview

The Indian and Gaming Law Section (IGLS) provides legal representation and advice regarding Indian law and gambling to the following entities:

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

IGLS participates in the negotiation, interpretation, enforcement, and defense of tribal gaming compacts. IGLS also counsels on and litigates issues relating to unlawful gambling, licensing of card rooms, their employees, their contractors, certain tribal employees, and compliance with gambling regulations.

Major Accomplishments

Enforcing and Defending Tribal Gaming Compacts

People of the State of California v. Pong Marketing and Promotions, Inc., et al: The Attorney General, leading a task force of 10 local agencies, obtained an order finding that Pong Marketing and Promotions, other entities, and their principals violated California's unfair competition law by offering gambling-themed "sweepstakes" games with cash prizes at computer stations in internet cafés. These criminal enterprises made millions of dollars in California by preying on disadvantaged patrons who could least afford persistent gambling losses. The cafés also attracted a criminal element because of the illegal cash nature of the business. As a result of a successful motion establishing a violation of the unfair competition law, in October, 2021, a settlement was reached and final judgment entered against the purveyors. The judgement ordered that \$3.5 million in civil penalties, costs, and attorneys' fees be paid and a permanent injunction entered against future operation of the scheme in California. This successful prosecution effectively eliminated the internet café sweepstakes model as a means for illegal gambling in California.

Gaming Compacts: The Attorney General assists the Governor in negotiating new class III gaming compacts and compact amendments with federally recognized Indian tribes in California. The compacts enhance safeguards in the expansion of the tribal gaming industry in California and ensure that California tribes without casinos and those with small casinos continue to receive a share of revenues from tribal gaming. In addition to other ongoing compact negotiations resulting in successful agreements, from January 1, 2021, to June 30, 2022, the Attorney General's Office assisted the Governor's Office in negotiating and reaching agreement with 29 California tribes to extend their tribal-state class III gaming compacts that were due to expire on June 30, 2022.

Metis TPS, LLC v. California Department of Public Health: In 2021, the Attorney General obtained a decision from the Court of Appeal in favor of the Department of Public Health, Office of Problem Gambling, resulting in an award of \$1,293,000 to the Office of Problem Gambling’s no-cost gambling disorder treatment programs. The case involved a dispute over \$1,293,000 won by a card room patron playing baccarat at Commerce Casino in 2017. The individual had executed a voluntary self-exclusion form banning him from all gambling establishments in the state and requiring the forfeiture of any “winnings” he obtained while the self-exclusion was in effect. The Court of Appeal held that a 2016 revision to a state regulation requiring forfeiture to the Office of Problem Gambling of “jackpots or prizes” won by self-excluded persons did not retroactively alter the self-exclusion form the individual had executed. Therefore, they determined that his \$1,293,000 in winnings must be awarded to the Office of Problem Gambling under the forfeiture provision of the self-exclusion form.

Sutter’s Place, Inc. v. California Gambling Control Commission: In 2022, the Attorney General obtained a decision from the Court of Appeal effectively upholding the statutory moratorium regulating the expansion of card room gambling. The owner of a San Jose card room had applied to the California Gambling Control Commission for additional permanent gambling tables. The Commission denied the application, finding that the additional tables were not allowed under the Gambling Control Act’s statewide moratorium on expansion. The card room argued that the Commission misinterpreted the law, refused to defer to the City of San Jose’s interpretation of its own gambling ordinance, effectively invalidated amendments to the San Jose Municipal Code contained in local ballot Measure H—a cardroom tax. The Court of Appeal held with the DOJ that San Jose’s gambling ordinance must be read in light of the moratorium provisions in the Act and that San Jose did not have the authority to contradict them.

Park v. Tracey Buck-Walsh (Department of Justice): Card room gambling licensee John Park sued his former attorney for breach of fiduciary duty and breach of the duty of loyalty. Park issued a broad document subpoena to the Bureau of Gambling Control (Bureau) seeking communications between the defendant attorney and the Bureau, the Commission, and IGLS attorneys that would support his lawsuit. The subpoena was unduly burdensome and required DOJ to devote hundreds of staff hours to locating and reviewing voluminous documents, most of them privileged email communications between the Bureau and its attorneys, or the work product of IGLS DAGs. The process took approximately 18 months. Ultimately, only about 30 documents were produced. Pursuant to Code of Civil Procedure section 1985.8, subdivision (1), IGLS obtained two orders shifting a portion of the undue burden and expense from DOJ to Park, and requiring Park to reimburse DOJ approximately \$150,000. Park appealed. In a reported decision on this issue of first impression, the Court of Appeal affirmed in favor of DOJ.

Amicus Brief in Unite HERE v Sycuan Band: In June 2021, the Attorney General’s Office filed an amicus brief in the Ninth Circuit Court of Appeals on behalf of the State in a case involving Unite HERE, a labor union, and the Sycuan Band of the Kumeyaay Nation (Sycuan), a tribe operating a class III gaming casino. Unite HERE obtained an order compelling arbitration and dismissing Sycuan’s counterclaim for declaratory relief in connection with labor organizing activities at Sycuan’s casino. Sycuan’s position raised the issue of whether the terms of the Tribal

Labor Relations Ordinance (TLRO) in tribal-state class III gaming compacts is preempted by federal law. The State has an interest in enforcement of the TLRO. The Ninth Circuit issued a published decision affirming the district court's order. Sycuan's petition for panel rehearing and rehearing *en banc* also was denied.

Land Use and Conservation

Overview

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

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

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

Major Accomplishments

Expanding Access to Housing

Housing: The Attorney General represents the state agency primarily responsible for expanding the supply of affordable housing, the Department of Housing and Community Development (HCD). On behalf of HCD, the Attorney General has taken actions to ensure local jurisdictions are complying with state housing laws, including defending HCD's statutory obligation to determine regional housing allocations, and enforcing the Housing Element Law, the Surplus Land Act, Affirmatively Furthering Fair Housing and other land use-related fair housing laws, and the Housing Accountability Act. In recent years, also on behalf of HCD, the Attorney General has

successfully brought quiet title/breach of contract actions against grantees to recoup residential properties and/or funds that were misused or spent without proper accounting.

Housing Strike Force: In addition to representing HCD, the Attorney General also takes independent action to enforce state housing laws through the Housing Strike Force. To that end, the Attorney General has challenged attempts to circumvent SB 9, a law requiring localities to approve lot splits and duplex developments in single-family zoned neighborhoods, and taken legal action to strengthen the Housing Accountability Act's provision limiting localities' ability to deny housing development applications. The Attorney General has also played a leadership role challenging U.S. Department of Housing and Urban Development rulemaking when those proposed or final rules limit access to affordable housing, obstruct discrimination claimants, or defeat fair housing initiatives.

Monitoring and Minimizing Environmental Impacts

California High-Speed Rail Authority: The Attorney General advises the California High-Speed Rail Authority on environmental law compliance for constructing the high-speed rail system. This included providing advice regarding the Authority's project-level environmental impact reports (EIR)/environmental impact statements (EIS) analyzing individual parts of the statewide system under the California Environmental Quality Act and the National Environmental Policy Act. In 2021 and 2022, this office supported Authority efforts that resulted in the Authority issuing four Final EIR/EISs, and making project decisions based on these final documents. In addition, this office is supporting Authority efforts to prepare and publish two draft EIR/EISs in 2022-2023. The Attorney General is presently handling one lawsuit challenging the Authority's approval of the Burbank to Los Angeles Project Section, and previously has assisted the Authority in settling seven lawsuits challenging its project-level EIR for the portion of the system in the Central Valley between Fresno and Bakersfield. The Attorney General's efforts have contributed to the Authority being able to start and maintain major civil infrastructure construction utilizing several billion dollars in federal grant funds awarded under the American Recovery and Reinvestment Act of 2009.

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

Oil Regulation Litigation: The Department of Conservation's Geologic Energy Management Division (CalGEM, previously known as the Division of Oil, Gas, and Geothermal Resources) is in the process of overhauling its regulation of oil production in California to adapt to modern industry practices and current public expectations. In addition, in response to the Legislature's

direction in Senate Bill 4, CalGEM prepared an environmental impact report examining the statewide impacts of hydraulic fracturing. The Attorney General successfully defended the lawsuit challenging that report and secured a published appellate decision affirming this favorable trial court ruling. The Attorney General is currently defending CalGEM in lawsuits by Chevron, Aera Energy and the Western States Petroleum Association challenging its practices for evaluating applications for oil well drilling and hydraulic fracturing permits. The Attorney General has also brought more than a dozen lawsuits on CalGEM's behalf seeking to obtain judgments securing civil penalties and injunctions against various oil and gas operators throughout the State that have failed to comply with final administrative orders from CalGEM.

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

Combating the Dangerous Impacts of Wildfires

Wildfire: In light of California's dramatic increase in the number and severity of catastrophic wildfires, the Attorney General reviews local government approvals of new developments in high or very high fire severity zones to consider the evaluation of wildfire risk. The CEQA Guidelines were updated in 2019 to more clearly require thoughtful consideration of how new developments may exacerbate existing wildfire risk. Our involvement—through commenting on CEQA documents and, if necessary, bringing litigation— focuses on encouraging local governments to conduct adequate review of these risks. This includes the consideration of how development layout could pose a wildfire ignition risk and what steps to take to prevent wildfires. We also encourage compliance with state regulations that set minimum standards for new developments in State Responsibility Areas—particularly, the minimum requirements for the length of dead-end roads necessary to facilitate safe and timely evacuation and emergency response.

Keeping California's Waters Clean, Safe, and Accessible

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

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

Outer Continental Shelf: The Attorney General, in his independent capacity and on behalf of several of the office's clients (including the Coastal Commission, State Lands Commission, and the Division of Oil, Gas and Geothermal Resources), formally objected to the Trump Administration's plan to re-open oil exploration on the outer continental shelf (OCS), as well as the Administration's attempts to rescind and amend safety and other regulations. The Attorney General is tracking proposals for other forms of energy using the OCS, including wind turbines and harnessing wave energy.

Natural Resources Law

Overview

The Natural Resources Law Section represents the majority of state agencies responsible for natural resources management or pollution control. The section handles complex environmental litigation both in defense of client actions and enforcement of pollution laws and regulations. Much of the section's litigation work involves the Air Resources Board, the State Water Resources Control Board, the Regional Water Quality Control Boards, the Department of Water Resources, the Department of Fish and Wildlife, the Department of Forestry and Fire Protection, and CalRecycle. The section also represents the Department of Food and Agriculture and the 55 District Agricultural Associations.

Major Accomplishments

Defending California's Water Resources

Water Quality and Water Rights Litigation: The Attorney General represents the State Water Resources Control Board in many cases involving its regulation of water right holders throughout the State, including the imposition of limitations to address drought conditions. The Attorney General also represents many state agencies in civil groundwater adjudications to protect its groundwater rights as a property owner, and to ensure that resolution of such cases protect the public interest and public trust resources. The Attorney General also represents the State Board and the nine regional water quality control boards in their role as regulating authorities for the state's water quality. These cases range from defending state plans and policies, to issuing administrative orders requiring polluters to investigate and cleanup waste, to handing down penalties for failure to

comply with such orders. The Attorney General also represents the State and regional Boards in resolution of claims from natural resource damages resulting from mining activities.

Keeping California's Air Clean

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

Fighting the Border Wall

Border Wall Litigation: The Attorney General is leading a 20-State coalition and challenging the federal government's unlawful transfer of billions of dollars appropriated by Congress for other purposes to build a border wall. This coalition is also challenging the federal government's improper attempts to waive federal and state laws intended to protect natural and cultural resources.

Raising Emission Standards

Vehicle Emissions Litigation: The Attorney General represented the California Air Resources Board (CARB) in a federal lawsuit, by intervening on the side of the US EPA and the National Highway Transportation Safety Administration regarding new rules imposing more stringent greenhouse gas emissions requirements and fuel economy standards for cars and passenger trucks. DOJ also intervened in support of EPA's decision to reinstate California's waiver, thereby allowing California to issue its own greenhouse gas and zero emissions vehicle standards.

Aircraft Engines, Locomotives, and Heavy Duty Trucks Emissions: DOJ, on behalf of CARB, is also pursuing tougher GHG emissions standards for aircraft engines, locomotives, and heavy duty trucks and engines by either challenging the current EPA standards as too lax (aircrafts) or helping CARB to defend its own regulations (locomotives and heavy duty trucks).

Power Plant Emissions: DOJ, on behalf of CARB, intervened in the US Supreme Court in *West Virginia v. EPA*, defending EPA's authority to set stricter emission standards for power plants.

Natural Gas Hookups: DOJ filed an amicus brief in a case currently before the Ninth Circuit to support the City of Berkeley's ban on natural gas hookups (*Cal. Restaurant Assoc. v. City of Berkeley*).

Holding Utility Companies Accountable for Wildfire Damage

Fire Suppression Cost Recovery Actions: The Attorney General represents the Department of Forestry and Fire Prevention (CAL FIRE) to recoup the cost of fire suppression for wildland fires

that occur in California each year. From May 2016 to May 2022, the office litigated cases that resulted in \$199,038,641.90 in recoveries. In 2020, we reached a settlement in the PG&E bankruptcy matter for liability arising from selected PG&E-caused fires in 2015, 2017, and 2018. Over the next four years, we anticipate CAL FIRE will receive several payments (totaling \$115.3 million) from PG&E via the Fire Victims' Trust.

Recovering Funds for Oil Spill Cleanup

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

Defending Wildlife and Endangered Species

Wildlife and Endangered Species Litigation: The Attorney General represents the Department of Fish & Wildlife (DFW) and Fish & Game Commission in administrative proceedings challenging regulations and lawsuits filed by permittees impacted by regulations. This includes the Commission's decisions to grant candidate status to four species of bumble bees as well as the Western Joshua Tree under the California Endangered Species Act. The Attorney General also serves as legal counsel for agencies in litigation challenging federal biological opinions affecting releases of water by the state and federal water projects in the Bay Delta and the protection of endangered Salmon and Smelt species. The Attorney General is DFW's attorney in water rights adjudications, including on the Ventura River, where it is working to ensure adequate stream flows to protect endangered steelhead trout and other species.

Updating State Facilities

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

Worker Rights & Fair Labor Bureau

Overview

The mission of the Worker Rights and Fair Labor Section (and its precursor unit, the Worker Rights and Fair Labor Bureau) is to protect the welfare of California workers and maintain a level playing field for legitimate businesses operating in the State. The Section is particularly focused on

addressing systemic business practices that undermine the working conditions of California's most vulnerable low-wage workers. The Section conducts both civil and criminal investigations and prosecutions to combat unlawful employment practices including wage theft, independent contractor misclassification, unsafe working conditions, payroll tax evasion, and workers' compensation insurance fraud. The Section also engages in legal advocacy to support legal and policy developments to advance worker protections and encourage employer accountability.

Major Accomplishments

Protecting Workers from COVID-19

People v. Amazon.com, Inc.: In November 2021, the Attorney General filed a complaint and stipulated judgment regarding a pioneering settlement to compel Amazon's compliance with California's novel COVID-19 "right-to-know" law, Assembly Bill 685. The lawsuit alleged that Amazon failed to provide adequate notifications to its workers or to local public health authorities at its California facilities. Prior to the Attorney General's involvement, Amazon issued notifications to its workers that aggregated multiple cases over sometimes lengthy periods of time, providing little useful or actionable information to its workforce about the safety of their workplace surroundings. Amazon also provided inadequate notices to local public health authorities about the details or extent of COVID-19 cases in their jurisdictions. As a result of the stipulated judgment, Amazon has been required to issue comprehensive notifications to tens of thousands of employees in California. These notifications indicate each COVID-19 case, its location, and the last date the infected employee was on-site, in order to allow workers to make their own informed choices about whether to come to work or stay home, take leave, or whatever action they deem necessary to protect themselves and their family. Under the terms of the judgment, Amazon was also required to provide more complete information to local public health authorities, submit to monitoring, and pay \$500,000.

Investigations to Protect the Health and Safety of Employees in the Meat Processing Industry During COVID Outbreaks: In response to reports of COVID-19 outbreaks in meat processing facilities throughout the country, the Attorney General initiated investigations into the health and safety practices of the largest meat processing facilities throughout California. DOJ sought information about the steps companies are taking to address risks of COVID-19 infection, including changes to their physical plants, operating procedures, and leave policies, and was able to obtain granular case data about COVID-19 case rates that the companies had not been routinely collecting.

Amicus Brief in People of the State of New York v. Amazon.com, Inc.: In June 2022, our office joined a coalition of attorneys general in support of the State of New York in its case against Amazon for allegedly failing to protect the health and safety of its workers and retaliating against two workers who protested the company's COVID-19 health and safety protocols. The New York Supreme Court, Appellate Division dismissed New York's claims, finding the health and safety claims moot and the retaliation claims preempted by the National Labor Relations Act involving concerted action arguably within the jurisdiction of the National Labor Relations Board. The amicus brief addressed the NLRA preemption issue, arguing that the court's decision unjustifiably expanded the scope of NLRA preemption, and if adopted, would gut state enforcement of anti-retaliation laws any time more than a single employee brought a claim.

Amicus Brief in San Diego County Lodging Association v. San Diego: In August 2021, DOJ filed an amicus brief in the United States District Court for the Southern District of California in a successful defense of the City of San Diego’s Building Service and Hotel Worker Recall Ordinance (also known as a “right to return” ordinance). The City of San Diego COVID-19 right to return Ordinance was a measure intended to mitigate the harsh economic impact of the COVID-19 pandemic by granting certain layoff recall and retention rights to hospitality and building services employees. DOJ’s brief emphasized how such “right to return” laws are consistent with California’s public policy favoring strong protections for workers and limitations on at-will employment. The brief reiterated that the State supports local laws to protect workers and their families from the effects of an unprecedented public health emergency.

Enforcing Worker Classification Laws

People v. Uber and Lyft: The Attorney General, in partnership with the city attorneys of Los Angeles, San Diego, and San Francisco, filed a complaint in May 2020 against Uber Technologies, Inc. and Lyft, Inc. The complaint alleged that both companies were misclassifying their employee ride-hail drivers as independent contractors, thereby failing to obey laws with respect to the minimum wage, overtime, paid sick leave, unemployment insurance, workers’ compensation, and a host of other employer obligations. This was the first statewide government misclassification action filed against the companies. On August 10, 2020, the People were granted a preliminary injunction, finding a probability that they would prevail on their misclassification claims. The victory was upheld on appeal in *People v. Uber Technologies, Inc., et al.* (2020) 56 Cal.App.5th 266. Although the preliminary injunction never went into effect, the subsequent passage of Proposition 22 changed the classification standards for ride-hail drivers like those employed by Uber and Lyft. Therefore, the underlying case continues, and encompasses potential retrospective restitution for drivers going back to May 2016. The People’s case is now part of a coordinated case proceeding in San Francisco Superior Court, including the later-filed actions against the respective companies by the Labor Commissioner, as well as private plaintiffs’ actions.

Comment re USDOL Rule Regarding Worker Classification Under the FLSA: In October 2020, the Attorney General joined a coalition of 24 attorneys general and local authorities in Chicago, New York City, Philadelphia, and Pittsburgh in a comment letter opposing a proposed rule by the U.S. Department of Labor that would alter the Department’s framework for distinguishing between employees and independent contractors under the Fair Labor Standards Act (FLSA). The proposed change would favor a finding of contractor status, making many workers ineligible to receive certain protections. The multi-jurisdiction comment underlined the harms caused by misclassifying employees and argued that the rule would make labor standards enforcement more difficult. They also pointed out that the rule violated the Administrative Procedure Act and was inconsistent with the text and purpose of the FLSA.

Advocating for Fair Wages

Multistate Amicus Briefs in Support of Minimum Wage Standards for Federal Contractors: In April and May 2022, DOJ joined a coalition of state attorneys general in filing amicus briefs in the Tenth Circuit Court of Appeals, the U.S. District Court for the District of Arizona, and the U.S. District Court for the Southern District of Texas, in defense of the Biden Administration’s Executive Order establishing a \$15 per hour minimum wage for federal contractors. The briefs

were filed in the cases of *Bradford v. U.S. Department of Labor*, *Arizona v. Walsh*, and *Texas v. Biden*.

Amicus Brief in State of Washington v. The GEO Group, Inc.: In May 2022, DOJ led a coalition of 16 attorneys general in filing an amicus brief in the Ninth Circuit Court of Appeals defending state minimum wage protections for employees of federal contractors. The underlying lawsuit involves the State of Washington’s effort to enforce its state minimum wage standards for work performed by civil immigration detainees laboring under a voluntary work program in facilities operated by the federally-contracted GEO Group, Inc. GEO has been paying detainees \$1 per day for their work, and has maintained that its status as federal contractor shielded them from state minimum wage standards. DOJ’s amicus brief focuses primarily on GEO’s defense under the intergovernmental immunity doctrine, and argues that the imposition of the minimum wage under these circumstances does not constitute a direct regulation of the federal government pursuant to the doctrine.

Amicus Brief in United Farm Workers v. U.S. Department of Labor: In December 2020, the attorney general filed an amicus brief in the United States District Court for the Eastern District of California in support of the United Farm Workers’ ultimately successful motion for a preliminary injunction. The preliminary injunction prevented the implementation of a Department of Labor ruling that would have depressed wages for agricultural workers throughout California by changing the calculation of the “Adverse Effect Wage Rate” (AEWR). The AEWR is meant to establish a floor to prevent the use of H-2A temporary farmworkers from adversely impacting domestic wage rates. The rule would have frozen the AEWR for a period of two years, and then linked its growth to a new metric that has historically grown much more slowly than the one currently used. Although the rule only governed H-2A employers, it would have had an impact across the agricultural industry by lowering the floor of H-2A wages that are in direct competition with domestic workers.

Upholding Workplace Safety Standards

Multistate Letter to U.S. Dep’t of Homeland Security Regarding Worksite Enforcement Practices: In November 2021, the Attorney General co-led a coalition of 11 attorneys general in a letter in support of the U.S. Department of Homeland Security’s plan to change its worksite enforcement policies to support the enforcement of wage protections, workplace safety standards, and other employment rights. The letter makes recommendations to ensure that the immigration enforcement policies and practices of DHS facilitate, and do not hinder, the ability of state and local labor enforcement officials to advance fair labor standards.

Comment on OSHA Proposal to Establish Nationwide Heat Standards: In January 2022, DOJ joined six other attorneys general in a comment letter to the federal Occupational Safety and Health Administration (OSHA), encouraging them to consider adopting a nationwide workplace heat standard to protect against heat-related injury and illness. The comment letter discussed the severe and growing dangers of heat illness and injury as average temperatures increase across the country. The letter goes on to highlight the success of California’s first-in-the-nation heat standard for outdoor workers, and to recommend national heat standards for both indoor and outdoor workers.

Comment on OSHA Proposal to Improve Workplace Illness and Injury Reporting: In June 2022, our office joined with 16 other attorneys general in submitting a comment in support of a proposed rule by the federal Occupational Safety and Health Administration, increasing the workplace injury and illness reporting obligations of larger employers. Specifically, the proposed rule would require a greater number of designated employers to provide more detailed information to OSHA about workplace injuries and illnesses than the aggregated summary data now required, including dates, locations, and descriptions of individual injuries and illnesses.

DIVISION OF CIVIL LAW

Overview

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

The Division of Civil Law consists of the following sections:

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

Business Litigation Section

Overview

The Business Litigation Section (BLS) represents state agencies and officials in state and federal trial and appellate courts (including federal bankruptcy courts nationally) in matters concerning the business of government and government regulation of business. The section defends constitutional and statutory challenges to state laws and regulations, as well as to decisions of state taxing agencies and regulators of the finance, insurance, and real estate industries. The section also represents agencies and officials in a variety of commercial disputes, including multistate disputes. Client agencies include state taxing agencies the California Department of Tax and Fee Administration (sales, use, and excise tax), Franchise Tax Board (personal and corporate income tax), State Board of Equalization (property tax), and Employment Development Department (payroll tax). The section also represents business regulatory agencies, including the California Apprenticeship Council and the Departments of Insurance, Real Estate, and Financial Protection and Innovation. BLS deputies also defend and advise a variety of state agencies and officials, including the Department of General Services and the State Controller, in public contracting and commercial disputes.

Many cases involve disputes in excess of \$100 million and raise significant issues of constitutional or statutory construction that result in published appellate opinions.

Major Accomplishments

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

Arkansas et al. v. Delaware: The State of Delaware instructed MoneyGram, an international money transfer service, to turn over all unclaimed checks to Delaware on the grounds that the company was incorporated under Delaware law. However, according to one independent auditor, over \$200 million worth of unclaimed checks were purchased in other states (including California). California, along with Arkansas, Texas, and Wisconsin, led twenty-nine states in a suit against Delaware in the United States Supreme Court, claiming that the unclaimed checks should instead escheat to the states where they were purchased. The United States Supreme Court is set to hear the case in October 2022.

Representing California's Agencies

2009 Metropoulos Family Trust v. Franchise Tax Board: In 2014, Pabst Corporate Holdings, an S corporation, sold the assets of its subsidiary Pabst Brewing, resulting in over \$600 million for its shareholders. Non-California resident shareholders of the S corporation argued that they should not have to pay California taxes on the California portion of the \$600 million. The California Court of Appeal, ruling in favor of the Franchise Tax Board, held that money derived from the sale should be treated as business income (as characterized by the Pabst S corporation) that was passed through and thus taxable to nonresident shareholders, rather than as personal income from the sale of an intangible asset.

Cal. Dept. of Tax and Fee Admin. v. Superior Court (Kintner): After its corporate status was suspended, a corporation continued to do business but did not pay sales and use taxes. The California Department of Tax and Fee Administration assessed Jeremy Kintner, the corporation's officer and shareholder, over \$67 thousand in unpaid taxes and penalties owed by the corporation. Kintner did not pay the tax, but sued the Department to challenge the validity of a regulation that authorizes the Department to hold a suspended corporation's officers and shareholders personally liable for tax owed by the corporation. The California Court of Appeal, ruling in favor of the Department, held that California Constitution's "Pay-First, Litigate Later" rule barred a declaratory action challenging the validity of a regulation if the tax was not paid.

California State Lands Com. v. Plains Pipeline, L.P.: In 2015, Plains All American's oil pipeline burst, resulting in widespread damage to California's coastal ecosystem ("the Refugio Oil Spill"). After the spill, Venoco, Inc. (one of the oil companies in the area) stopped production, relinquished its lease back to the state, and halted royalty payments to the California State Lands Commission. The state sued Plains for negligent maintenance of the pipeline, seeking to recover both lost royalties from the Venoco lease and the clean-up costs. The Court of Appeal rejected Plains Pipeline's argument that, as a public utility, it was exempt from liability for interruption of service, ruling that the public utility doctrine only applies to utilities that provide services to members of the public.

First American Title Ins. Co. v. Cal. Dept. of Tax and Fee Admin.: Lessee First American Title Insurance Company paid sales tax reimbursement to lessors of business equipment in California and sought a refund from the state on the grounds that the governing tax regulation (which requires lessors to pay a sales tax on transactions where the lessee is not required to pay a use tax) violated the California Constitution (under which insurers pay a gross premium tax in lieu of all other taxes). The Court of Appeal disagreed, ruling in favor of the California Department of Tax and Fee Administration that the regulation, and First American’s payment of sales tax reimbursement, is consistent with the constitutional limitation on the taxation of insurance companies.

Sieneaga v. Franchise Tax Board (In re Sieneaga): A taxpayer failed to file federal and state tax returns for four years. After receiving notices of federal tax adjustments from the Internal Revenue Service, he notified the California Franchise Tax Board of the increased federal assessments but did not pay the taxes owed, or file state tax returns for the relevant years. When he filed for bankruptcy protection, the Franchise Tax Board sought to have the tax debts declared nondischargeable (i.e. a type of debt that cannot be extinguished in bankruptcy). On appeal, Mr. Sieneaga argued that the act of notifying the Franchise Tax Board of the federal tax adjustments was sufficient to constitute a ‘return’ and make his state tax debts dischargeable. The Ninth Circuit Bankruptcy Appellate Panel and Court of Appeals both disagreed, ruling in favor of the Franchise Tax Board.

Cannabis Control Section

Overview

Since its formation in June 2018, the section continues to develop, evolve, and grow. The section handles mainly civil defense and civil enforcement matters, as well as administrative licensing matters. In particular, the section represents client agencies in civil enforcement actions against individuals and business entities engaged in unlicensed commercial cannabis operations, and defends lawsuits filed against client agencies relating to licensing and enforcement actions. The section also appears in criminal court for return of seized property and law enforcement personnel file (*Pitches*) motions. The section continues to review and provide advice on regulations and legislation related to cannabis. Moving forward, the section anticipates handling more cases involving civil enforcement.

The Cannabis Control Section represents the following entities and state agencies involved in commercial cannabis licensing and enforcement activities:

- Department of Cannabis Control
- California Department of Tax and Fee Administration
- California Highway Patrol
- California Department of Fish and Wildlife
- State Water Resources Control Board and Regional Boards
- Governor’s Office

Major Accomplishments

Keeping the Cannabis Industry Safe, Legal, and Environmentally-Conscious

Apothio, LLC v. Kern County; Kern County Sheriff's Office; California Department of Fish and Wildlife; Donny Youngblood; Joshua Nicholson; Charlton H. Bonham: Apothio, LLC alleges defendants deliberately and wrongfully destroyed 500 acres of industrial hemp, which was allegedly being grown for research purposes, believing that it was unlicensed cannabis. Apothio LLC claims that the destroyed crop was valued at one-billion dollars. The California Department of Fish and Wildlife's motion to dismiss was granted with leave to amend, and the case is ongoing.

County of Santa Cruz et al. v. Bureau of Cannabis Control et al.: The County of Santa Cruz and 24 cities sought declaratory and injunctive relief based on a regulation promulgated by the Bureau of Cannabis Control, which prohibits a local jurisdiction from preventing "delivery of cannabis or cannabis products on public roads by a licensee." Plaintiffs argued that the regulation strips them of the local control over commercial cannabis activity that was guaranteed by Proposition 64. Plaintiffs sought a judicial determination that the regulation is inconsistent with the Medicinal and Adult-Use Cannabis Regulation and Safety Act and therefore invalid. They also sought an injunction from implementation of the regulation by the Bureau of Cannabis Control. The court dismissed the matter on the grounds that there was no ripe controversy and found that there was no conflict between the regulation and its authorizing statutes. Plaintiffs appealed and attempted to obtain a settlement, but later dismissed the appeal with prejudice.

Department of Cannabis Control v. Vertical Bliss LLC, et al.: Vertical Bliss LLC engaged in the unlicensed manufacturing and distribution of cannabis and cannabis products, while also maintaining state licenses for the same activities. Their manufacturing and distribution licenses were revoked. This case alleges that defendants engaged in unlicensed commercial cannabis activity for approximately 525 days, which amounts to potential civil fines in excess of 100 million dollars, per Business and Professions Code section 26038.

HNHPC, Inc. v. Department of Cannabis Control (Ct. of Appeal): HNHPC, Inc. filed a petition for writ of mandamus and complaint for injunctive relief against the Department of Cannabis Control claiming that the Department fails to flag and investigate inconsistencies in the track and trace system. This, according to HNHPC, Inc. allows the distribution of illegal cannabis in the marketplace. The Department of Cannabis Control, represented by the California Department of Justice, filed a demurrer along with factual evidence invalidating the HNHPC's claims. The Court sustained the Department of Cannabis Control's demurrer and the petitioner has appealed the ruling.

Correctional Law Section

Overview

The Correctional Law Section (CLS) defends state officials in civil suits brought by state prisoners regarding prison conditions and aspects of parole proceedings. Given various sentencing reforms

and the state's proactive response to the COVID-19 pandemic, the number of inmates under the state's custody and control has reduced dramatically. Successful defense of these cases saves millions of taxpayer dollars in potential liability.

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

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

Major Accomplishments

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

Armstrong v. Newsom: This class action involves enforcement of inmates' and parolees' rights under the Americans with Disabilities Act. This case is in the remedial stage. The parties continue to litigate various issues.

Ashker v. Newsom: This settled class action concerns California Department of Corrections and Rehabilitation's (CDCR) gang-validation and segregated-housing practices. After a two-year settlement monitoring period, the district court has twice extended the monitoring period for a period of twelve months (the only extension period permitted by the settlement agreement), finding the same ongoing constitutional violations both times.

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

Plata v. Newsom: This class action concerns the delivery of medical care to prisoners. In 2006, the court appointed a Receiver to manage inmate medical care. To date, the delivery of medical care at 19 prisons has been delegated back to the state. Litigation continues.

Three-Judge Court Litigation: This litigation stems from the 2011 U.S. Supreme decision affirming a three-judge court's finding that prison overcrowding was the primary cause of alleged unconstitutional medical and mental health care (*Coleman* and *Plata* cases). Under the three-judge court's judgment, CDCR must maintain an inmate population of less than 137.5% of design capacity. This matter remained relatively dormant since Plaintiffs filed an unsuccessful motion to further reduce the prison population as a response to the COVID-19 pandemic in March 2020. As of June 8, 2022, the State's adult prison population is 92,709.

Employment and Administrative Mandate Section

Overview

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

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

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

Major Accomplishments

Defending Patients' Right to Privacy

Brownfield v. Bonta: EAMS is defending the constitutionality of Assembly Bill 1356, which seeks to protect patients and providers at reproductive health services facilities from harassment. The bill, which took effect January 1, 2022, amended California Penal Code section 423.2 to make it a criminal misdemeanor to take and/or publish photographs or recordings of patients, providers, or assistants within 100 feet of the entrance to or within reproductive health services facilities with the specific intent to intimidate. Plaintiffs are individuals who regularly protest against abortion at reproductive health services facilities. They argue that AB 1356 violates their First Amendment rights to free speech, equal protection, and due process. The section filed a motion to dismiss, arguing that plaintiffs lack standing to pursue their claims.

Helping State Agencies Navigate and Respond to COVID-19 Requirements

Advice regarding COVID-19 Vaccine and Testing Mandates and Religious and Disability Accommodations: In the wake of the COVID-19 pandemic, public employment has changed dramatically. In particular, public employees are now more likely than ever to telework, and employers are much more likely to mandate that office-based workers either be vaccinated or satisfy testing requirements. To help state agencies navigate the changing laws and guidance regarding vaccine and testing mandates, EAMS analyzed and responded to religious and disability requests for accommodation or exemption.

Representing the California Employee Development Department

CASE v. Employment Development Department: The State Personnel Board may review personal services contracts to determine whether they meet the requirements of Government Code section 19130, which relates to personal services contracts. After determining there were massive fraudulent claims related to pandemic-related unemployment benefits, the Employment Development Department (EDD) retained a private attorney to provide high-level strategic solutions to change its fraud detection program and to prevent and prosecute benefit fraud. CASE, a union representing state attorneys, argued that a Bargaining Unit 2 state attorney should have been retained. However, the State Personnel Board determined that the contract with the private attorney was proper under the Government Code. The attorney had unique, high level managerial experience and the local, state, and federal experience required to develop a strategic plan. The attorney also provided an independent, outside perspective on EDD's processes. Finally, the services were of an urgent and temporary nature.

Prosecuting Employment Fraud

Morris v. California Department of Forestry and Fire Protection: The Plaintiff in this case was a firefighter who originally went out for a few days of medical leave in April 2017, due to kidney stones. He then provided a succession of physician notes keeping him out of work, for an unspecified medical reason, for the entire month of May, scheduling him to return June 1, 2017. The plaintiff did not return June first, so CalFire made repeated attempts in June and July to contact him, including by telephone calls and text messages, with no success. In August 2017, CalFire issued an absent without official leave (AWOL) warning letter to the plaintiff. Hearing nothing in response, CalFire issued a final AWOL letter notifying the plaintiff that he would be deemed to have resigned from state service effective September 4, 2017. The plaintiff claimed he never received either letter because his home address could not receive mail. The plaintiff also claimed he had provided CalFire with medical notes excusing him from work through September 2017. The plaintiff sued CalFire for disability discrimination, failure to accommodate, failure to engage in the interactive process, failure to prevent, and Fair Employment and Housing Act and California Family Rights Act retaliation. After a two-week trial, the jury deliberated for approximately 45 minutes before issuing a unanimous verdict in favor of CalFire.

Government Law Section

Overview

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

- Defends state statutes against constitutional challenges.
- Litigates matters involving the federal government and other governmental entities to preserve state interests.
- Advises on and litigates elections matters.

- Carries out the Attorney General’s role in preserving the integrity of the electoral process by preparing titles and summaries for proposed initiatives.
- Serves as bond counsel to the State Treasurer and various state agencies regarding issuance of bonds.
- Advises on and litigates firearms matters.
- Advises clients on issues relating to public records, open meeting laws, financial conflicts of interest, and ethics.

Major Accomplishments

Defending against challenges to state laws that protect public safety:

Many of the cases below are in active litigation. Moreover, the recent United States Supreme Court decision in *New York State Rifle & Pistol Association, Inc. et al. v. Bruen* has the potential to impact the outcome of these cases.

- ***Miller v. Bonta***: GLS defended the California’s Assault Weapons Control Act, which protects the public by restricting from manufacture, importation, sale, and possession of assault weapons.
- ***Flanagan v. Bonta***: GLS defended statutes regulating the open or concealed carry of firearms in public. ***Nichols v. Newsom***: GLS defended statutes regulating the open carry of firearms in public.
- ***Villanueva v. Bonta***: GLS defended registration requirements for bullet-button assault weapons.
- ***Jones v. Bonta***: GLS defended prohibition against the sale of firearms to persons between 18 and 21, with certain exceptions for rifles—such as when the individual has a valid hunting license.
- ***Duncan v. Bonta***: GLS defended the ban on the possession or sale of large-capacity magazines.
- ***Rhode v. Bonta***: GLS defended Proposition 63’s background-check and in-person sales requirements for purchase of ammunition. ***Rupp v. Bonta***: GLS defended firearm-registration requirements in the Assault Weapons Control Act.
- ***Gallinger v. Bonta***: GLS defended the Gun-Free School Zone Act, which was upheld in a federal appeal decided in 2018.

Protecting California’s COVID-19 Executive Orders

Emergency Services Act: The Attorney General has defended against numerous challenges to the Governor’s executive orders, issued under the Emergency Services Act, to protect Californians’ health during the COVID-19 pandemic. These matters have been litigated at every level of state and federal court, including the California and U.S. Supreme Courts. They have addressed, among other issues: religious services, essential-business classifications, stay-at-home orders, patient housing, face coverings, public demonstrations, election rules, bail conditions, sex-offender registration, emergency funding, firearm sales, protection against evictions, and beach access.

Defending Workers' Rights

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

Fighting for an Open and Neutral Internet

California Internet Consumer Protection and Net Neutrality Act of 2018: In two lawsuits against the State—one brought by the United States, and one by telecommunications industry groups—the Attorney General has defended against challenges to the California Internet Consumer Protection and Net Neutrality Act of 2018. The Legislature passed this law to protect an open and neutral Internet, following the federal government’s repeal of the Obama administration’s prior net neutrality rules. These cases addressed claims under federal preemption law and the Dormant Commerce Clause.

Health, Education & Welfare Section

Overview

The Health, Education, and Welfare section defends California’s laws establishing State policy in the areas of health care, public education, and welfare. Many of the section’s cases involve novel issues of first impression and cutting-edge constitutional and statutory questions with statewide implications. The section represents more than 30 state agencies responsible for administering and establishing state policy governing a multitude of health, education, and public-welfare programs.

The section’s cases involve defending challenges to

- The Medi-Cal program (including, for example, constitutional and statutory challenges to reimbursement rates, provider audits and suspensions, and the program’s statutory right to reimbursement for services expended)
- The practices and policies of state mental hospitals and developmental centers
- Statewide educational programs and directives
- The rehabilitative and release programs of state mental hospitals (such as challenges to conditions of confinement of criminal defendants and sexually-violent predators), and
- State programs and policies to protect public health and safety (including protecting the residents of skilled nursing facilities)

Major Accomplishments

Protecting the End of Life Options Act (EOLOA)

Ahn v. Hestrin: Certain physicians alleged the EOLOA violated the due process and equal protection clauses based on their patients’ right to life. The state defendants’ demurrer was sustained without leave to amend, and the plaintiffs dismissed their appeal.

Christian Medical & Dental Associations v. Bonta: Certain physicians allege that recent amendments to the EOLOA violate a number of their constitutional rights. In particular, the plaintiffs take umbrage due to the statute’s requirement that a physician who receives a request for aid-in-dying must satisfy certain patient-notification and other minor administrative requirements, even if they refuse on religious grounds to assist in carrying out the patient’s request. Defendants are arguing that the statute is constitutional.

Shavelson v. Bonta: The plaintiff classes (physicians and certain patients) sought to expand the rights available under the EOLOA, alleging that the statute’s requirement that aid-in-dying medication be self-administered impermissibly discriminated under the Americans with Disabilities Act against persons with certain illnesses. The court granted the State’s motion to dismiss, ruling that the relief sought would impermissibly work a “fundamental alteration” to the EOLOA because allowing a physician to actively administer aid-in-dying medication—as Plaintiffs sought—would “compromise the essential nature” of the law the Legislature had carefully crafted.

Defending state COVID-19 safety measures in K-12 schools

E.E. v. State of California: The State education agencies reached a settlement in a putative class action brought by two organizations and four students with disabilities. The plaintiffs allege that, after the sunset of the State’s distance-learning mandate necessitated by the pandemic, the newly amended independent study law discriminates against students with disabilities by allegedly denying them access to the same form of at-home instruction available to them under pandemic restrictions. The settlement included trailer bill legislation, which amends provisions related to the availability of independent study for students with disabilities.

Cayla J. v. State of California: Plaintiff students and school districts allege race and wealth discrimination in violation of the U.S. Constitution based on their claim that that State has failed to adequately remediate pandemic-related learning loss among certain student groups. Defendants, arguing in part that they are undertaking unprecedented actions to address the pandemic’s impact on students, defeated the plaintiffs’ motion for preliminary injunction, and prevailed in part of the demurrer to various state causes of action. The case has now proceeded to the active discovery phase on the remaining federal constitutional claims.

Let Them Breathe v. Newsom, et al.: The section successfully defended state COVID-19 safety measures against plaintiffs’ efforts to bar enforcement of mask mandates and guidance for testing strategies and quarantine protocols in K-12 schools. The trial court denied plaintiffs’ application for a temporary restraining order, sustained defendants’ demurrer, and denied plaintiffs’ motion for reconsideration.

Upholding the Rights of Non-Traditional Families

Adoption of E.B. In a published decision, the Court of Appeal upheld the rights of non-traditional three-parent families to consent to a voluntary third-parent adoption that preserves the parental rights of the biological parents and adds the third partner as an equal parent. The appellate court held that the trial court is not required to make a finding that denying the adoption would be detrimental to the child in situations where, as here, the existing parents maintain their parental rights and consent to the third parent’s adoption.

Preserving EMT Qualifications

Gurrola v. Duncan The Ninth Circuit upheld two California Emergency Medical Services Authority regulations barring individuals with two or more felony convictions, or who have been incarcerated for a felony conviction within the preceding ten years, from becoming certified as emergency medical technicians (EMTs). The court held that the felony bans are “rationally related” to an EMT’s fitness to practice their profession, noting that there are no more potentially vulnerable patients than those who are involved in the medical emergencies to which EMTs respond.

Defending the Department of State Hospitals

Stiavetti v. Clendenin: The Department of State Hospitals’ (DSH) treatment capacity is at issue for the increasing numbers of criminal defendants declared Incompetent to Stand Trial (IST), a product of a complex nationwide mental-health epidemic. In an effort to solve the waitlist problem, the *Stiavetti* court of appeal imposed a deadline requiring DSH to commence treatment of all IST defendants within 28 days of receipt of the commitment packet from the court. With 30 months to come into full compliance, the section is actively working with the clients to develop approaches to increase treatment capacity at DSH. DSH is also working to facilitate the expansion of community-based mental-health services and diversion programs for better treatment of individuals with mental illness who are accused of crimes, or who have not yet entered the criminal justice system.

Health Quality Enforcement Section

Overview

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

- Acupuncture
- Licensed Midwives
- Naturopathic Medicine
- Osteopathic Physicians
- Podiatrists
- Physician Assistants

- Physical Therapists
- Psychologists
- Respiratory Care Therapists
- Speech-Language Pathology and Audiology/Hearing Aid Dispensers

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

Major Accomplishments

Combatting Fraudulent COVID-19 Exemptions

In the Matter of the Accusation against Mary Kelley Sutton, M.D.: Following the section’s direction of the underlying joint investigations and an administrative hearing on an Accusation, the Medical Board revoked the license of Dr. Sutton, who issued vaccine exemptions to eight minor patients without medical cause. Specifically, she never saw any of the children, and did not contact their pediatricians for prior medical records or discussion of their medical care. The Board’s expert opined that Dr. Sutton’s actions were extreme departures from the standard of care, and that Dr. Sutton’s explanations for the exemptions were “nonsense.” The Board found that Dr. Sutton had endangered the community by spreading misinformation. Dr. Sutton then filed a writ contesting the discipline. HQE prevailed, and the discipline took effect.

Kenneth Paul Stoller M.D. v. Sacramento Superior Court: Following the HQE’s direction of the underlying joint investigation and an administrative hearing, the Medical Board revoked the license of Dr. Stoller, who issued medical vaccination exemptions to ten pediatric patients in a grossly negligent manner that “undermined public health and welfare.” He issued sham temporary and permanent exemptions based on genetics and autoimmune family histories, none scientifically recognized as valid medical reasons to exempt children from immunization against preventable childhood diseases. Dr. Stoller was found to have “contempt for medical science,” and to be unsuitable for probation given the danger he posed. Dr. Stoller initially responded to the Accusation by filing a civil injunctive action to preclude further investigation or prosecution of him – HQE represented the Board and prevailed in dismissing that suit on demurrer.

Cracking-Down on Elder Abuse

In the Matter of the Accusations against Peter Edward Droubay, M.D.: Following the section’s direction of a joint investigation, an administrative hearing, and oral argument before the Board, the Medical Board revoked Dr. Droubay’s license, a Yolo County critical care internist who practiced exclusively in nursing homes. Three elderly nursing home residents testified at hearing

that Dr. Droubay performed improper, unchaperoned, and ungloved breast and vaginal exams. These events occurred even though Dr. Droubay was required to have a chaperone present during examinations due to previous allegations of inappropriate conduct with the nursing home's patients. After an investigation, HQE made a second Accusation, claiming that Dr. Droubay overprescribed drugs to his patients. This second Accusation was filed prior to the outcome of the sexual misconduct hearing. HQE declined Dr. Droubay's request to surrender his license based on the overprescribing case. Instead, his license was revoked based on the sexual abuse charges, a fact that will remain on his public disciplinary record.

James Nguyen, M.D. v. Superior Court of San Francisco County: Following the section's direction of the underlying joint investigation and an administrative hearing, the Medical Board revoked Dr. Nguyen's medical license based on his abuse of his position as a physician by accepting large amount of money from an elderly hospitalized patient under his care. Under false premises, he obtained financial power of attorney over a patient with an altered mental status giving him control of the patient's substantial assets. Dr. Nguyen told the nursing staff he asked to witness the legal document that the patient was signing an advanced health care directive because the patient had no family. The truth was that the patient's husband and a family member were present bedside when the patient signed the power of attorney occurred. They protested when Dr. Nguyen obtained the signature. The Board concluded that Dr. Nguyen, who is also a California licensed attorney, was unfit to practice medicine based on his dishonest and unethical conduct. Dr. Nguyen filed a petition for writ of mandate against the Medical Board, which HQE defended and prevailed in obtaining a denial.

Combating Over-Prescription of Dangerous Drugs

In the Matter of the Ex Parte Petition for Interim Suspension and Third Amended Accusation against Thomas Benedict Bryan, M.D.: The Medical Board accepted the surrender of Dr. Bryan's medical license after the section directed five patient overprescribing investigations, and subsequently accused him of overprescribing in an Accusation. Dr. Bryan was grossly negligent in prescribing to multiple patients in an extremely reckless and concerning manner. To protect the public, his license was temporarily suspended, pending an administrative hearing. HQE then obtained Dr. Bryan's stipulated surrender of the medical license.

Prosecuting Sexual Predators in the Medical Field

In the Matter of the Interim Suspension Order and Automatic Revocation against Dylan O'Connor, M.D.: Following an administrative hearing, the Medical Board obtained an interim suspension order against Dr. O'Connor's medical license. The suspension against the Stanford University employed pediatrician was based on his criminal conviction for sending explicit photographs of himself to a minor. When he was ordered to register as a sexual offender, HQE obtained the automatic revocation of his California physician and surgeon's license.

In the Matter of the Accusation against George Tyndall, M.D.: Hundreds of former patients of Dr. George Tyndall made allegations or reports of sexual abuse and other misconduct during gynecological exams conducted by Tyndall when he was the only full-time gynecologist employed

at the USC student center. The allegations included claims of inappropriate and lewd remarks about patients' bodies, photographing patients' genitals without their knowledge or consent, and use of multiple ungloved fingers at the start of pelvic exams under the premise of seeing if a speculum would fit inside, while commenting on patients' pelvic muscle tone over almost three decades. Outside of the parallel criminal case, HQE directed the investigations related to four independent patients who were not part of the criminal prosecution. HQE obtained an interim suspension order and a stipulated surrender of the medical license. In the meantime, the criminal case continues following a plea of not guilty, and the university has settled claims.

Protecting the Privacy of Health Documents

City and County of San Francisco, et al. v. Purdue Pharma L.P., et al.: The City and County of San Francisco sued several large pharmaceutical corporations based on their role in the opioid overprescribing crisis. Those defendants then separately served subpoenas on third-party state entities, including the Medical Board, seeking all documents related to opioid prescribing since 1990. HQE defended the Medical Board in the Northern California case, which overlapped in limited respects with an Orange County Superior Court action. These represented two of the several hundred lawsuits nationwide that involved Purdue Pharma. HQE objected to the multiple third-party subpoenas, conferred repeatedly to meet narrow requests, and filed a motion to quash. The section ultimately settled the third-party subpoena by producing public and other records prior to the hearing on the motion to quash. The opposing party released the Board from the subpoena, and the matter was successfully concluded in a manner that allowed protected patient privacy rights and deliberative process interests.

The People of the State of California, et al. v. Purdue Pharma L.P., et al.: HQE defended the Medical, Osteopathic, Physician Assistant, and Physical Therapy Boards from pharmaceutical companies' burdensome and unreasonable third-party subpoenas in this Orange County Superior Court matter. The Counties of Santa Clara and Los Angeles, the Orange County District Attorney, and the Oakland City Attorney brought the lawsuit (which did not name HQE's health care oversight agency clients) on behalf of the People of the State of California against multiple opioid manufacturers. Following several hearings on the production of records, including a petition for extraordinary writ in the Fourth Appellate District, the section successfully concluded all of our boards' involvement in these matters, which allowed them to produce the records requested and to protect patient privacy rights and deliberative process interests. In the end, although the plaintiffs did not prevail in the bench trial on the underlying public nuisance lawsuit, this was a critical victory in the third-party subpoena are for HQE's clients.

Licensing Section

Overview

The Licensing Section protects integrity in businesses and professions by providing legal services to regulatory agencies created to protect consumers from harm from more than one million

licensed businesses and professionals who operate in California. The clients of the Licensing Section are responsible for the regulation of:

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

Major Accomplishments

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

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

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

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

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

Holding Auditors and Accountants Accountable

In the Matter of the Accusation against PricewaterhouseCoopers, LLP: The California Board of Accountancy (CBA) issued an order adopting a stipulated settlement disciplining PricewaterhouseCoopers LLP's partnership license. Under the order, PricewaterhouseCoopers' license was suspended for 30-days, which suspension was stayed during an 18-month probation period. PricewaterhouseCoopers further agreed to pay the CBA a \$300,000 administrative fine, as well as the CBA's legal costs. This settlement resolved CBA's allegations that PricewaterhouseCoopers committed violations of auditor independence rules during its audits of 15 publicly traded companies. PricewaterhouseCoopers' violations included performing non-audit work, failing to disclose its non-audit work to client audit committees, and mischaracterizing non-audit services as audit work.

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

Keeping Californian's Safe During COVID-19

In the Matter of the Accusation against Joshua Paul Desmarais dba Primo's Barbershop/Vacaville: The section represented the State Board of Barbering and Cosmetology in a disciplinary action against a barber who refused to comply with various health mandates that were imposed in response to the COVID-19 pandemic. Beginning in April 2020, respondent resumed the continuous indoor operation of his barbershop, and thereafter refused to comply with any Governor, California Department of Public Health, or local orders limiting operations or requiring safety protocols, such as social distancing or the use of face coverings and other personal protective equipment used to mitigate the spread of COVID-19. The respondent continued to operate in defiance of a cease and desist order from the City of Vacaville, numerous warnings from law enforcement and the Board, and an Interim Suspension Order issued by the Office of Administrative Hearings. Following a contested hearing, the State Board of Barbering and Cosmetology revoked the respondent's barber license and establishment license.

Protecting the Privacy of Health Documents

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

Tort and Condemnation Section

Overview

The Tort and Condemnation Section defends the state, its agencies, departments, and employees in civil actions for personal injury, wrongful death, property damage, and civil-rights claims brought in state and federal courts. The section handles litigation pertaining to:

- Civil-rights claims brought under 42 U.S.C. § 1983⁴
- Public entity and public employee liability under the Government Claims Act for dangerous condition of public property, premises liability, breach of statutory duty, medical malpractice and medical negligence, and negligence
- Defense of law enforcement officers and agencies
- Automobile, boat, aircraft, bicycle, and skateboard accidents
- Various wrongful death matters

Further, the section also prosecutes matters relating to the acquisition of real property for public purposes (eminent domain) and defends against claims that a public project resulted in the taking or damaging of private property (inverse condemnation). The section also handles complex construction arbitration.

The section has an appellate practice with appeals ranging from trial verdicts in excessive force matters to summary judgment in deliberate indifference matters.

⁴ Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Major Accomplishments

Oroville Dam Cases (Department of Water Resources): The Tort and Condemnation section is defending the Department of Water Resources in ten separate cases arising out of the February 2017 failure of the Oroville Dam's main spillway. The cases include claims from approximately 60 property owners claiming lost income and damage to their property, four putative class claims for costs incurred by 188,000 individual and business evacuees for evacuation costs and damage claims from the City of Oroville and PG&E. Those claims are based upon theories of public and private nuisance, dangerous condition of public property, and inverse condemnation. There is also a civil penalties claim from the Butte County District Attorney for \$30 billion based upon a provision of the Fish and Game Code. In December 2020, the trial court granted the Department of Water Resources' motion for summary judgment on the Butte County District Attorney's case. In May 2021, the court granted the Department of Water Resources' motion for summary adjudication of the causes of action for private and public nuisance in nine of the 10 complaints. In November 2021, following a seven-week bench trial in May-June 2021, for a group of eight plaintiffs, the court issued a statement of decision the 2017 spillway incident did not constitute inverse condemnation and did not cause plaintiffs' harm. The court subsequently ordered all parties to address all remaining claims through either mediation or a settlement conference. The denial of class certification was upheld on appeal on March 15, 2022. The first mediation on April 27, 2022, successfully settled the claims of 16 plaintiffs.

Shoring-up California's Water Supply

Delta Conveyance: The section represents the Department of Water Resources to obtain pre-condemnation entry orders and to acquire property for a state water conveyance project to move water from the Sacramento-San Joaquin Delta to Central and Southern California. The section successfully filed a motion for summary adjudication as to San Joaquin County seeking compliance with its local drilling permit ordinances in relation to pre-condemnation entries in support of the Delta Conveyance Project. The section also successfully briefed and argued the subsequent appeal wherein the Third District Court of Appeal issued an opinion, which was designated for partial publication, affirming the trial court's ruling holding that pursuant to principles of sovereign immunity the Department of Water Resources is immune from county well-drilling ordinances.

Representing Law Enforcement

Elkins v. State of California: The section represented a California Highway Patrol (CHP) officer in connection with a 2012 officer involved fatal shooting in Tulare County. Plaintiffs, the decedent's immediate family members, alleged that the officer used excessive force when he shot and killed the decedent on November 13, 2012. The decedent was wanted for the attempted homicide of two local police officers, as well as multiple vehicle thefts, which occurred after he fled from a vehicle he stole. Following a three-week jury trial, the section obtained a unanimous jury verdict finding that the CHP officer's use of force was not excessive.

DIVISION OF CRIMINAL LAW

Overview

The Criminal Law Division represents the People of the State of California in criminal cases, as mandated by both the constitution and statute. The majority of the division's work involves criminal appeals and writs. The division also investigates and prosecutes investment fraud, business and technology crimes, and privacy issues.

The Criminal Law Division consists of the following sections:

- Appeals, Writs and Trials Section
- Correctional Writs and Appeals Section
- eCrime Unit
- Special Prosecutions Section

Appeals, Writs and Trials Section

Overview

The Appeals, Writs and Trials Section (AWT) carries out the following functions:

- Represents the People in appeals and writs arising from criminal cases. AWT handled almost 6,000 criminal appeals and writs during the biennial period (18 months).
- Handles criminal trials and investigations where local prosecutors cannot proceed because of conflicts or recusal. Also handles charges and trials for cases arising out of Bureau of Firearms and its use of the Armed and Prohibited Persons System (APPS).
- Advises the Governor on extradition, clemency and other criminal law matters; provides advice to local, state and federal law enforcement and prosecutorial agencies as well as state legislators regarding the state's criminal laws.
- Coordinates with the U.S. State Department and local district attorneys on international parental kidnapping cases handled under the Hague Convention on the Civil Aspects of International Child, a multilateral treaty ratified in 1988 and now in effect between the U.S. and over 80 other countries.

Major Accomplishments

Assisting Internationally Abducted Children Under the Hague Convention

Hague Convention Cases: The Attorney General's Office assists the State Department in discharging its duties under the Hague Convention in California. All Hague Convention cases received from abroad that involve internationally abducted children believed to be located in California ("incoming cases") are directed to AWT. When California children are abducted

abroad (“outgoing cases”), and specifically to Mexico, AWT assists local prosecutors with using the Hague Convention to secure their return to California.

California is the only state that systematically uses public agencies to assist in Hague Convention cases, a component of local prosecutors’ statutorily mandated responsibilities to recover parentally abducted children. Our expertise in this area is nationally and internationally recognized. The State of California alone receives more incoming Hague cases than many countries.

In 2021, AWT handled a total of 54 incoming cases. Of these, 33 were from Mexico; the rest were from 12 other countries, involving children believed to be located in 17 different counties. We also assisted DAs throughout the state with 14 outgoing cases to Mexico. This year, between January and July, we have received 31 incoming cases, putting us on pace to handle over 60 cases during 2022. These include two cases from Pakistan, which became a signatory to the treaty in late 2020.

Prosecuting Violent Murderers

Flemming v. Matteson: The defendant shot two people in a red Mustang in a case of mistaken identity, killing the driver and severely wounding the passenger. The state and federal district courts upheld his convictions for special-circumstance murder and attempted premeditated murder. In a published opinion, the United States Court of Appeals for the Ninth Circuit affirmed the denial of relief, finding the habeas petition was procedurally barred.

People v. McDaniel: A lower court found McDaniel guilty of two counts of first-degree murder and was sentenced to death. In this automatic appeal from a judgment of death, the California Supreme Court reviewed and subsequently rejected McDaniel’s broad challenge to California’s death penalty procedures, ruling in favor of the State of California.

Kipp v. Broomfield: Kipp raped, robbed, and murdered an 18-year-old college freshman while she was staying overnight at a hotel in Long Beach waiting for her dorm to open. The Ninth Circuit’s decision had rejected Kipp’s claims surrounding the introduction at trial of letters Kipp had written that referenced Satan, that Kipp’s trial attorney performed in a prejudicially deficient manner in the development and presentation of mitigating evidence, and that the jury committed prejudicial misconduct by reviewing passages of the Bible during deliberations. Ending the decades-long challenges to Kipp’s death sentence, the United States Supreme Court denied certiorari, leaving intact the decision of the Ninth Circuit Court of Appeals affirming the district court’s decision denying federal habeas relief.

Berryman v. Davis: Berryman raped and murdered a 17-year-old high school student. The Ninth Circuit’s decision had rejected Berryman’s claim that his trial attorney provided prejudicially deficient representation at the guilt and penalty phases. The United States Supreme Court denied certiorari, leaving intact the decision of the Ninth Circuit Court of Appeals affirming the district court’s decision denying federal habeas relief.

Staten v. Davis: Staten murdered his parent in their home, then staged the crime scene to make it look like it had been a gang murder. The Ninth Circuit’s decision had rejected Staten’s claims that

trial counsel's failure to present available third-party culpability evidence and a gang expert was prejudicial error, and that the appointment of his defense attorney at trial pursuant to a flat-fee contract violated the Constitution. The United States Supreme Court denied certiorari, leaving intact the decision of the Ninth Circuit Court of Appeals affirming the district court's decision denying federal habeas relief.

Prosecuting Child Pornography Cases

People v. Lund: Lund, a California Highway Patrol officer, was convicted of possession of over 600 images of child pornography. On appeal, Lund claimed that the admission of data produced by a computer program was testimonial hearsay under *Sanchez* and that the program was not scientifically reliable under *Kelly*. In June 2021, in a thorough and well-reasoned published opinion, the Court of Appeal rejected both claims. The court upheld the use of data obtained from the Child Protection System (CPS), a software program developed for law enforcement to search for child pornography on peer-to-peer networks. This is the first opinion to address the CPS system in this context and it should be a helpful tool for prosecutors to combat child pornography.

Senate Bill (SB) 384 – Tiered Sex Offender Registration: As legal counsel to the California Sex Offender Registry (CSOR), AWT continues to assist in the implementation of tiered sex offender registration. In transitioning the nation's oldest and largest registry from lifetime registration to a tier-based schema, AWT provides legal assistance to the CSOR, District Attorney's Offices, courts, and local registering law enforcement agencies. In addition to the day-to-day assignments involving sex offender and arson registration, AWT now handles an array of assignments related to Senate Bill 384. These include:

- Tiering registrants, including those who have non-California convictions or adjudications;
- Responding to tiered registration legal questions;
- Providing legal guidance and support to other deputy attorneys general handling writs and appeals related to tiered registration;
- Providing legal guidance to the termination unit when petitions are granted or denied;
- Providing legal guidance to the CSOR management and IT team;
- Reviewing records of individuals who no longer qualify for exclusion from the Megan's Law Public Website;
- Providing training as needed for law enforcement, District Attorney's Offices and the courts.

Correctional Writs and Appeals Section

Overview

The Correctional Writs and Appeals Section (CWA) is responsible for the following:

- Defending certain policies and actions of prison officials in court;
- Ensuring that convicted felons sentenced to state prison properly serve their sentences under the conditions prescribed by law;

- Defending legal challenges brought by inmates, juvenile offenders, and parolees about conditions of confinement in prisons and state juvenile facilities, parole suitability, and conditions of parole;
- Defending quasi-class action lawsuits by groups of inmates seeking to invalidate a prison regulation or effect change in the parole system.
- Opening more than 1,200 matters filed by state prison inmates during the biennial period.

Major Accomplishments

Upholding the Constitutionality of California's Correctional Laws

In re William Palmer: On behalf of the Board of Parole Hearings, CWA successfully argued that when a court finds a prison sentence has become unconstitutionally excessive, the inmate is not *per se* released from his parole obligation. William Palmer was serving a life sentence for kidnapping an off-duty police officer. Palmer filed a habeas petition arguing that the length of his sentence had become unconstitutionally excessive based on his culpability for the crime. The appellate court agreed, and, as a result, ordered his release from all state custody, including parole. The California Supreme Court reversed, holding that the period of confinement is separate and distinct from the sentence's parole obligation. Thus, even if the length of the inmate's sentence becomes unconstitutionally excessive, discharge from parole is not automatically required.

In re Alexi Kavanaugh: On behalf of the Board of Parole Hearings, CWA successfully defended the Board's regulations governing its Proposition 57 nonviolent parole program. For parole-eligible inmates sentenced to fixed terms in prison, the Board reviews all pertinent documentation to determine the inmate's suitability. Although the regulations allow an inmate to submit a written statement to the Board regarding parole suitability, they do not provide an in-person hearing. Petitioner raised several constitutional challenges arguing he was entitled to an in-person hearing under Proposition 57 and due process. In a published decision, the Court of Appeal rejected the petitioner's claims and affirmed the Board's regulations, holding that the Board is not required to provide parole-eligible inmates an in-person hearing.

People v. Wesley Wilson: CWA successfully defended CDCR's authority to impose parole conditions with regard to a parole-revocation provision of the Criminal Justice Realignment Act. While the provision in question authorizes a court to modify parole conditions as part of a parole-revocation proceeding, the issue was whether a trial court could modify parole conditions at a parolee's request in the absence of a parole violation or revocation proceeding. In a published decision, the court held that the statutory language, legislative history, and statutory framework does not authorize courts to modify parole conditions in the absence of an alleged parole violation or revocation hearing.

eCrime Unit

Overview

The eCrime Unit, a team of professional prosecutors, investigators, auditors, analysts and paralegals, investigates and prosecutes high technology crimes in California. High technology crimes are those crimes in which technology is used as an instrument in committing, or is the target of, a crime. Examples include:

- Computer intrusions,
- Internet fraud,
- Scams or white-collar crimes committed by means of electronic media, money laundering via cryptocurrency or electronic transfer,
- Organized retail crimes involving significant digital evidence,
- Cyberstalking, cyberextortion or cyberexploitation.

Most eCrime cases also involve an additional factor. For example:

- Cases that may be multi-jurisdictional within California;
- Cases that are technologically complex;
- Cases that involve government agencies or personnel;
- Cases that are high profile;
- Cases that involve significant theft or damages.

Additionally, pursuant to the provisions of Penal Code section 13848, the eCrime Unit provides:

- Investigative and prosecutorial support to the five California regional high-tech task forces funded through the High Technology Theft Apprehension and Prosecution (HTTAP) Program Trust Fund;
- Investigative, legal, and prosecutorial support for technology crime investigations to those rural counties that are not represented by an HTTAP-funded task force;
- Coordination for out-of-state technology-crime investigation requests;
- Support for technology crime investigations that are initiated by other state agencies;
- Legal support for state-operated digital forensic laboratories; and
- Training for judges, prosecutors, law enforcement officers and the public on the importance of strong information-security practices and evolving technology-related crime issues

Major Accomplishments

The eCrime Unit was created in 2011 and continues its mission to further public safety by investigating and prosecuting advanced technology crimes. During the 2021-2022 biennial period, the eCrime Unit filed 19 criminal cases, one of which involved the seizure of fraudulently obtained cryptocurrency. The unit sentenced 33 defendants to a total of 86 years in custody, secured restitution orders in excess of \$4.7 million, and conducted one grand jury proceeding and two trials. The unit is currently prosecuting six Organized Retail Theft cases.

The unit reviewed and advised law enforcement on multiple California Electronic Communications Privacy Act (CalECPA) compliant search warrants, a California Department of Corrections and Rehabilitations (CDCR) statewide cellphone interdiction program, and numerous internet-related complaints from the Public Inquiry Unit.

Significant cases during this reporting period include:

Prosecuting Electronic Theft

People v. David Mark Fink: Fink was charged with a massive fraud scheme in which he filed forged documents with Superior Courts across California that had assigned small claims judgments to him. He then sent writs of execution on those judgments to sheriffs' offices across the state for collection on the judgments. In November 2021, he was found guilty at trial of 57 felonies, and was sentenced to 40 years, 4 months in state prison, which included a prior strike, an excessive taking, and a white-collar crime enhancement. He was ordered to pay \$110,144.46 in restitution.

People v. Coffman et. al. [AKA Bully Boys]: After lengthy grand jury proceedings in 2018, ten separate defendants were sentenced for their role in a criminal street gang operation wherein point of sale terminals were stolen from businesses, and then credit card information contained within those terminals was used to obtain and cash-out charge backs. Sentences ranged from probation to 52 months in custody, and the restitution ordered within this reporting period was over \$2.8 million.

People v. Juwan Gibson. On August 3, 2021, Gibson pleaded guilty to seven felonies for his scheme in making counterfeit Electronic Benefits Transfer Cards. Using account numbers and PINs that he obtained by phishing text messages to welfare recipients, he created counterfeit cards and withdrew over \$500,000 from ATMs in the Los Angeles area. The court sentenced Gibson to 48 months in state prison and ordered him to pay \$883,529 in restitution.

Protecting Student Loan Borrowers from Identity Theft

People v. Mirabella, et al: Through multiple companies based in Newport Beach, this group contacted thousands of individuals with student loan debt, misled them into thinking they were speaking to government employees, and promised to help reduce their student debt. Instead, Mirabella used the borrowers' personal identifying information to gain access to their accounts on the Free Application for Federal Student Aid (FAFSA) database, and then took out loans in their names. The grand jury indicted seven defendants on a total of 87 felonies. Jury trial is expected in November 2022.

Safeguarding Privacy

People v. David Daleiden & Sandra Merritt: David Daleiden, with the assistance of co-conspirator Sandra Merritt, posed as a representative of a nonexistent fetal tissue procurement company and met with representatives from Planned Parenthood and the National Abortion Federation, covertly recording the conversations. He is charged with seven counts of unlawfully

recording a confidential communication, conspiracy, and manufacturing a deceptive identity document. Jury trial is expected in the Fall of 2022.

Special Prosecutions Section

Overview

The Special Prosecutions Section has statewide responsibility to investigate and prosecute complex, inter-jurisdictional criminal cases occurring in California, primarily related to:

- Financial, securities, mortgage and environmental fraud;
- AB 1506 officer-involved shooting incidents;
- Public corruption, including violations of the California Political Reform Act;
- “Underground economy” offenses investigated by the Tax Recovery in the Underground Economy Task Forces, including tax fraud, counterfeiting, and fraud perpetrated against workers; and
- Human trafficking.

Major Accomplishments

Prosecuting Large-Scale Theft

People v. Eduardo Toro, et. al: For almost a decade, Eduardo Toro and eight co-conspirators defrauded lenders and homeowners by claiming they could stop foreclosures if homeowners made monthly payments to their entities. Instead, they delayed foreclosures and eviction actions by filing fraudulent bankruptcy documents, false court documents, and false grant deeds. Many homeowners lost their homes to foreclosure despite paying the group hundreds of dollars a month over the course of many years. After being indicted by a grand jury in Los Angeles county, all nine defendants pleaded guilty to multiple counts including theft from an elder, identity theft, and grand theft. Eduardo Toro, the lead defendant, pleaded guilty to 16 felony counts and was sentenced to 7 years and 4 months in state prison.

People v. Xu Dong: Defendant Xu Dong owned and operated Asia Buffet and American Buffet & Grill in Los Angeles County. In a fraudulent scheme stretching from 2012 through 2019, Dong failed to pay \$150,000 in wages to employees. He also failed to report \$20 million in sales to the California Department of Tax and Fee Administration, \$15 million in income to the Franchise Tax Board, and \$5 million in employee wages to the Employment Development Department. In all, the scheme enabled Dong to evade \$2.4 million in sales, income and payroll taxes. Dong also failed to report \$5 million in employee wages to his insurance carrier to avoid paying the workers’ compensation insurance premium. After a 31-count felony complaint was filed against him, Dong pleaded guilty to multiple felonies, including grand theft, filing a false sales tax return, failure to pay payroll taxes, filing a false income tax return, and workers’ compensation fraud. Dong paid \$3.9 million in restitution, which included all outstanding tax liabilities and insurance premiums, as well as interest and costs of investigation, and was sentenced to 2 years 8 months in county jail.

The DOJ's Tax Recovery in the Underground Economy (TRUE) task force investigated and prosecuted this case.

People v. Danny Drago, et. al: A multi-agency investigation uncovered a major retail theft ring involving stolen property from burglaries and retail store thefts in the Bay Area. Law enforcement seized and recovered approximately \$8 million of stolen merchandise from retailers such as CVS, Target, and Walgreens, as well as \$85,000 in U.S. currency from the defendants' warehouse, residences, and storage facilities. In carrying out their scheme, the defendants also transported, stored, and sold stolen goods in other countries and laundered the money back to the United States. Over the course of the investigation, \$1.8 million was seized from multiple bank accounts. Five defendants were prosecuted and convicted of felony charges for their participation in the scheme. The leader of the operation, Danny Drago, pleaded guilty to conspiracy to commit organized retail theft, receiving stolen property, and money laundering. He also admitted to an aggravated white collar enhancement. Altogether, Drago was sentenced to six years in state prison.

Cracking-Down on Trafficking

People v. Naason Joaquin Garcia, et. al: La Luz Del Mundo (LLDM) is an international religious organization headquartered in Mexico. Over the course of several years, the leader of the LLDM, Naason Joaquin Garcia, and several female associates carried out a sophisticated scheme to recruit, groom, and sexually abuse underage members of LLDM, using coercive indoctrination and grooming techniques intended to desensitize victims to accept escalating levels of sexual exploitation and abuse. Defendant Garcia pleaded guilty to committing lewd and forcible acts on three minor girls and was sentenced to 16 years and 8 months in state prison and ordered to register as a sex offender for life. One codefendant, Alondra Ocampo, pleaded guilty to contacting a minor to commit a sexual offense and forcible sexual penetration, while a second codefendant, Susana Oaxaca, pleaded guilty to assault to commit great bodily injury. The DOJ Division of Law Enforcement, Special Investigations Team, investigated the case, and the Victim Services Unit provided support.

People v. Joshua Gamos, et. al: Four members of the Gamos family operated Rainbow Bright, an adult residential and child care company in the Bay Area. From 2008 to 2018, they targeted members of the Filipino community, many of whom were recent immigrants to the United States, to work at their facilities. The defendants proceeded to exploit their targets through degrading treatment, threats of arrest and deportation, false promises to assist with immigration, passport confiscation, and even physical abuse of one victim. Following a seven-month trial, a San Mateo County jury found Joshua, Carlina, and Noel Gamos guilty of multiple counts of human trafficking, theft of labor, and worker's compensation and unemployment insurance fraud. Codefendant Gerlen Gamos previously pleaded guilty for her involvement in the scheme. Sentencing is set to occur in August 2022.

People v. Jing Chiang Huang, et. al: A crime ring used Backpage.com to place advertisements for sex, and forced individuals them to commit sex acts at multiple brothel locations. They also committed labor trafficking by withholding at least one survivor's passport and threatening future job opportunities. DOJ and its local partners executed joint takedown operations, resulting in

several arrests. Authorities offered assistance to more than a dozen people caught up in the ring. All five of the individuals arrested for their involvement in the ring were successfully prosecuted for crimes that included sex trafficking, labor trafficking, income tax evasion, money laundering, and conspiracy. Three main defendants received state prison sentences. Jing Chiang Huang was convicted on one count of conspiracy to commit human trafficking, three counts of income tax evasion, and one count of money laundering, and was sentenced to 10 years and 8 months in state prison. Pengcheng Cai was convicted on one charge of sex trafficking, and was sentenced to 8 years in prison, and Defeng Wen was convicted of labor trafficking and was sentenced to 5 years in prison.

DIVISION OF MEDI-CAL FRAUD AND ELDER ABUSE

Overview

The Division of Medi-Cal Fraud and Elder Abuse (DMFEA) investigate and prosecute fraud against California’s Medicaid program (Medi-Cal) by providers, as well as physical or financial abuse or neglect of Medi-Cal recipients statewide. DMFEA’s cases are assigned to teams that handle the case from inception to resolution using a vertical prosecution model. The DMFEA adopts a multi-disciplinary approach to all matters civil or criminal, employing the law enforcement expertise of agents, the financial and auditing expertise of investigative auditors and data analytics specialists, and the legal experience of its civil and criminal attorneys and paralegals. DMFEA collaborates closely with federal, state, and local partners to fulfill its mission.

The DMFEA is comprised of 285 employees working in eight regional offices statewide, working in the following four areas:

- Administration Branch
- Investigations Section
- Civil Section
- Criminal Prosecutions Section

DMFEA Statistics	2021-2022 Biennial Volume
Complaints Received (Criminal and Civil)	5,955
Cases Opened	641
Cases Closed	840
Criminal Convictions	106
Civil Settlement Dollars	\$20,269,135.21
Criminal Restitution Dollars	\$ 28,621,772.17
Operation SAFE Visits	68

Administration Branch

Overview

The Administrative Branch supports the day-to-day operations of the division and assists sections in administrative and technical areas such as accounting, budgeting, human resources, asset management, facilities, procurement, contracting, outreach, regulations, desktop support, training, and special projects. The Administrative Branch provides administrative support for the division's offices in Sacramento, Fresno, Dublin, Burbank, Riverside, Orange, San Diego, and West Covina, servicing a diverse staff of attorneys, special agents, investigative auditors, legal support, and analytical classifications.

Major Accomplishments

Modernizing the Medi-Cal Fraud and Elder Abuse (DMFEA) Section

21st Century Policing Initiatives: DMFEA allocated additional resources to implement 21st Century Policing Initiatives by:

- Updating antiquated equipment to include new Tasers;
- Purchasing body worn cameras for all its Special Agents;
- Incorporating a virtual reality simulator for scenario based trainings; and,
- Including community members and stakeholders in special agent recruitment.

Increased Funding and Positions: The Administration Branch, in conjunction with division executive management, has successfully increased its federal funding and positions through the budget change process to tackle additional workload created by its expanded authority pursuant to the federal Consolidated Appropriation Act of 2021.

Investigations Section

Overview

The Investigation Section manages the complaint intake process and triages referrals. Once a complaint is accepted, the investigative staff, both sworn (Special Agent series) and non-sworn (Investigative Auditor series), investigate the suspected Medi-Cal fraud and elder or dependent adult abuse and neglect.

The Investigation Section houses the following units:

- **Data Development and Case Assessment & Reporting Units:** This unit is responsible for the complaint/referral intake process, as well as data development activities for criminal and civil investigations and prosecutions. Data development includes gathering background information on subjects of investigation and analyzing Medi-Cal data associated to providers and recipients.

- **Datamining Unit:** The datamining unit analyzes Medi-Cal data to proactively unearth anomalies that may be used as investigative leads.
- **Digital Forensics Unit:** The Digital Forensics Unit processes and analyzes digital evidence (personal computers, data servers, laptops, cellular phones) seized from investigative actions such as search warrants. Additionally, the Digital Forensics Unit manages confidential website, undercover social media, and email addresses for investigative personnel.
- **Investigative Auditors:** Independently, and working with Special Agents and Deputy Attorneys General, Investigative Auditors perform complex criminal and civil Medi-Cal fraud and abuse or neglect investigations. Investigative Auditors specialize in financial record tracking and have Penal Code mandated warrant authority.
- **Special Agents:** Working across the State, sworn Special Agents conduct complex and highly sensitive investigations arising from allegations of Medi-Cal fraud as well as elder or dependent adult abuse or neglect situations. Additionally, DMFEA Special Agents investigate drug diversion when connected to Medi-Cal beneficiaries or providers.

Major Accomplishments

Executing Digital Forensic Seizures

Digital Forensic seizures: The Digital Forensic Unit seized 114,476 gigabytes (GB) of electronic data which consisted of 87 personal computers (84,749 GB), 9 laptops (5,000 GB), one server (2,250 GB), 7 external HDDs (11,120 GB), 6 USB drives (550 GB), 26 smart phones (6,750 GB), 2 tablets (576 GB), 12 cloud/email/social media returns (1,045 GB) and 32 other media devices (2436 GB). For scale, one gigabyte yields approximately 100,000 e-mail messages, 65,000 document files, or 15,000 images.

Bolstering High Tech Cyber Crime Taskforces

Task Force Partnerships: The DMFEA's participation in High Tech Cyber Crime taskforces, located throughout California, is accelerating. These task forces act as force multipliers for the Division when investigating sophisticated, complex fraud schemes.

Significant Recent Cases Include:

Investigating and Prosecuting Elder Abuse and Fraud

People v. Kimberly Adams: In September, 2017, Riverside County Adult Protective Services identified Adams, a paralegal, was not making full payment to a facility for an elderly resident's boarding and care. Adams was the resident's Power of Attorney. During the investigation, DMFEA identified two additional elderly persons whose savings and retirement income was embezzled by Adams. All of the victims lacked mental capacity and were incapable of detecting the theft by Adams. On January 7, 2021, an 8-count felony complaint was filed. On October 21,

2021, Adams pled guilty to elder abuse and money laundering. She was sentenced to three years in prison and ordered to pay \$288,000.00 in restitution.

People v. Lesley Danielle Pinola: Pinola was the licensee and acting administrator at A Place Called Home II, a residential care facility for the elderly located in Escalon, California. In August 2019, the elderly victim was admitted to the facility and placed in hospice care. Over the course of several months, checks payable to Pinola, her mother, and the facility were drawn from the victim's account. Over a quarter of a million dollars of the victim's money was deposited into bank accounts belonging to Pinola's sister. One of the victim's checks, for \$240,000, stated it was for the victim's "care for life." The victim died only 4 months after being admitted to the facility. On February 11, 2021, felony complaints were filed against Pinola and Pinola's sister. Pinola was sentenced to 180 days jail, 2 years' probation, and ordered to pay restitution in the amount of \$272,118.73. Pinola's sister was sentenced to 90 days jail, one-year probation, and ordered to pay restitution in the amount of \$240,000.00.

People v. Saul Izaguirre: Izaguirre was the Director of Nursing of a convalescent home where his victim resided. Izaguirre obtained victim's personal identifying information, created identifications under the victim's name, and opened up credit card and bank accounts under the victim's name. Izaguirre then proceeded to make several purchases with those cards including an exotic bird, hotel rooms and numerous Home Depot purchases. On August 12, 2021, a 9 count felony complaint was filed. On April 27, 2022, Izaguirre was sentenced to 2 years prison and ordered to pay \$70,892.23.00 in restitution.

Civil Section

Overview

The Civil Section investigates and prosecutes fraud by Medi-Cal providers, at both a state and national level. The Civil Section frequently works with other federal and other state prosecutors to combat fraud on the Medicaid system using the California False Claims Act and other civil enforcement statutes.

Major Accomplishments

Holding Pharmaceutical and Medical Providers Accountable

Settlement with Bristol-Myers Squibb Company (BMS): DMFEA pursued Medicaid fraud claims against drug maker BMS for falsely under-reporting Average Manufacturer Prices to the Centers for Medicare and Medicaid Services. This unlawful manipulation of its government-reported data enabled BMS to grossly underpay millions of dollars in Medicaid drug rebates that the company was obligated to pay to the government with respect to Medicaid reimbursement. The resulting settlement, in July 2021, generated \$3.3 million for California.

Settlement with Indivior: In March 2021, DMFEA settled allegations that Indivior, a Global Pharmaceutical Company, falsely marketed Suboxone, a drug approved by the FDA to treat opioid

addiction (albeit an opioid drug itself), in various respects over the period 2010 to 2015. At the heart of the false marketing was an effort to steer prescribers away from Suboxone tablets (and other companies' equivalents) and toward Suboxone film. California's recovery in the settlement was \$1.6 million.

Settlement with Mallinckrodt ARD: DMFEA pursued Medicaid fraud claims against drug maker Mallinckrodt ARD for knowingly reporting an incorrect "base-date" Average Manufacturer Price to the government. This unlawful manipulation of its government-reported data allowed Mallinckrodt to grossly underpay hundreds of millions of dollars in Medicaid drug rebates the company was obligated to pay to the government with respect to Medicaid reimbursement for the company's drug Acthar Gel. The resulting settlement, which became part of the company's reorganization upon its exit from bankruptcy proceedings in early 2022, resulted in a recovery for California of \$14.8 million.

Other Significant False Claims Act Cases against Medi-Cal Providers

Settlement with Minas Kochumian, M.D.: On June 1, 2022, DMFEA and the federal government executed a settlement agreement with Dr. Minas Kochumian to resolve allegations that the internal medicine practitioner submitted false claims to the Medicare and Medi-Cal programs by seeking payment for medical services and procedures he never administered to patients. Between late 2011 and mid-2018, Dr. Kochumian routinely included fraudulent procedures on "charge tickets" used to itemize medical services he purportedly rendered to Medicare and Medi-Cal beneficiaries. California's recovery in the settlement was \$1,050,165.97.

Settlement with Prism Autism: Prism Enterprises, Inc. (Prism), a Medi-Cal provider servicing the Los Angeles, San Diego, and the Inland Empire areas, contracted with several managed care organizations to provide treatment services to children and young adults diagnosed with autism spectrum disorders, as well as to provide training sessions to the patients' parents and caregivers. A collaborative investigation by DMFEA and the U.S. identified fraudulent Medi-Cal claims that Prism submitted for cancelled appointments, no shows, and re-scheduled appointments. California's recovery was \$390,000.

Criminal Prosecutions Section

Overview

The Criminal Prosecution Section prosecutes Medi-Cal providers suspected of defrauding the Medi-Cal program, as well as crimes against elder and dependent adults where there is a connection to the Medi-Cal program. These crimes include physical abuse, financial abuse, homicide, sexual assault, false imprisonment, assault, and battery. Additionally, the Criminal Prosecution Section includes the Facilities Enforcement Team (FET), which investigates and pursues criminal and civil actions against owners and operators of skilled nursing homes, hospitals, and residential care facilities for the elderly, for adopting policies and/or promoting practices that lead to neglect and poor quality of care. The FET also runs the Operation Safe Program, which

conducts inspections of long-term care facilities when referrals indicate instances of potential criminal abuse or neglect.

Major Accomplishments

Prosecuting Financial and Physical Abuse against Elderly Care Patients

People v. Brandon Benavente: In May, 2020, caregiver Brandon Benavente was captured on video at Vista Village Senior Living entering the room of a resident and removing cash from the resident's wallet. The San Diego County Sheriff's Office asked DMFEA to join their investigation, which was expanded to include the Oceanside Police and Escondido Police Departments and the San Diego District Attorney's Elder Abuse Investigations Unit. At the conclusion of the investigation, DMFEA charged Benavente with respect to alleged financial crimes against nine victims and sexual abuse of three elderly victims. In December, 2021, Benavente pled guilty to 11 felonies, including sexual battery, financial elder abuse, and theft, and he was thereafter sentenced to 14 years, 4 months in state prison.

People v. Ayette Loo, Bonafacio Ruiz & Marina Jocame: In December, 2017, Department of Social Services, Community Care Licensing (CCL) alerted DMFEA that Ayette Loo was operating an unlicensed residential care facility for the elderly. Loo's license had been revoked by CCL for misconduct six months earlier. Bonifacio Ruiz and Marina Jocame were caretakers that Loo employed at the home. DMFEA investigators determined that Loo misled representatives of elderly residents to believe that it was a properly licensed facility. Vincent N., an elderly veteran resident, developed severe pressure ulcers and a breathing disorder while at Loo's facility, but neither Loo nor the caregivers sought medical care or discharged him to a facility that could provide the appropriate level of care for him. He died at the home. DMFEA brought criminal charges against Loo, Ruiz, and Jocame. All three defendants entered guilty pleas, with Loo pleading guilty to one count of felony elder abuse, admitting on the record that she was responsible for the severe neglect of Vincent N. On November 12, 2021, Loo was sentenced to serve four years in state prison.

People v. Nema Mohamed: Nema Mohamed used her sister's identity to obtain employment at multiple elderly care facilities in San Diego County where she stole credit cards from the residents and used the credit cards to purchase clothing and electronics from retail stores. Additionally, Mohamed posed as her sister and obtained Uber and Lyft driver employment. While operating as a driver, Mohamed picked up an intoxicated male, drove him home and proceeded to steal electronics and other items from his residence while he was unconscious. A felony complaint was filed in the San Diego Superior Court for multiple counts of identity theft, elder abuse, grand theft, and burglary. On May 26, 2021, Mohamed pled guilty to four felonies (financial elder abuse, fraudulent use of access card information, grand theft, and theft of identifying information with a prior). On July 13, 2021, she was sentenced to serve a four-year prison term.

People v. Lesley Pinola et al.: Defendant Lesley Pinola was the Administrator of an Assisted Living Facility. Over a four-month period, he was able to illegally over-charge an elderly resident

and arrange for the victim to transfer over two hundred thousand dollars to him for “future care,” even though the victim was on hospice and not expected to live more than six months. The victim died shortly after leaving the facility. Pinola and a family member who worked at the facility were charged with offenses including financial elder abuse. Pinola pled no contest to a felony violation for financial elder abuse, was sentenced to 180 days in jail, and ordered to pay over \$270,000 in restitution to the estate of the deceased elder for distribution to charities in accordance with her wishes.

People v. Quiroz: Between August 6, 2018, and September 10, 2018, defendant Jose Quiroz, a certified nurse assistant working at a rehabilitation-focused skilled nursing facility, sexually assaulted one elderly female resident and attempted to assault a second elderly female resident. On Wednesday, April 6, 2022, following a three week-long jury trial, Quiroz was convicted on one count of felony sexual battery on an elder/dependent adult, and one misdemeanor count of elder abuse. The jury also found “True” special allegations regarding aggravating circumstances that Quiroz preyed on a particularly vulnerable victim and that he took advantage of a position of trust and confidence to commit his crimes. Quiroz is awaiting sentencing.

Safeguarding the Medi-Cal Program

People v. Divina Catalasan: Catalasan was the licensed owner of Quality Care Pharmacy. The Medi-Cal program referred Quality Care to DMFEA after an audit established that Catalasan was claiming to dispense more medications than she was purchasing. DMFEA conducted an expanded audit, which revealed that Catalasan had submitted claims to Medi-Cal, Medicare and Orange County’s Medi-Cal managed care plan, CalOptima, for the same medications, resulting in total fraudulent billings exceeding \$1.8 million. DMFEA brought a criminal complaint against Catalasan, and in May, 2021, Catalasan pled guilty to all charges. Catalasan was sentenced to serve three years in state prison and ordered to pay full restitution to Medi-Cal, CalOptima, and Medicare.

People v. Howard Wallace Oliver: Dr. Howard Oliver was the medical director for West Coast Counseling Services, an alcohol and drug program in Long Beach. DMFEA charged Oliver and three others with a variety of criminal offenses, including conspiring to defraud Medi-Cal through operation of the program. On September 15, 2021, a jury convicted Oliver on charges of conspiracy, grand theft, Medi-Cal fraud, insurance fraud and tax evasion. The evidence at trial established that Oliver signed off on falsified records to justify billings for services that were never rendered, and that he under-reported approximately \$600,000 on his tax returns. In November 2021, Oliver was sentenced to serve seven years and four months in state prison. He was also ordered to pay \$2.8 million in restitution to the Medi-Cal program, and \$49,000 to the Franchise Tax Board.

People v. Wisner: Defendant Gary Wisner, MD is an orthopedic surgeon who practiced in San Joaquin and Sacramento Counties. DMFEA investigated the defendant for ordering a vast number of unnecessary X-Rays, paid for by Medi-Cal, Medicare, and the Workers’ Compensation Fund. Over a five-year period, Wisner was the top Medicare biller for X-Rays in the state, and he routinely performed hundreds of repeated and unnecessary X-Rays on patients. DMFEA charged

Wisner with ten felony counts of Healthcare Insurance Fraud. On June 16, following a two week jury trial, Wisner was convicted on all counts. He is awaiting sentencing.

CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION

Overview

The California Justice Information Services (CJIS) Division, through its 1,254 authorized positions, provides accurate, timely, and comprehensive criminal history data and analysis to law enforcement, district attorneys, and local and state regulatory agencies. In addition, the division supports the critical Department of Justice (DOJ) information technology (IT) infrastructure. The CJIS Division consists of the following bureaus:

- DOJ Research Center
- Justice Data and Investigative Services
- Criminal Information and Analysis
- Application Development
- Enterprise Services
- Technology Support

DOJ Research Center

Overview

The DOJ Research Center (DOJRC), established in 2018, serves as the analytical engine of the department and is part of the suite of data services provided by the CJIS Division. The program areas provide a wide variety of research and data services, such as: empirical social science studies and literature reviews, program evaluations and process improvement auditing, rigorous qualitative reviews, advanced statistical modeling, research methods and sampling consulting, data visualization and dashboarding, and data access and release. Some of DOJRC's focus areas include:

- **Investigation and Litigation Support:** Support for investigations and litigation includes literature reviews, new analyses of DOJ-held data—such as Racial Identity Profiling Act (RIPA) and Use of Force Incident Reporting System (URSUS), and analyses of data materials collected by investigators. The DOJRC aims to provide a wide range of services to support efforts to make data-driven decisions in investigations and support litigation with thorough, empirical evidence.
- **Mandated Reports:** The DOJRC collaborates with various legal and program sections within the DOJ to draft and consult on mandated reports. The services provided include the development of metrics for future reports and the collection, analysis, and reporting of data in an accessible format including data visualizations.
- **Briefs, Reports, and Exploratory Research:** The DOJRC conducts a variety of research projects to explore trends in DOJ data at the request of internal DOJ stakeholders, in

response to legislative mandates, or driven by an observed gap in knowledge on a timely justice issue. These exploratory analyses have given rise to research briefs and reports for internal DOJ use and for public audiences.

- **Research Methods and Statistical Analysis Support Efforts:** The DOJRC has provided support through data collection and analysis to assist internal management, external reporting, litigation, and more. Utilizing well established statistical methods, the DOJRC provides aid across the range of DOJ issue areas. The DOJRC assists other bureaus with collecting, combining, and managing data from multiple sources. This work makes it possible to conduct research and evaluations that would not be feasible without the combined data, allowing the DOJRC to answer nuanced questions for its client bureaus.

Major Accomplishments

Leveraging Data Systems to Inform DOJ's Work

Racial and Identity Profiling Act (RIPA) Research Portfolio: Since January 2018, a team of researchers from the DOJRC has worked together and with the Civil Rights Enforcement Section (CRES) to assist the RIPA Board with analysis to support the RIPA Board's annual mandated report. The DOJRC continues to provide support to the RIPA Board's annual report efforts using evidence-based practices and by analyzing the Citizen Complaint and URSUS datasets. Additionally, the DOJRC has published a data dashboard that empowers members of the public by providing the ability to chart, graph, and analyze trends in RIPA stop data.

CalGang: In 2021, in an ongoing effort to improve and ensure data quality in the CalGang Database, the DOJRC worked with the CalGang Unit in the CJIS Division to implement an audit of all records entered prior to the October 2020 regulations update, and update the CalGang Database tri-annual audit process for records entered under the new regulations. The results of these audits aim to improve the utility of the database for law enforcement throughout the state while aiding in the protection of the privacy and civil rights of California residents. In 2022, the DOJRC launched a survey nationwide to collect law enforcement agency approaches to identifying street gang members. The results of this survey and the subsequent studies aim to address a critical gap in understanding around gang identification and intelligence.

Native American Affairs: Assembly Bill (AB) 3099, signed into law on September 25, 2020, seeks to address the growing crisis of missing and murdered Native American people, particularly women and girls, in California's Native American communities. Starting in 2021, the DOJRC has worked with the Office of Native American Affairs to develop and conduct a mandated study of this crisis, and report its findings to the Legislature. Thus far, the DOJRC has assisted in developing a comprehensive literature review on the available scholarly work and specialized reports discussing relevant topics related to the required study, such as policing and victim engagement in Native American communities, and the barriers in reporting and investigating cases regarding missing and murdered Native Americans. The DOJRC has additionally conducted preliminary descriptive analyses on Cal DOJ data focused on missing and murdered Native Americans in California.

Hate Crimes: In recognition of the increased hate crimes against Asian Americans during the COVID-19 pandemic, the DOJRC developed a special research brief titled *Anti-Asian Hate Crime Events during the COVID-19 Pandemic*. This research brief, examining reported hate crime events committed against Asian Americans in California, was published onto the Attorney General's website on June 30, 2021, alongside other important resources on hate crimes. Currently, the DOJRC is supporting the Office of Community Awareness, Response and Engagement program by conducting rigorous qualitative analyses of the hate crime round tables Attorney General Bonta hosted across the states over the last several months.

California Law Enforcement Telecommunications System (CLETS) Use Audit: Pursuant to AB 1747, subscribers to CLETS are prohibited from using non-criminal history information for immigration enforcement purposes and investigating violations of section 1325 of Title 8 of the United States Code if violations of that section are the only criminal history on an individual's record. DOJRC provides research support to the Client Services Program (CSP) in this effort. This office developed a standardized method for identifying which records may be inclusive of an AB 1747 audit, launched a survey and conducted focus groups with CLETS-subscribing agencies to better understand agencies' current processes for detecting internal misuse, and developed a sampling strategy, including a randomized sampling procedure and a targeted approach, based on known misuse criteria.

Tax Recovery from the Underground Economy: AB 1296 established the Tax Recovery in the Underground Economy Criminal Enforcement Program to promote the sharing of information and resources for investigations of individuals in the underground economy. It also established a task force that included the DOJ along with the Employment Development Department, Department of Consumer Affairs, Department of Industrial Relations, Department of Tax and Fee Administration, Board of Equalization, and the Franchise Tax Board. The DOJRC is currently providing research support by continuing to import referrals into the Case Information Management System, assisting with investigations where requested, and developing models of past criminal activity using criminal history data while awaiting tax-related data from other taskforce members.

Automatic Arrest Record Relief: In 2021, the DOJRC continued its work with the Bureau of Criminal Information and Analysis (BCIA) to develop requirements and research studies to support AB 1076 Automatic Arrest Relief (AAR). The DOJRC worked with the business and technical teams to develop business requirements for generating data and statistics for legislatively mandated statistics. It also developed template visualizations and dashboards that can visually communicate information about automatic arrest relief on OpenJustice. Most recently, the DOJRC collected studies of automatic arrest relief and prepared research designs to guide the Department's evaluation of the effect of the AAR program.

Prop 56 Tobacco Grant Program: Since 2018, the DOJRC has worked with the UC Davis Tobacco Control and Evaluation Center to support the Tobacco Grant Program (TGP), located in the Operations Division and the Tobacco Litigation and Enforcement Section, in developing a Prop 56 tobacco grant evaluation program. In 2021, in addition to continuing to collect data on grantee activity through the quarterly progress-reporting tool, the DOJRC also contributed to grantee outreach and data quality improvement by presenting on how to complete the quarterly

progress report at multiple in-person and virtual grantee training sessions. In 2022, the contract with UC Davis concluded and the DOJRC has taken on the primary responsibility for conducting the ongoing evaluation of the program and reporting results to decision makers in the TGP and Tobacco Litigation Section.

Research Advisory Panel of California: The Research Advisory Panel of California (RAPC) – Pursuant to Health & Safety Code Sections §11480 & §11481, the RAPC reviewed 69 new and amended research studies using Schedule I and Schedule II controlled substances during the period of January 1, 2021, through December 31, 2021. Sixty-five studies were approved and 107 studies were closed in the RAPC’s records in 2021. RAPC panel members held six bi-monthly panel meetings by video-conference during this same period. A consolidated 49th and 50th Annual Report detailing the Panel’s activities during two reporting periods, from January 1, 2019, through December 31, 2020, was prepared and sent to the Governor and Legislature in July of 2021. A new Executive Secretary began training in January of 2021, and completed a first full year in the position.

Firearms: Working with the Bureau of Firearms (BOF), the DOJRC analyzed and interpreted the data for the 2021 and 2022 Armed Prohibited Persons System (APPS) annual reports. DOJRC staff helped BOF staff calculate and present the results of their work throughout the year. The report detailed the number of APPS additions, removals, and the year after year trends in the Armed and Prohibited People in California. In addition to the mandated statistics, the DOJRC staff conducted subsequent analyses to answer BOF and DOJ questions, better contextualize the findings in the report, and validate reports of APPS work conducted by local law enforcement agencies (LEAs). The DOJRC also assisted the BOF in creating reporting and application requirements for the Gun Violence Reduction Program grant process. The DOJRC consulted on identifying useful information for evaluating grantees. Additionally, the DOJRC constructed the reporting format so that grantees can provide easily evaluable and verifiable productivity reports.

Data Access and Analysis Section (DAAS): DAAS is responsible for fielding requests for confidential or sensitive data from internal and external requestors. The DAAS reviews each request to assess the merit of the request, the security concerns (including background clearances), the research nature of the request, as well as whether the request is supported by statute. The DAAS regularly coordinates the work of over 100 different requests at any given time, including providing data to new requestors, renewing access to data for existing requestors, and closing access to data for requestors who no longer need it. This work supports the Department’s mission to provide access to data while also mitigating any liability to the Department. Over the last year, this Section: received 65 new data requests; helped create a process for identifying and resolving security concerns; reviewed extracts released through the Public Records Act request process to assess the risk for re-identification; helped finalize two regulation packages supporting the release of data; and expanded the number of databases available for requests by researchers and other authorized users.

While fielding requests for data, the DAAS also works to proactively provide data to the public by creating and posting data dashboards to OpenJustice. These data dashboards provide an avenue for others to analyze criminal justice data without needing sophisticated software or skills, increasing

transparency and accessibility to the public. The DAAS aspires to release a dashboard for every set of data that is released on OpenJustice.

Leading Special Projects

The DOJRC has also assisted various areas within the Department on an ad hoc basis. During the reporting period the DOJRC has most notably provided the following support:

JUUL Litigation: In support of litigation efforts against the e-cigarette company, JUUL, the DOJRC assisted the Health Rights and Access (HRA) section by organizing, summarizing, and comparing consumer purchase data produced by the defendant. Asks from the HRA team included identification of PO Boxes in shipping addresses, identification of consumers whose date of birth indicated that they were not likely of age to purchase tobacco products at the time of sale, comparison of information across three versions of the defendant data, and mismatches between consumer residential and shipping addresses. In total, the DOJRC addressed seven asks by the HRA team, and delivered both written analyses and Excel spreadsheets to the HRA team.

Hospital Segregation and Implicit Bias: In pursuit of understanding the hospital segregation landscape, and to potentially identify legal entry points, the HRA section enlisted the DOJRC's assistance with a literature review of the causes and effects of hospital segregation. Additionally, the DOJRC has been working with the HRA team to compile relevant data sources and datasets as a means of assembling empirical evidence in support of the HRA team's efforts. Future deliverables will include statistical analysis of these datasets once potential targets and variables of interest are identified by the HRA team.

In addition, the DOJRC assisted the HRA with tracking the compliance of California hospitals with Senate Bill (SB) 464, which mandated implicit bias training for all health care providers involved in perinatal care of patients. Working with HRA, DOJRC collected data directly from hospitals related to the numbers and types of trainings that providers that had completed, resulting in an internal memo and a publicly available report in the future.

Law Enforcement Agency Comparisons: This year, the DOJRC assisted the CRES in the PRD with examining patterns in LEA practices supporting the section's work in investigations, litigation, and negotiations. In one deliverable, the DOJRC conducted comparative analyses on one LEA's use of force patterns, which was instrumental in negotiations with the agency. In another deliverable, the DOJRC conducted a comparative analysis of an agency's RIPA stop data and use of force data to assess whether there was evidence of racial or disability bias.

In addition to these reports, the DOJRC consulted with the CRES to design and develop an analytic tool that will be used by CRES to search for patterns among California LEAs and identify agencies in need of more thorough and targeted investigation of patterns and practices. This interactive data tool synthesizes DOJ data and produces single agency summaries, multiple agency comparison summaries, and comparative visualizations.

Justice Data and Investigative Services

Overview

The Justice Data and Investigative Services (JDIS) Bureau is comprised of two branches that offer investigative and field service functions to criminal justice and public safety partners, regulatory agencies and the people of California. Information and technical assistance are provided on a variety of manual and automated systems.

The JDIS is responsible for the following services and systems:

- Missing and Unidentified Persons Section and Applications
- Megan's Law
- Violent Crime Investigative Support Section
- California Sex Offender Registry
- California Sex and Arson Registry Application
- Training and Outreach Unit
- Controlled Substance Utilization Review and Evaluation System Program and application
- CalGang Section and application
- Stolen Vehicles
- Automated Property
- Supervised Release File
- Wanted Persons System
- California Pawn and Secondhand Dealer System
- California Restraining and Protective Order System
- Command Center
- California Law Enforcement Telecommunications Systems Audits and Inspections, Criminal Offender Record Information Audits and Database Audits
- Cal-Photo
- Electronic Recording Delivery System
- NexTEST – online testing service for California law enforcement agencies
- Stop Data Collection System
- AB 1747 – Law Enforcement Immigration
- OpenJustice
- URSUS Data Collection application
- California's transition to the National Incident Based Reporting System
- Criminal Justice Statistics Center

Accomplishments

Aiding in Investigations

Providing Investigative and Field Service Technology Functions Missing and Unidentified

Persons Section (MUPS): MUPS assists the public and criminal justice community with missing and unidentified person investigations. MUPS utilizes various methods to assist, including Internet resources, governmental databases, and forensic dental and medical comparisons. During 2021 - 2022, the MUPS assisted in locating 2,287 missing persons, identified 22 unidentified individuals, and assisted with 119 living doe cases. In May 2022, the MUPS was able to identify a homicide victim on the same day they received the case, resulting in the expedited arrest of the suspect. The MUPS also identified a nonverbal individual who had been living as a Jane Doe for eight years in a care facility and was then subsequently able to be reunited with her family.

Violent Crime Investigative Support Section (VCISS). The VCISS analyzes investigative data providing an analytical case report detailing findings and investigative leads to local LEAs for violent crime investigations. The VCISS also provides expert testimony often using presentations, maps, charts, and timelines to illustrate facts and conclusions related to the crimes. During 2021-2022, the VCISS received 75 new violent crime case requests, 47 requests for additional analysis on new case data, and testified in 21 cases. In September 2021, the VCISS staff received a commendation from the Yolo County Sheriff's Department recognizing the work the VCISS did on a human trafficking case that resulted in a conviction for their office. The VCISS testified in a grand jury trial for the San Joaquin County in May 2022, which led to the indictment of the suspect in a homicide. Additionally, the VCISS completed an analysis on a sexual assault case from Shasta in November 2021, and the analysis led to the exoneration of the suspect.

California Sex and Arson Registry System Support (CSAR-SS) Section. This Section provides support, development, and training of CSAR, the state's repository for sex and arson registration information, working with both business and technical teams to enhance, improve and update the application. Due to SB 384, changes to the CSAR application were required. Initial non-production releases included enhancements related to the CSAR, the Automated Criminal History System (ACHS), California Department of Corrections and Rehabilitation, Supervised Release File (SRF), Board-certified treatment program, court decisions, and court impacts on petitions.

The CSAR-SS, Offender Registration Application Unit (ORAU), and consultants have continued to complete both petitioning and database optimization. Petitioning technology Phase One and Two system enhancements, which consisted of petitioning core functionality, interfaces, and petitioning reports, were broken up into several phases with the final production deployment completed in December 2020.

One of the key components of the petitioning effort is to work harmoniously with local agencies to gather local incarceration data to aide in the petitioning process. To provide clarity, the CSAR-SS conducted several Phase III Petitioning training to LEAs throughout 2021. Additionally, as of July 2021, agencies are able to submit petitioning data via Secure File Transfer Protocol (SFTP) and Web Services.

CSAR-SS has worked with the ORAU and consultants to deploy several optimization releases of the CSAR application, as well as implementing legal changes to sex registrant posting levels on the Megan's Law website. The optimization project rolled out in three phases with Phase 1 in May

2021, Phase 2 in August 2021, and Phase 3 in December 2021. This CSAR version consists of maintenance and operations fixes or enhancements to various parts of the CSAR application, including decommissioning of the Microsoft Access databases that the registry uses for day to day operations. Said databases were created and are now stored in the CSAR database with enhancements per registry needs.

California Sex Offender Registry (CSOR). The CSOR provides a wide range of services to support and assist the law enforcement community with registration and notification of over 150,000 California sex offenders. Services include maintaining and providing information to the general public on the Megan's Law website. In 2019, pursuant to SB 384, the CSOR began working to transition from a lifetime sex offender registration system to a tier-based sex offender registration schema, which went into effect January 1, 2021.

Senate Bill 384: On October 6, 2017, the Governor signed into law SB 384, which requires California to transition from a lifetime registration schema that has been in place since 1947, to a significantly more complex tier-based registration schema by January 1, 2021. Tier-based registration establishes three tiers of registration for adult sex offender registrants for periods of 10 years, 20 years, and lifetime. Juvenile registrants would be subject to registration periods of five years and 10 years. This law requires the registrant to petition the superior court for termination from the Registry at the expiration of his or her mandated, minimum registration period. Based on specified criteria, the court will either grant or deny the petition.

In order to comply with these new requirements, existing DOJ systems underwent extensive enhancements and modifications to support new business processes that commenced on July 1, 2020. These systems include the CSAR and many of its interfaces that support registration at both the State and National levels. The ACHS, the Disposition Processor, and the Batch Processor also underwent significant enhancements and modifications. DOJ had to develop new policies, procedures, and training modules to support the new tier-based registration schema. To reach compliance, DOJ educated and trained courts, district attorneys, probation, parole, and law enforcement entities on these new policies, data exchange methods, and enhanced systems. DOJ also required additional positions and consulting resources to implement these significant systems enhancements and modifications to develop mid-level requirements to determine tier placements, community notification statuses, and to process granted petitions for terminations within an ambitious two-year timeline.

The SB 384's overall project timeline extends from July 1, 2018, through January 1, 2023, which includes developing and implementing the technology enhancements, performing the tier assessments, posting community notification statuses, and processing the initial surge of petitions for terminations. The DOJ continues to conduct statewide training efforts for criminal justice business partners on the mandates of this new law. Additionally, out of 150,000 records processed by the DOJ, 110,000 of these records have been placed in their final tier designation.

Training and Outreach Unit. The Training and Outreach Unit has conducted various in-person and webinar trainings for California criminal justice partners statewide that spanned from January 2021, through June 2022. Trainings, such as the Phase II SB 384 Registering Law Enforcement

End-User, Phase III SB 384 District and City Attorney Information Sessions, and Phase IV CSAR Introductory End-User, have provided key information to criminal justice partners on SB 384's tier-based sex registration processes and procedures. Overall, this Unit held a combined total of 94 webinars and in-person trainings with approximately 2,433 participants in attendance. The Training and Outreach Unit plans to provide their newly developed extended version of the Phase IV CSAR Introductory End-User in-person training beginning in July 2022.

California Sex Offender Registry (CSOR) Grants. The CSOR was awarded approximately \$1.1 million in 2021 Adam Walsh Act (AWA) Implementation and Sex Offender Registration and Notification Act (SORNA) Reallocation grant funds. The CSOR intends to utilize the 2021 AWA Implementation grant to procure consulting services to develop comprehensive requirements and determine costs to create and implement a centralized repository Case Management System for the Violent Crime Information Center. The CSOR is also using 2021 SORNA Reallocation grant funds to procure consulting services to upgrade the CSAR application software to current supported versions to maintain data integrity, ensure continuity of its existing internal and external system interfaces, and support technology advancements.

Controlled Substance Utilization Review and Evaluation System (CURES) Program: The CURES Program is the state's Prescription Drug Monitoring Program that stores and reports prescription dispensation data for Schedule II-IV controlled substances dispensed in California. As of May 2022, there were over 240,000 registered CURES users. Of these users, approximately 175,000 are prescribers, 11,000 are non-Drug Enforcement Administration (DEA)-licensed practitioners, and 49,000 are pharmacists. During 2021, there were over 114 million CURES patient activity report (PAR) searches. Over 23.2 million of these PAR searches were performed through the CURES web application, and over 91.4 million were performed through the CURES Information Exchange Web Service. Additionally, during 2021, the CURES Help Desk team assisted system users by responding to over 62,000 calls and emails.

On April 11, 2022, the optimized CURES was released, providing an improved user interface and new system features, including functionality mandated through recent legislation. Some of the new system features include delegate and non-DEA licensed physician and surgeon practitioners' access to CURES data, and interstate search functionality.

CalGang®: Following passage of AB 90 in January 2018, the CalGang Unit was established to administer and oversee the CalGang database, a shared database that houses criminal intelligence data on members of criminal street gangs and their associates and required the DOJ to promulgate regulations governing the use, operation, and oversight of any shared gang database, including CalGang. Additionally, the Unit successfully coordinates, presents, and conducts audits at California Gang Node Advisory Committee meetings three times a year. Every February, the CalGang Unit is responsible for publishing the *Attorney General's Annual Report on CalGang* as mandated by AB 90, which provides transparency to the public as it displays demographic information about the records contained in the system, the LEAs using the system, and audit results. In June 2021, the Unit completed an information technology project which implemented all business requirements needed to update the system according to the new regulations that went into effect in October 2020. The CalGang Unit also implemented all of the processes, tasks, and

procedural changes needed to effectuate the regulations, including creating and providing e-training to approximately 4,000 users of the system. Lastly, in May 2022, the Unit implemented new database recertification training for its users, which is available as a reoccurring training.

California Pawn and Secondhand Dealer System (CAPSS): Pursuant to AB 391, DOJ was required to develop and implement a single statewide, uniform electronic reporting system for secondhand dealers and pawnbrokers known today as CAPSS. By law, pawnbrokers and secondhand dealers must electronically transmit reports about the acquisition of tangible personal property to CAPSS. CAPSS helps curtail the dissemination of stolen property and facilitate the recovery of stolen property. Since December of 2014, CAPSS has been available to LEAs, secondhand dealers, and pawnbrokers.

Throughout 2021, the DOJ CAPSS team continued to work on updating regulations to clarify Business and Professions Code section 21628, as it relates to AB 1969. AB 1969, would exempt a seller or pledger who verifies their identity using a Matricula Consular from the requirements that their personal identifying information be reported to CAPSS. On April 13, 2022, the Office of Administrative Law approved the regulatory action and filed with the Secretary of State, the amendments to sections 999.500, 999.502, 999.503, 999.504, 999.505, and 999.506. The CAPSS regulations will become effective on January 1, 2023.

On April 18, 2021, the CAPSS application was migrated from an Amazon Web Service to the CA DOJ's onsite servers. The CAPSS team worked with the California Pawnbroker Association to test the migration and assist with facilitating the communication with businesses. The migration enables to include a more diverse set of staff to assist with the maintenance of the system.

National Crime Information Center (NCIC) Monthly Validations: The Federal Bureau of Investigation (FBI), NCIC requires automated records in selected files be periodically validated by their contributors. It is the responsibility of the DOJ, and the CJIS Division, to coordinate the dissemination of these records and to notify NCIC of the status of validations each month. The purpose of this validation process is to ensure that the automated records are accurate, complete, and represent an active case.

In March 2020, the NCIC provided guidance given the COVID-19 crisis and suspended the automatic purging of records when agencies fail to validate within the specified timeframe. In June of 2022, the NCIC announced the COVID-19 guidance was no longer applicable and effective October of 2022, the purging of invalidated records will resume. The CA DOJ will continue to work with agencies who fail to meet the NCIC validation requirement. Agencies who fail to validate multiple times within a calendar year will be required to report to the CLETS Advisory Committee (CAC) to explain why they continue to remain out of compliance with the NCIC policy.

California Restraining and Protective Order System (CARPOS): CARPOS is a CJIS statewide database that contains restraining and protective order data entered by criminal justice agencies. The CARPOS is accessible via the CLETS 24 hours a day, seven days a week. LEAs use CARPOS to obtain the terms and conditions of restraining orders. The DOJ's Firearms Section accesses the database to process Dealer Record of Sales documents for firearms clearances. Penal Code

sections 29825(a) and 30305(a) prohibit any person identified as the subject of certain restraining orders from possessing, owning, purchasing, or receiving firearms.

The CARPOS team worked with the Hawkins Data Center (HDC) to incorporate changes to the CARPOS related to SB 1141, which among other things added coercive control to the definition of abuse. In addition, the team added new data fields to CARPOS based on approved form changes by the Judicial Council. The changes included adding the type number and location of restrained firearms and ammunition to CARPOS. The CARPOS team reviewed multiple form changes proposed by the Judicial Council and anticipates extensive updates to CARPOS toward the end of 2022.

Reducing Redundancies: On July 28, 2021, the JDIS updated CARPOS to prevent agencies from having the ability to enter duplicate gun violence restraining orders in the system. Information Bulletin (IB) 21-04-CJIS, provided additional guidance and clarified business rules for modifying gun violence order records for all CLETS users. The team sent this IB to all LEAs and placed it on the California Law Enforcement Web.

In November of 2021, the CARPOS team developed business rules that will allow for the forwarding of the Gun Violence Restraining Order (GVRO) records to the NCIC's Extreme Risk Protection Order (ERPO) File. The ERPO File will allow for the entry of protection orders that restrain individuals from possessing firearms when found to pose a risk to themselves or to the public. In June of 2022, the CARPOS team completed user acceptance testing related to the forwarding of GVRO records to the ERPO. The team will forward California GVRO records to the NCIC's ERPO file on August 2, 2022.

Supervised Release File (SRF): SRF is a CJIS statewide database that was developed to improve LEAs' ability to monitor subjects on formal supervision. SRF aids in enhancing officer safety by providing pertinent information on subjects that are on active supervisions within the community. Access to the SRF is via the CLETS and contains records such as California Department of Corrections parole, probation, Post Release Community Supervision, mandatory supervision, Federal probation, and other general supervision types.

AB 2606 amended Penal Code section 14216 to require each county probation department or other supervising county agency to, every 10 days, update any SRF that is available to them on the CLETS, effective January 1, 2021. They department or agency must do this by entering any person placed into post-conviction supervision within their jurisdiction and under their authority, including persons on probation, mandatory supervision, and post-release community supervision.

In order to follow industry best practices and ensure complete and accurate data at both the state and federal levels, the SRF team worked with HDC to create a new file structure that will improve data integrity, security, and provide the ability to forward records to the NCIC. The program received federal grant funding under the 2020 SORNA Reallocation Grant to assist local jurisdictions transition to the new SFTP file structure. Funds would be reimbursed to agencies for costs associated with this IT update.

Wanted Person System (WPS): The WPS statewide database contains felony arrest, misdemeanor arrest, and protective custody non-arrest warrant records. It is used to alert LEAs of the possibility that a subject about whom they are making an inquiry may be wanted or protected.

Today, authorized agencies utilize various electronic methods to capture and forward warrant data to the DOJ via CLETS. Information entered into WPS meeting specific criteria will be programmatically transmitted to NCIC, making warrant information available nationwide.

Protective Custody Warrants (PCW): Throughout 2021, DOJ Personnel met with several officials from the Los Angeles Courts, Los Angeles County Counsel, members from the Los Angeles Department of Child and Family Services, and the Los Angeles Sheriff's Department (LASD) to discuss concerns related to the entering of Protective Custody Warrants (PCW) into the WPS and the Missing and Person System. After several meetings with the Los Angeles Courts and obtaining feedback from the LASD, final recommendations were sent to both agencies to help resolve their issues. Recommendations included continued discussions between the Courts and the LASD to resolve any additional concerns raised by the LASD regarding the PCW process. From the DOJ's perspective, it appears the issues related to the Originating Agency Identifier usage and the entering of PCWs has been resolved.

Information Expedite Services Section (IESS) Command Center: IESS is comprised of the Command Center and Child Abuse Central Index Expedite Unit. The Command Center supports LEAs 24 hours a day, 7 days a week with time sensitive information for investigative purposes. Specifically, the Command Center is responsible for assisting agencies with emergency child placement and criminal history checks related to investigations. After hours and on weekends, the Command Center becomes the department's back-up call center for Missing Persons, Sex Offender Registry, Stolen Vehicles and Automated Boats, Wanted Persons, Automated Property, Restraining and Protective Order Units, and the Automated Latent Print Section (ALPS). Additionally the Command Center is responsible for providing after hours assistance to LEA's for criminalist personnel for investigative purposes related to crime scene processing.

The Command Center management team, within IESS, worked with the Information Technology team to develop a new electronic case management system. The new system will now track the workload that includes requests for assistance from all agencies. This new statistical information will allow the section to allocate appropriate resources and maintain a quality level of service to its criminal justice partners and ultimately improve the service LEAs provide to the citizens of California. With the implementation of the new case management system, the Command Center was able to streamline one of its process and as a result, eliminated impact to another unit within the DOJ.

California Law Enforcement Telecommunication System Audits and Inspections: Pursuant to state and federal requirements, the CLETS Audits and Inspections Section (CAIS) conducts triennial audits on all agencies utilizing CLETS. The purpose of these audits is ensure the state's overall compliance with requirements to protect the confidentiality of the data, including the physical security of CLETS terminals and locations. Through the audit process, as well as

trainings and outreach, the goal is to educate and prepare CLETS agencies to be compliant with the policies set forth by the DOJ, and the FBI.

During the 2020-2022 audit cycle, staff will have completed 1,385 CLETS audits and conducted various trainings (both in-person and via webinar), for 2,256 attendees.

Finally, the CAIS also implemented updates per the FBI CJIS Security Policy section 3.2.2(2e), which requires that each agency with access to criminal justice information has a designated Local Agency Security Officer (LASO). This included collaboration to verify all assigned LASOs, uploading LASO information into CJIS online, the creation and dissemination of a CJIS information bulletin regarding this enhanced security awareness training requirement, and the creation of resource material to support the agencies.

Criminal Offender Record Information (CORI) Audits: During CORI audits, auditors review usage of the ACHS to ensure that agencies substantiate and document inquiries with a valid “need to know, right to know,” and that all inquiries are properly documented. The audit process also reviews inquiries into the Federal Interstate Identification Index. In 2021 - 2022, staff completed 1,100 agency audits.

Database Audits: The auditors review records in multiple law enforcement databases to verify they meet the state and federal requirements for timeliness of entry, accuracy, and completeness. The auditors also make sure that agencies complete second party checks, required validations, and hit confirmations. Specifically, the Unit audits: Automated Boat, Automated Firearms, Automated Property, CARPOS, CSAR, Missing Persons, Stolen Vehicles, and Wanted Persons databases. In 2021 - 2022, (to date) staff completed 368 audits.

Cal-Photo and License Plate Reader NCIC Extract File: For the implementation of SB 54, the Values Act, all agencies who used the Cal-Photo and License Plate Reader NCIC Extract File were required to sign an updated Agency Agreement/MOU. In total, over 1,000 agencies were contacted regarding their usage of Cal-Photo and/or the License Plate Reader NCIC Extract File. Additionally, the Cal-Photo application screens were updated to inform users of the proper use of the system.

Electronic Recording Delivery System (ERDS): Pursuant to the Electronic Recording Delivery Act of 2004 and its implementing regulations, county recorder offices developing systems to handle the electronic recording of title documents must meet specified security standards and all persons with a secure access role are required to undergo fingerprint criminal history checks. The DOJ is required to certify and provide oversight for any ERDS being used by a county. During this reporting period, 50 ERDS inspections were conducted of county recorder offices as part of the DOJ’s oversight function.

NexTEST: Over 1,300 agencies use DOJ’s hosted NexTEST system to comply with the FBI’s requirements that all staff with access to criminal justice information complete testing within six months of their initial assignment, and biennially thereafter. During this biennial reporting period, the CJIS team also implemented an online training component to NexTEST. This new training will provide another helpful tool for agency compliance. Historically, each agency had to either

develop their own local training solution, which then had to be approved by the DOJ, or send agency trainers to an in-person course to become DOJ-certified trainers, and then carry-out training locally. By hosting a training course online, the DOJ will provide a free option that all agency staff can access statewide.

Stop Data Collection System (SDCS): Pursuant to AB 953, agencies have set timeframes within which they are required to collect and submit stop data (i.e. the information gathered when police officers make discretionary stops and stops resulting from a dispatched call for service) to the DOJ's statewide repository, SDCS. As of January 1, 2022, all 500+ agencies have been on-boarded and are collecting Stop Data. Records for 2021 were due on April 1, 2022, and over 3 million records were received from the 58 agencies that submitted data.

AB 1747 Law Enforcement: Pursuant to AB 1747, CLETS users are prohibited from using non-criminal history information for immigration enforcement purposes. The law also prohibits CLETS users from using CLETS to investigate a violation of Section 1325 of Title 8 of the United States Code (USC) if a violation of that section is an individual's only criminal history. Effective July 1, 2021, the law requires CLETS users to include a purpose code for each inquiry to distinguish the reason as criminal justice, immigration enforcement, or a violation of Title 8, section 1325 of the USC. Lastly, DOJ is authorized under the law to conduct inspection audits to ensure compliance with AB 1747.

Since passage of the law, the AB 1747 team has worked closely with CLETS-subscribing agencies to ensure that they have modified their systems to submit purpose codes. As of June 30, 2022, 95 percent of the CLETS-subscribing agencies are submitting a purpose codes with each CLETS query. The remaining agencies are being monitored and required to submit reports about their implementation efforts, progress, and estimated date of completion.

In addition to the focus on compliance in submitting purpose codes, the AB 1747 team has sought out and utilized agency input to inform the development of auditing procedures specific to the validation of records for AB 1747, including potential sampling/selection protocols. The team conducted an online survey of all CLETS-subscribing agencies to obtain feedback from agencies to assist with the development of the AB 1747 audit and to better understand agencies' current processes for detecting internal misuse. The DOJRC administered the survey, analyzed the responses, and provided a comprehensive analysis of the responses.

CJIS Validations Tool: The CSP team worked to leverage the CJIS Validations tool, which is used by agencies for the monthly NCIC Validations, to enable it to also be used for the AB 1747 project. When implemented, it will provide each CLETS-subscribing agency a random sampling of Department of Motor Vehicle queries submitted through CLETS during the previous month, and ask the users to validate the purpose code that was submitted or advise that it should have been a different purpose code. It will also ask the agencies to provide more information about the query by choosing a more detailed reason from a drop-down menu.

Criminal Justice Statistics Center Publications: DOJ collects statistics on: crimes, clearances, arrests, homicides, arsons, domestic violence-related calls for assistance, hate crimes, adult probation, citizens' complaints against peace officers, violent crimes committed against senior

citizens, death in custody, law enforcement personnel, juvenile court and probation, law enforcement officers killed or assaulted, disposition of adult felony arrest, use of force incidents, task force and transfer data, and anti-reproductive-rights crimes.

In July/August of 2021-2022, the data was published in six mandated publications:

- “Crime in California”
- “Juvenile Justice in California”
- “Hate Crime in California”
- “Homicide in California”
- “Use of Force Reporting in California”
- “The Values Act: SB 54 Transfer Data”

California’s transition to the National Incident Based Reporting System (NIBRS): The DOJ successfully implemented the California Incident-Based Reporting System (CIBRS) in 2021. The CIBRS repository is a combination of the NIBRS format and California data elements and values to accommodate state-specific mandates. Pilot agencies began onboarding in 2021 and were able to submit the new Incident Based Reporting (IBR) format. Onboarding and data submissions continued through 2021, as LEAs transitioned to the new format. The DOJ submitted the volume of required data for NIBRS certification to the FBI towards the end of 2021. California received official FBI NIBRS Certification in March of 2022. Throughout 2022, the DOJ continues to onboard newly transitioned agencies and provide statewide training on the new IBR format.

Bureau of State Audits (BSA) Report on Hate Crime: On May 31, 2018, the BSA released its findings after nearly a year-long audit on various aspects of hate crime training, outreach, identification, and reporting. The BSA proposed suggestions to improve DOJ’s current practices. The BSA proposed suggestions to improve DOJ’s current practices such as updating training materials, hate crime reporting data verification, and auditing while also recognizing that in the absence of a mandate and proper funding, many of these duties may not be accomplished.

DOJ refined its quality control and review processes for hate crime reporting throughout 2021, and implemented the new geo location data elements and heat map in the CIBRS. The audit is in the process of being re-worked to incorporate the IBR format. A new Audit dashboard is currently being developed in the CIBRS repository to effectively interact with and track law enforcement audit activities.

Bureau of Criminal Information and Analysis

Overview

The Bureau of Criminal Information Analysis (BCIA) is comprised of three branches: Record Management, Record and Biometric Identification, and the Applicant and Record Quality Services Branch. Together they maintain and update California’s Criminal Offender Record Information (CORI) repository and Child Abuse Central Index, process state and federal level applicant background checks, issue department certifications, and provide oversight of the state’s Automated Fingerprint Identification System (AFIS).

Accomplishments

Streamlining Processes

Disposition Processing Improvements: In 2021-2022, the DOJ continued to make significant improvements to the procedures, processes, and business rules related to how dispositions are received and processed. The BCIA continues to provide outreach and training related to disposition reporting services by participating in conference calls and webinars with criminal justice agencies, attending and performing training at regional training events, documenting services, participating in working groups and subcommittees of criminal justice associations, and meeting with criminal justice agency executive leaders. These self-edifying activities enable BCIA to better understand the challenges and opportunities that criminal justice agencies face related to arrest, disposition, and custody reporting.

Utilizing federal grant funds from the National Criminal History Improvement Program to improve disposition reporting at the national level, phase two of the Criminal Justice Data Exchange (CJDE) was developed and released in August 2021. CJDE was created to receive and process dispositions. In August 2021, BCIA released phase two of the Criminal Justice Data Exchange (CJDE), a web-based application designed to improve how authorized agencies interact with the DOJ for criminal disposition processing and error retrieval. This new application enables law enforcement and district attorney agencies the ability to submit their arrest level dispositions via CJDE using a web-form rather than submitting manual forms. Once LEAs enter and submit disposition data into the web-form, CJDE electronically updates the criminal history record. Moreover, it is now possible for users to upload a file rather than physically mailing or faxing documents to the DOJ. Users can attach and upload files (e.g., encrypt, ZIP, FileExchange) which ensures more timely receipt by the DOJ and assists in eliminating the potential security risks of sending CORI information via U.S. mail.

The capabilities implemented in phase two additionally allows users to view the outcome of their agency's electronic custody admission and release transactions. Authorized users have the ability to view an agency's detention admission and release data submissions, review custody data, and identify any related errors that occurred during the processing of the submitted batches and transactions. Overall, This new application provides a higher quality, timely, and targeted information exchange between criminal justice agencies and the DOJ.

Cannabis Relief – Sealing Order Processing: Pursuant to AB 1793, DOJ works with counties to provide subjects with relief of eligible cannabis criminal history information, including sealings. In the 2021-2022 fiscal year, the DOJ was able to provide the relief intended by AB 1793 in almost 90,000 sealing transactions. This volume would have taken more than a decade under normal circumstances, due to manual sealing process, limited staff resources, and other mandated sealing work).

In response to the increased volume and urgency of relief (e.g., eligibility for employment, housing, financial assistance, etc.) to affected Californians, DOJ re-engineered the manual sealing process to focus on the sealing activities in the ACHS that specifically provides the intended relief.

The CJIS Division also authorized several of its bureaus to temporarily support this manual effort, which required significant coordination and training of the additional 250 division staff assigned mostly part-time to the effort. As a result, DOJ was able to provide the intended relief in more than 30,000 transactions manually.

Automated Sealing Process: Concurrently in 2021, DOJ successfully automated a portion of the sealing process, as part of its goal to automate the entire sealing process. Given the volume and urgency of AB 1793-related sealing transactions, this effort targeted the manual activities required to provide the intended relief pursuant to AB 1793. The automation was tested and deployed in December of 2021, and provided relief in more than 55,000 transactions by the end of the fiscal year.

In addition, DOJ deployed a new process for limiting access to ACHS records to RMB staff updating the records pursuant to AB 1793. The success of the new process justified the expansion to include additional record update work types. The new process includes the ability for DOJ programs outside of RMB and local agencies to request expedited updates of records when the need is justified. As a result, DOJ has enhanced its ability to ensure ACHS records (RAP sheets) are the most current and accurate, as known to DOJ, before being accessed by DOJ and other local enforcement agencies for decisions impacting criminal and non-criminal investigations.

Agency Outreach and Accomplishments: Below represents the total number of agencies CJIS reached out to via collaborative efforts to onboard and review the master code tables used by LEAs.

- Agencies on boarded for electronic reporting: 14 Agencies on boarded for Justice Automated Data Exchange : 38
- Agencies on boarded for CJDE: 82
- Master Code Tables
 - Currently tabled offense codes reviewed: 753
 - Potential offense codes reviewed to be added to the table: 1,614
 - Offense codes added/amended to the table: 484
 - New Laws offense code table additions: 73

Record of Arrest and Prosecution (RAP) Sheet Training: The CJIS Division provides RAP sheet training to criminal justice agencies throughout the state. The training includes the latest information on laws and mandates as well as how to read CORI from the statewide criminal history repository as displayed on a RAP sheet. In 2019-2020, more than 1,974 officers and other personnel attended 140 training sessions.

Criminal Record Background Check Requests: California law authorizes certain governmental and private organizations to conduct criminal record background checks to help determine the suitability of a person applying for a license, employment, or a volunteer position working with children, the elderly, or the disabled. Public and private schools, non-profit organizations, in-home supportive care agencies, and law enforcement are some of the organizations authorized to conduct these fingerprint-based background checks. From January 1, 2021, through June 2022, the DOJ authorized access for 1,227 new agencies to conduct fingerprint-based background checks. From

January 1, 2021, through June 2022, the DOJ processed 3.2 million California level-of-service background check requests and 2.2 million federal level-of-service background check requests.

The Applicant Agency Justice Connection (AAJC) Portal: In 2019, the Applicant Agency Justice Connection (AAJC) portal was released to the applicant agency community. The AAJC provided authorized agencies a secure web-enabled environment and self-service tools to assist with managing the criminal history background check process. The tools allow authorized users to submit agency change requests, check the status of background checks, retrieve background check responses, run reports, access information related to the fingerprint background-check process, and contact the DOJ Applicant Services Program directly for support. In 2020, the DOJ released additional functionality in the AAJC, providing applicant agencies the ability to view and manage their active applicants subscribed for subsequent notifications and electronically submit and cancel “No Longer Interested” requests directly to the DOJ. In 2021, the DOJ’s Applicant Services Program initiated the FBI Rap Back Project pursuant to AB 2461, which will allow the applicant agencies to subscribe to receive federal subsequent notifications. The FBI Rap Back Subscription service is anticipated to go live 2023.

Training and Administrative Support Section: In June 2021, BCIA created the Training and Administrative Support Section (TASS), which began working with authorized applicant agencies to address issues of non-compliance identified in both the 2020 FBI Next Generation Identification (NGI) and Noncriminal Justice Information Technology (NCJITS) Audit Reports. In December 2021, TASS distributed an information bulletin to approximately 13,500 agencies, advising them of CORI security requirements and state and federal laws. By May 2022, all agencies with outstanding non-compliance issues had been addressed.

After a six-month outreach effort between 2021 and 2022, all 1,300 agencies previously submitting “No Longer Interested” forms to the DOJ via facsimile or US Postal Service were trained to submit these requests electronically via the AAJC portal. Nine video tutorials were also published to the AAJC portal to assist users with agency and applicant management.

Criminal Record Challenges: In 2020-2021, the DOJ processed over 70,000 record reviews and over 2,500 record challenges. During this time, the DOJ continued to heighten awareness of citizens’ rights to refute erroneous or inaccurate information, and of the right to an administrative hearing to determine if material inaccuracies or incompleteness exists. In 2019, the DOJ deployed an online form to electronically process and manage applications to waive the record review fingerprinting fees for qualifying applicants. Through this effort, the DOJ continues to electronically approve fee waivers for approximately 1,800 record review applicants annually.

Certified Record Requests: California law authorizes LEAs and certain governmental departments to have access to certified criminal record information when representing a person in a criminal matter or conducting a criminal related investigation of a person. In 2019, state law expanded access of certified criminal records to include public defenders under certain criteria. In support of legislative changes, BCIA modified certain procedures to provide information pertaining to certified records to the public on the AG’s website. The DOJ processed over 700 requests during 2020-2021, and continues to process over 1,000 requests annually.

Automated Fingerprint Identification System: AFIS is the second largest fingerprint identification system in the nation, containing more than 28.4 million criminal and applicant fingerprint records and 5.5 million palm print images. AFIS received 1.2 million criminal and 3.2 million applicant transactions during the biennial period. These transactions are submitted to the DOJ and consist of arrests and bookings at California LEAs. Additionally, the fingerprints are submitted to conduct criminal history background checks for licensing, certification and investigatory purposes.

Palm Print Images to the FBI: The DOJ forwards palm print images submitted by California LEAs to the National Palm Print System (NPPS) maintained by the FBI. Beginning in April 2019, the DOJ sent approximately 3.2 million palm print records to the FBI that only resided in the DOJ's AFIS from September 2003 to August 2011. This project was completed in July 2021, when the palm prints were successfully enrolled in the NPPS.

Automated Latent Print Section (ALPS): ALPS performs automated searches of finger and palm prints and conducts comparisons of latent prints developed on evidence from crime scenes received from law enforcement agencies. The ALPS Legacy Automated Latent Print System was replaced by the Integra-ID Multimodal Biometric Identification System on April 1, 2021. From January 1, 2021 to June 2022, ALPS received 1,636 cases that contained latent print impressions in which identifications were being sought. A total of 1,047 cases contained evidence that was suitable for identification. ALPS was able to make identifications in 210 of those cases, equaling a hit rate of 20 percent. In January 2022, the ANSI National Accreditation Board renewed the ALPS' four-year accreditation cycle.

Latent Gateway: The Latent Gateway offers an efficient and streamlined process for local LEAs to search latent fingerprints against the FBI and DOJ repositories. As of June 2022, ten counties and one police agency are using the Latent Gateway, and eight additional counties have either requested implementation, are in testing, or are in the enrollment process.

Live Scan Support Section (LSSS): LSSS was responsible for overseeing approximately 1,830 law enforcement-owned and operated live scan devices, and 3,465 privately-owned and applicant agency-owned live scan devices. These live scan devices are utilized for law enforcement arrest and custody reporting, as well as applicant background check purposes, respectively. The LSSS is responsible for approving all new live scan device connections, answering questions and reviewing applications for completeness, testing and facilitating connectivity, and troubleshooting submission errors.

In June 2021, LSSS completed a modernization project that recommended ways to improve the collection, processing, reporting, archival, and storage of all electronic types of live scan transactions submitted to the DOJ. The five total deliverable documents, prepared by the consultant team, assessed the operational and technical environments of the DOJ's live scan systems, reviewed the infrastructure and workflow, outlined improvement recommendations for the current live scan environment, provided an execution pathway for all recommendations, and created a strategic plan for the improvement of live scan operations. This project and all related deliverables were completed by June 30, 2021.

The requirements for the new Release type of transaction, which was developed to assist agencies reporting detention data, have been finalized. The LSSS and the Biometric Support Unit (BSU) met with all approved vendors to discuss the production and testing requirements. The product development timeline will be at the vendor, and their clients' discretion.

To enhance the security of all live scan data transmitted to the DOJ, the LSSS is currently working in conjunction with the BSU and DOJ-approved vendors to coordinate the migration from Anonymous File Transfer Protocol to SFTP or Web Service Submissions. All LEAs are expected to complete this migration no later than December 31, 2022.

Lastly, the Fingerprint Rolling Certification Program, which reports to LSSS, received and processed approximately 6,300 applications and referred 10 application denials to Administrative Hearing during this reporting period.

Imaging and Record Services Section: The Imaging and Record Services Section is responsible for digitally converting CORI documents into the department's Automated Archive System (AAS). This includes a mixture of new manual CORI documents and approximately 5 million manual folder files housed in department files. The Section successfully decommissioned the aging scanning system and launched the Justice Electronic Document Imaging application on March 26, 2020. With the addition of new high volume scanners in July 2021, the Section now has a total of seven workstations in full production and has increased its scanning and processing rate of documents sent to the AAS. The section has indexed 2,421,822 new CORI images that are now available in digital format.

The Section also includes the Pre-Scan Unit, which is responsible for processing all incoming manual criminal, custody, deceased, and applicant fingerprint card submissions. They process manual payment of applicant fingerprint cards and then scan and perform data entry for each card to submit as a live scan transaction. Moreover, the Section successfully processed and transitioned manual fingerprint cards into live scan transactions, with a total of 47,427 manual fingerprint cards processed in 2020, and 58,586 in 2021.

The Application Development Bureau (ADB)

Overview

The ADB consists of three branches: Division of Law Enforcement (DLE), Biometrics & PDMP Systems Branch, Criminal Justice Information Systems Branch, and the Firearms & Enterprise Systems Branch, which is responsible for designing, implementing, and maintaining the DOJ's custom application portfolio. The Bureau provides application development for the Department's computing applications to the Department's Criminal Justice Information Systems (CJIS) Division, Division of Law Enforcement (DLE), Legal, and Executive and Administrative divisions. The Bureau supports the DOJ's statewide criminal justice information systems, providing analytical reporting, and information services.

Accomplishments

Designing, Implementing, and Maintaining DOJ's Custom Application Portfolio

Standards and Policy Updates: The ADB continues to progress in maturity of its software development process. Over one hundred applications have been on boarded to a standardized automation platform for software delivery. ADB's solution seamlessly integrates source code retrieval, software builds, artifact storage and software deployment as well as static and dynamic code analysis, vulnerability detection, and code quality measurement. The data generated from this progress is being utilized to improve overall code quality and application security.

DLE, Biometrics & PDMP Systems (DBP) Branch's Integrated Applications and Services Section (IASS): The Stop Data Collection System (SDCS) successfully on boarded Infinite Solutions Incorporate vendor consultant resources to assist with ongoing SDSCS Maintenance and Operations /(maintenance and operations enhancements. Concurrently, the ADB SDSCS team initiated the Civil Rights Enforcement Section (CRES) regulation changes and began analysis, technical specification documentation updates, and design for the effort.

DBP's Offender Registry Application Unit (ORAU): The Offender Registry Application Unit (ORAU) received approximately \$750,000 in Sex Offender Registration and Notification Act (SORNA) grant funding to assist with California Sex and Arson Registry (CSAR) application technology enhancements and began the process to procure vendor consultant services to assist.

Solutions Development Services Section (SDSS): Similar to the previous sections noted above within ADB, the SDSS is responsible for delivery of a multitude of services for the entirety of DOJ Divisions, Bureaus, and programs. The following are the section's project portfolio highlighting a number of high level services provided to clients throughout the DOJ ranging from installations, migrations, implementations, upgrades, and deployments. Please see a list of these actions below:

- BFS LAB-X and RippleStone software were successfully installed.
- BFS Sexual Assault Forensic Evidence Kit Tracking (SAFE-T) and Cold Hit Outcome Project (CHOP) applications were migrated to DOJ Infrastructure.
 - DOJ successfully implemented BFS Alcohol Billing Program (ABP) Statistical and Billing reports to accommodate new DUI types.
 - BFS SAFE-T and CHOP applications were migrated to DOJ Infrastructure.
- The BFS CCILibrary Forensic library application was upgraded to version 2019.
- Time Reporting System (TRS) migration to RedHat Linux/Jboss environment was completed successfully.
- Authentication and Authorization Service (AAS) migration to RedHat Linux/Jboss environment was completed successfully.
- California State Intelligence Index (CSII) application successfully was migrated to the RISSIntel platform.
- Case Information Management System (CIMS) Release 1 was successfully deployed to the RedHat Linux/Jboss environment. The CIMS migration project will be complete by the end of 2022.

- The CURES Optimization project was completed successfully. This project included API Gateway Implementation in addition to numerous other technology upgrades and functionality implementations.
- CURES AB 528 (Data Collection Services) and AB 1753 (Interstate Data Sharing) projects were successfully completed.
- CURES AB 149 (NEW REQUIREMENTS FOR CONTROLLED SUBSTANCES PRESCRIPTION FORMS) and Reports was successfully deployed.
- CURES application was successfully upgraded to Oracle 19c database.
- DOJ Latent applications was successfully upgraded to the Oracle 19c database.

Criminal Justice Information Systems (CJIS) Branch: CJIS implemented Custody Services, allowing law enforcement agencies to electronically report data pertaining to incarceration releases, both historically and ongoing, for inclusion in the Automated Criminal History System (ACHS).

CJIS Branch Record Sealing: In early December 2021, CJIS began processing record sealing orders electronically. Before December 2021, all record sealing orders were processed manually.

CJIS Branch FBI RAP Back: In mid-December 2021 the FBI RAP Back was placed into Production. This will allow DOJ to provide subsequent federal arrest or disposition notifications of any person whose fingerprints are maintained on file at the Federal Bureau of Investigation (FBI) as the result of application for employment, certification, or licensing

CJIS Branch California Pawn and Secondhand Dealer System (CAPPS): In mid-April 2022, the California Pawn and Secondhand Dealer System (CAPPS) was migrated from Amazon Web Service (AWS) to on-premises, this will allow DOJ to better maintain the infrastructure of CAPPS with on-site staff

CJIS Branch Juvenile Dispositions: In June 2022 we implemented the processing of juvenile dispositions electronically to the ACHS at the Law Enforcement, District Attorney, and Court Levels. Prior to this implementation all juvenile dispositions were required to be reported and processed to ACHS manually.

CJIS Branch Record Relief of ACHS: Beginning July 1, 2022, CJIS began evaluating all criminal records in ACHS for Record Relief per Assembly Bill 1076 (Ting 2019). All criminal history records were evaluated in the month of July 2022 and those that qualified for relief were granted relief. This is an on-going records evaluation and all criminal history records will be evaluated and granted relief, when applicable, every month. Beginning August 1, 2022, a report of all records granted relief the prior month is provided to the Superior Courts of California

CJIS Branch Criminal Justice Data Exchange (CJDE): In July 2021 the submission of Dispositions of Arrest for Law Enforcement and District Attorney Levels via a Web Form were made available. The disposition submissions are processed programmatically for inclusion in ACHS. In October 2021 the ability for agencies to upload files to DOJ via CJDE. The file uploads include, Manual Dispositions of Arrest forms, Court Orders, and Electronic Disposition

Transaction files. In August 2021 the ability of Courts to access and download Records Relief Court Reports (AB 1076, Ting 2019) was implemented.

Firearms & Enterprise Systems Branch:

- Implemented Ammo2 Project consisting of nine mandated bills (SB 1100, SB 61, SB 376, AB 1968, SB 746, SB 539, AB 1872, AB 2165 and AB 879)
- Deployed Assault Weapon re-registration to support litigation using AWS
- All the GRIT unit databases have been migrated to SQL Server 2016
- Implemented Training Registration Website
- Improved Open Enrollment resource section of MYDOJ
- Mental Health Reporting System database moved from DMZ servers to internal servers to be more secure
- Deployed Web Application Firewall for all the internet facing Firearms applications
- Upgrades to the Enterprise Application Platform, OpenJDK and Spring framework have been implemented to ensure security and scalability
- AB 879 (pre-cursor parts) upgrades have been developed for multiple firearms systems and that functionality has been switched off as AB 1621 came into effect.

Enterprise Services Bureau (ESB)

Overview

ESB consists of three branches: Enterprise Support Branch, Project Management and Procurement Branch, and the Cyber Security Branch. These branches provide IT procurement, IT project management, independent IT project oversight, help desk customer support services, and enterprise security and policy. The Bureau provides enterprise services for the Department's computing applications and shared environments, desktop support, device maintenance, and IT support to the Department's Division of Law Enforcement, Legal, Executive and Administrative divisions. It is also responsible for department-wide review, processing, and approvals for all IT procurements, purchases, and contracts. It provides Enterprise IT project management services, as well as independent IT project oversight over all DOJ IT Projects and initiatives. Meanwhile, the Cyber Security Branch is responsible for ensuring the security, availability, and protection of the Department's information resources and assists in the investigation and recovery of material found in any digital devices that are capable of storing digital data. In addition, the ESB provides forensic investigation support to the Legal, Law Enforcement (DLE), and the CJIS Divisions.

Accomplishments

Providing Enterprise Services

Project Management and Procurement Branch (PMPB) DOJ Project Management Office: The Project Management Office (PMO) collaboratively works with its critical partners to manage projects and assist the organization through the California Department of Technology (CDT) Stage/Gate process. PMO uses the California Project Management Framework templates, project

management methodologies best practices set forth by the Project Management Institute, and the Project Management Body of Knowledge. PMO develops IT projects through standardized processes, coordinated planning, prioritization, and execution in alignment with the organization's business objectives. Moreover, PMO provides a standardized method to manage projects with repeatable processes and practices for all areas within the DOJ to comply with the CDT's Project Approval Lifecycle (PAL) process and meet reporting requirements.

PMPB Independent Project Oversight Unit: The Independent Project Oversight Unit is responsible for providing independent oversight and IT project coordination with the CDT on all projects. This independent oversight includes, but is not limited to: monitoring IT project management practices, activities, and progress; reporting on the health of the project; making recommendations for project corrective actions; and making recommendations on DOJ project management practices improvements.

The Project Management and Procurement Branch provided project management and project oversight for the following projects:

AB 879 Firearm Precursor Parts: Implement the ability to accept Precursor Parts (PP) vendor license applications and allow vendors to submit PP info. The DOJ will make electronic approvals of PP at the time of purchase, to increase public safety and reduce the risk of a prohibited person gaining possession of firearm PP. Release 1 was successfully implemented for Vendor Licensing to accept applications for vendor licenses, and licensed precursor parts for vendors to create accounts and add permission types.

Firearms IT Modernization (FITSM): The FITSM project will modernize multiple existing firearms information technology systems to achieve greater timeliness and efficiency when responding to changing BOF business requirements. The FITSM project has submitted the Stage 1 Business Analysis to the CDT and is on track for target completion date for Stage 2 (December 2022).

SB 384 Tiering: The DOJ successfully implemented the legislative mandated project to transition lifetime sex offenders to a three-tier registration. First, DOJ completed tiering assessments for offenders and processed petitions for terminations. This work is ongoing as staff continue to work toward completing the tier designation on the existing 140,000 offenders by January 1, 2023.

Second, DOJ processed historical data transactions coming from local LEAs. The Program continues to work with law enforcement and California courts to obtain historical, or missing criminal history information, electronically and manually, on registered sex offenders. The targeted completion date is January 1, 2023.

Finally, DOJ continues to provide training to all external stakeholders on the requirements of SB 384, and on the use of the new technology augmentations.

National Incident Based Reporting System (NIBRS): DOJ successfully implemented a repository to collect NIBRS data from LEAs for submission to the FBI. The implementation of the NIBRS Repository allowed the state of California to comply with the FBI's directive to retire the summary data collection format and to begin collecting data using the NIBRS format, once the repository is

certified. California LEAs that have made the appropriate technology changes in their record management systems are now submitting data in the NIBRS format. CJSC then collects and forwards this data to the FBI.

DOJ currently has the ability to collect NIBRS data, and the repository stores, maintains, retrieves, and transmits the NIBRS data for certification purposes. The Project Team has achieved its business objectives by testing the NIBRS Repository and by implementing a solution for certification by the FBI. Now that DOJ has acquired certification, the LEAs and DOJ will use the NIBRS Repository to submit IBR data to the FBI. As a part of the implementation, the DOJ has successfully begun collecting NIBRS data, and trained DOJ administrators and NIBRS Repository end users on how to collect, store, process, maintain, retrieve, analyze and transmit IBR data.

AB 1076 Criminal Records Automatic Relief: AB 1076 requires the DOJ to automate arrest and conviction relief by updating, but not disseminating, relevant criminal history records with a notation stating, “relief granted”. The bill also mandates that DOJ notify the courts regarding the updated records and publish the relevant statistics annually. This scope is currently in alignment to meet current legislative mandates and record relief mandates.

CURES Optimization: DOJ implemented the CURES Optimization Project to improve the system’s user interface and architecture, while implementing state laws (AB 149, which mandates prescription serialization; AB 1751, which mandates interstate connectivity and integration; and AB 528, which mandates the delegation of management and reporting of Schedule V prescription dispensation data to CURES. The project implementation was successful as planned and the project team is working on developing AB 149 reports and conducting weekly releases to address critical and high priority defects by July 2022.

JusticeHR: The JusticeHR Project procured Workday as an enterprise solution to deliver Human Capital Management, Time Tracking and Absence/Leave Management functionality to DOJ employees. The DOJ project will launch a new platform Workday to help with daily administrative tasks. Workday is an Enterprise Management Solution that will help the DOJ to run more efficiently by allowing streamlined communication between employees, managers, and teams. Workday provides self-service and mobile access for common administrative activities, which include submitting and approving automated absence requests, updates to personal information, and entry of regular and supplemental work hours.

SB 823 - Juvenile Court and Probation Statistical System (JCPSS) Replacement Plan: The DOJ is required to submit a plan for the replacement of the JCPSS with a modern database and reporting system. The plan is to be submitted to the Assembly and Senate budget subcommittees on public safety, and the Assembly and Senate Public Safety Committees by January 1, 2023. The Project Team has released a Request for Information (RFI) seeking input from the supplier community regarding an integrated, extendable software solution that will capture youth justice data from probation departments across California. The information obtained by this RFI will help estimate costs, resources, and a timeline for a vendor to design, develop, configure, and implement a JCPSS Replacement Plan that can be deployed to all DOJ employees and probation departments. Information gathered from As-Is and To-Be Business and System Analysis, Market Research,

Impact Assessment Surveys, Work Group Topic Sessions, and the Working Group’s January 2016 final report, are being considered in sections of the JCPSS Replacement Plan.

SB 179 – Nonbinary Gender Identity Field Options: To comply with SB 179, the DOJ proposed implementing system modifications to indicate a new data element of “nonbinary” in the existing sex data field for all DOJ databases. The Nonbinary project has successfully submitted the Stage 1 Business Analysis to the CDT and Stage 2 of the PAL process is underway.

Microstamping and Law Enforcement Transfer (M-LET): Assembly Bill 2699 requires that DOJ make necessary enhancements to track and report on individual Firearm Identification Numbers (FINs) when a firearm is transferred or sold.

AB 2699: AB 2699 requires DOJ to capture and track the sale or transfer of unsafe handguns and notify the purchaser/transferee of restrictions regarding the purchase/transfer of unsafe handguns. Meanwhile, AB 2847 mandates that DOJ record, associate, and track ownership of firearms that contain FINs and make the information available for law enforcement purposes. To comply with these legislative mandates, DOJ launched The M-Let Project, combining the implementation of AB 2699 and AB 2847 mandates into one project. Under the M-Let Project, DOJ will make necessary enhancements to track and report on individual Firearm Identification Numbers (FINs) when a firearm is transferred or sold. The DOJ has completed Stage 1 of the PAL process and has begun working on the Stage 2 planning activities.

AB 1969 – CAPSS – Matricula Consular: AB 1969 mandates CAPSS to denote “on file” for sellers using Matricula Consular identification in lieu of Personally Identifying Information normally required. The Project has completed the Design-Build phase of the project, and is currently in User Acceptance Testing.

Bureau of Gambling Control / California Gambling Control Commission License 2000 System (LIS) Replacement: This Project will replace the legacy system that has reached end of life for the current software. The Project has completed Stage 1 of the PAL process, and has begun working on the Stage 2 Alternative Analysis (S2AA) which is under development.

Registry of Charitable Trusts Modernization: The Registry of Charitable Trusts Project will update the system with functionality to meet current business needs. DOJ completed Stage 1 & 2 of the PAL process, and will forward with the Stage 3 Solution Analysis.

IT Contracts & Procurement Section (ITCPS) Purchase Requisition Forms: The IT Contracts & Procurement Section (ITCPS) is an end-to-end procurement shop that provides expert consultative and administrative support where the implementation of procurement advice or proposed acquisition plans will significantly impact the success of the complex information technology. ITCPS is responsible for all of DOJ’s IT acquisitions for complex and major IT equipment, systems, services and supplies. In a Fiscal Year (FY), the section processes and handles about 1,500 Purchase Requisition Forms. As reported in the State Contract & Procurement Registration System, a public database tracking California total contracting dollars and contracts, in FY 18/19, 19/20 and 20/21, the ITCPS procured \$241,721,047 in IT goods and services. Non-IT Goods and

Services acquisitions over the same timeframe totaled \$161,644,279. (\$80 million less than IT goods).

ITCPS Projects: ITCPS currently supports a multitude of projects driven by legislation that include, but are not limited to: Criminal Records Relief Project grouped with AB 1506 (Chapter 578, Statutes of 2019: Criminal Records: Automatic Relief); AB 2699 and AB 2847 - M-LET; SB 823 Juvenile Justice Realignment: Office of Youth and Community Restoration; SB 179 Gender Non-binary; CURES Optimization/AB 528; AB 1969 Matricula Consular (CAPSS); SB 823: Replacement Plan of the Juvenile Court and Probation Statistical System (JCPSS); AB 879 Firearms Precursor Parts; DIMS Project (formerly known as Mark43): DLE Investigation Management System; JusticeHR; ACHS - Justice Automated Data Exchange (JADE); CJDE Disposition Portal; Enterprise efforts: Visio, Microsoft 365, Teams, Zoom, and more.

Tier 3 Accreditation Award: A 2020 Department of General Services accreditation audit awarded the DOJ, with support from ITCPS, more than double its purchasing authority limits. This moved ITCPS from a Tier 2 to a Tier 3 accreditation, essentially increasing its IT consulting purchasing threshold from \$1.5 million to \$5 million.

ITCPS Cross-functional guidelines and standards: In 2022, ITCPS created a framework for trials of free software/products to ensure potential software/products will provide the needed functionality, adds value, and works within the procurement rules and policies.

ITCPS Updated Approvals: ITCPS created an approval form for the NSU and the DOJRC to utilize when reviewing DOJRC data for research requests, with DOJ Information Security Officer approval required upon NSU completion of review.

ITCPS Procurement Track Record: As of May 2022, the ITCPS completed 1,211 purchases, 799 hardware, 341 software, and 71 consulting contracts, with an additional 114 requests pending.

Cyber Security Branch Security Operations Center (SOC): For 2021-2022, the CSB continues to fine-tune the SOC processes and toolset to ensure strong security monitoring and threat analysis. The SOC continues to be the main point of contact for potential security incidents. Efforts are ongoing to add dashboards and new systems into the Splunk Security Information and Event Management solution. Utilizing as part of the SOC toolset the Palo Alto Networks Cortex provides detection and prevention of advanced persistent threats on IT endpoints. The Network Security Unit (NSU) has been instrumental in securely configuring Microsoft Teams.

Vulnerability Management: The NSU continues to fine tune the vulnerability management program and has documented the program and processes to ensure compliance to AB 581. Ongoing efforts are underway to document workflow and roles for application security and configuration management.

Standardization of processes: Documented security requirements for criminal justice data and non-criminal justice data for vendors, researchers, and consultants. Efforts are underway to draft a data classification standard to reference existing DOJ Administrative Manual policy, in order to assist data owners with classifying the data.

Office of Digital Investigations (ODI): ODI continues to perform forensic analysis on hundreds of devices and assist in various forensic investigations in support of DOJ legal and law enforcement, which includes participation on the TRUE task force and assisting with search warrants. ODI is in the process of restructuring its IT environment to take advantage of data center infrastructure. Ongoing captures of websites by ODI staff continue to add significant value to DOJ investigations. The ODI has been instrumental in ensuring litigation holds in Microsoft Teams is possible, despite the technical constraints.

The California Law Enforcement Telecommunications System (CLETS) Administration Section (CAS): CAS swore in two new members and reconvened the Stand Strategic Policy Subcommittee, which will empower Law Enforcement Agencies to collaborate on CLETS related technology issues.

The Enterprise Support Branch (ESB): ESB provides enterprise support for the department's computing, applications, and shared services environments. ESB is in the process of rolling out Microsoft Teams (Teams) to replace DOJ's current video conferencing service, BlueJeans. Teams was deployed with CJIS in June 2022, and deployments will continue until September 2022.

Technical Assistance Center (TAC) Team: TAC receives a large volume of calls from users connecting through remote access. Some key projects for the DOJ desktops are also slated to be completed this year such as the hardware refresh for PC's which will be end of life on 2022/2023. , spurred by the proliferation of telework. During the past twelve months, the TAC Team deployed around 1,000 laptops. Virtual Private Network (VPN) has been deployed to 964 users as of June 2022, while other DOJ teleworkers currently connect via Virtual Network Infrastructure (VDI), or Remote Desktop Protocol (RDP). The TAC Team's aims to have VPN deployed to all DOJ laptops.

Enterprise Development and Support Services Unit: The Enterprise Development Support Services Unit team is in the process of updating and deploying new applications this year. These include Retail Tobacco Inspection Access, a License 2000 platform to My License Office, and the Justice Electronic Document Imaging system and Accounting Information System. Meanwhile, the team rolled out FileExchange to all DOJ Divisions.

Technology Support Bureau (TSB)

Overview

The TSB designs, coordinates, installs and provides 24-hour support for communications applications, server infrastructure, and networks used by the DOJ, state criminal justice agencies, and national criminal justice systems.

Accomplishments

Designing, Coordinating, and Installing 24-Hour Support

Exchange Email redesign: In April 2021, the DOJ enterprise email team, within the Technology Support Bureau (TSB), implemented a two-year email retention policy. The Exchange team redesigned the Exchange servers adding additional compute resources and databases, resulting in a robust and resilient email system for the DOJ to accommodate the changes to the retention policies.

In March of 2022, the DOJ enterprise email team implemented Exchange Hybrid mode. Exchange Hybrid mode allows DOJ email system to migrate to the modern communication platform Microsoft Teams as well as future Office 365 products, thereby modernizing DOJ's office software and further facilitating telework and achieving cost and resource efficiencies.

New Active Directory (AD) Environments: In June 2022, the DOJ completed the builds of Internal Non-Production, Production Disaster Recovery (DR) and brand new Production and Non-Production Demilitarized Zone (DMZ) Active Directory (AD) environments. The new Internal and DMZ Non-Production AD environments are a scaled down replication of production that allows for appropriate testing efforts. The Production DR AD environment gives DOJ the ability to continue operations in the event the main datacenter suffers a catastrophic outage. Meanwhile, the new production AD forest in the DMZ provides DOJ better management, support and security to its servers and applications.

Red Hat Satellite: In December 2021, DOJ installed Red Hat Satellite. This technology made DOJ's Red Hat infrastructure easier to deploy, scale, and manage across physical and virtual environments. This management tool helps IT staff provision, configure, and update systems to keep them running efficiently and in compliance with DOJ's server build and security standards. It also increased DOJ's efficiency, reduce operational costs, and enable IT to better respond to strategic business needs.

HPE Synergy Frames: In February 2022, the DOJ completed four installations of HPE Synergy Frames. This new technology allows the DOJ to combine IT Infrastructure - compute, storage, and networking/fabric resources with intelligence and security. As a result, DOJ was able to reduce its ESXi server count from 284 to 216, while at the same time increasing its overall virtual server capacity. The decrease in ESXi servers will lower expenditures on VMware, Red Hat, and Microsoft licensing costs.

Automated Server Builds with vRealize Automation (vRA): In mid-2021, DOJ began automating new server requests using vRealize Automation. The server units began using vRA to deploy and configure server requests with minimal staff interaction, resulting in time-savings of approximately two hours per server and leading to faster turnaround times for application teams and better consistency in server builds.

Public Key Infrastructure Modernization: In April 2022, DOJ implemented a new Enterprise Public Key Infrastructure platform. The revamped PKI employs industry standard security to protect the organizational root of trust (i.e. a source that can always be trusted within a cryptographic system) while enabling self-service and automated certificate requests. The Enterprise PKI is responsible for issuing trusted certificates used for server identification, VPN, authentication, and user identity through document signing and other future uses.

HDC Rack Consolidation Project: In Spring of 2022, DOJ performed a full inventory of every server rack in the primary and disaster recovery datacenters as well as the Attorney General offices. Staff decommissioned fifteen racks of network, storage, and server equipment from the floors, including eight SAN switches and seven storage arrays.

Storage Array upgrades: The DOJ Storage team migrated all network shares to the production NetApp A700 array so that FAS8060 storage array could be decommissioned. The DOJ Storage team migrated the Commvault backup environment including the disaster recovery environment to new storage while planning for future growth.

Oracle 19c upgrade for CURES Optimization: In March 2022, Server & VMware team built seventeen Oracle 19c Database servers. IT staff were asked to standup four new lifecycle environments for Oracle 19c. One critical and highly visible project, CURES Optimization, was dependent on this environment. The Server and Database were able to complete this task without affecting the CURES Optimization project deadline.

Remote Access Project: Prisma Access (VPN) Deployment: In the summer of 2021, the TSB Wide Area Network/Local Area Network team (WAN/LAN) procured and implemented Prisma Access, a Secured Access Service Edge (SASE) VPN architecture along with additional firewalls to support and strengthen the DOJ's remote user access. Prisma Access allows WAN/LAN to implement zero-trust network access based on Active Directory usernames and provides additional remote access options. With this modernized SASE solution, DOJ staff securely connect to internal DOJ resources and DOJ user's traffic is securely terminated on a cloud firewall. The network team is able to terminate and send internet bound traffic without having the traffic traverse any on-prem datacenter resources further protecting DOJ internal resources. .

Along with the SASE firewalls, the network team configured and deployed four new physical firewalls to terminate inbound VPN traffic in the HDC and DR Equinix. These new firewalls provide another layer of security required to inspect and protect internal DOJ resources. Deploying new firewalls fulfilled necessary routing requirements to implement the Prisma Access SASE solution.

Security: In 2021, the Wide Area Network/Local Area Network (WAN/LAN) assisted the security, server, and middleware teams to address log4j (and log4j2) security vulnerability. WAN/LAN reviewed logs and made best practice changes during this incident. The network team also implemented external dynamic list (EDL) so that the DOJ SOC Team can dynamically block DNS domains and IPs for future security events/vulnerabilities in real time or near real time. The EDL is pushed to all DOJ firewalls within five minutes of the SOC team making a change.

Infoblox NetMRI: The WAN/LAN team implemented a new network management appliance that can manage multi-vendor network equipment with automation, visibility, and network endpoint insight. NetMRI provides the network team streamlined network management; NetMRI manages all network device configurations, which automates routine workflows so that all endpoints are in best practice configuration standards. NetMRI is also a network-monitoring tool that can enforce compliance requirements such as PCI, HIPAA, DISA and STIGs across multi-vendor equipment. NetMRI does this for all known equipment as well as unknown devices via its automatic

discovery. Via NetMRI, the network team can securely remote to any network resource and capture/record all changes with complete user-based logging events.

Hardware Refresh – Network Services Team: The WAN/LAN team has replaced various End-of-Life (EoL) and End-of-Support (EoS) hardware throughout the state.

Infoblox Appliances: In January 2021, WAN/LAN and the Infrastructure Support Unit teams replaced end of life Infoblox appliances. The Infoblox appliances replaced Domain Name Servers (DNS), IP Address Management, and Dynamic Host Configuration Protocol (DHCP) server infrastructure. The new appliances provide additional resources, faster response times, and extended life.

Secondary Multi-Protocol Label Switching Router: In August 2021, the HDC WAN/LAN team replaced a secondary multi-protocol label switching router. This router connects the primary DOJ datacenter to the backbone linking DR and Point-of-Presence (POP) sites across the state. Without this router, the backbone would only be connected on a single router.

Primary Router and Key Server: In September 2021, the WAN/LAN team replaced the primary router and key server at the DOJ Southern California POP site. The key server provides encryption keys to the entire DOJ backbone infrastructure. Without the ability to securely provide encryption keys, the DOJ network traffic would not be a secure backup to the HDC or the DR Datacenter.

Core Switch/Routers: In November 2021, the Attorney General’s offices in Sacramento, San Francisco, and Los Angeles had their core switch/routers replaced. The core switch is the aggregate point for all use network connectivity in and out of the office. This switch connects to every switch and network closet. With this new hardware, the offices have improved bandwidth, features, and complete vendor support.

Primary and Secondary Firewalls: Lastly, In December 2021, the WAN/LAN team upgraded and replaced the primary and secondary firewalls in the DR location. The DR firewalls provide DR DMZ and DR outbound internet security. These new firewalls provide additional throughput to support 10Gb infrastructure, support additional decryption capacity and visibility for WAN/LAN and the DOJ SOC Team.

DIVISION OF OPERATIONS

Overview

The Division of Operations (OPS) supports the day-to-day operations of the department. Each of the Division’s 900 employees work in concert to assist DOJ’s programs in myriad administrative and technical areas such as accounting, budgeting, human resources, asset management, facilities, procurement, contracting, conferencing, regulations, recycling, training, law library services, legal case management, time reporting, litigation support, legal support services, and special projects.

The Division of Operations consists of the following sections and programs:

- Office of Fiscal Services
 - Accounting Office
 - Budget Office
 - Facilities Planning and Management and Telecommunications Section
 - Central Services
 - Contracts and Purchasing Unit
- Office of Legal Support Services
 - Legal Support Operations
 - Law Library Services
 - Case Management Section
 - eDiscovery & Litigation Services
- Office of Human Resources
 - Attorney Hiring
 - Classification Services Unit
 - Coaching and Career Development
 - Data Analytics
 - FMLA and Special Leaves
 - Hiring and Compensation Unit
 - JusticeHR/Workday
 - Labor Relations
 - Office of Professional Development
 - Organizational Development
 - Payroll and Benefit Services
 - Performance Management and Discipline
 - Recruiting Services
 - Risk Management
 - Testing and Selection
- Office of the Chief
 - Administration/Grant Services
 - Statewide Operational Services

Office of Fiscal Services

Overview

The Office of Fiscal Services is comprised of the following entities:

- **The Accounting Office:** The Accounting Office provides oversight and monitors the department's resources by maintaining centralized records through processing and reconciling of appropriations, expenditures, revenues, federal grants, travel, reimbursements, legal time reporting and billing. The Accounting Office also serves as liaison between the department and state control agencies, namely the State Controller's Office and State Treasurer's Office. They maintain the agency trust Litigation Deposit Fund. The Litigation Deposit Fund contains litigation proceeds where the state is a party to the litigation. It also provides cash flow analysis and prepares the year-end financial statements for the department's 50+ funding sources.

- **The Budget Office:** Is responsible for DOJ’s annual financial plan. Each year, the Budget Office supports each division as they prepare, negotiate and manage of the department’s annual budget.
- **Facilities Planning and Management and Telecommunications Section:** The Facilities Planning and Management team manages more than 1.8 million square feet of DOJ facilities statewide, including legal offices, forensic crime laboratories, regional law enforcement offices, anti-crime task force offices, aircraft hangar space, the Hawkins Data Center, and field offices and radio sites. The Telecommunications Unit manages the desktop and wireless communications system for the department.
- **Central Services:** The Central Services Unit provides mail and warehouse services to all Sacramento-area DOJ locations. It also provides shipping services and supplies to DOJ locations statewide.
- **Contracts and Purchasing Unit:** The unit is comprised of two areas: The Contracts Unit prepares Legal and non-IT service contracts and the Purchasing Unit oversees the ordering and purchasing of non-IT equipment, furniture and supplies.

Major Accomplishments

Maintaining DOJ’s Finances

State Bar Dues: The Accounting Office processed approximately 1,255 State Bar dues using the direct payment program, a service established by the State Controller and provided to our employees.

Training and Outreach: The Travel, Accounts Payable and Revolving Fund team organized two training sessions for our internal customers. Sessions covered some of the most frequently asked questions and concerns including the invoice payment process, interest penalties, expense reimbursements, as well as travel and miscellaneous advances.

OnTheGo Settlement: The Accounts Payable, Fiscal Systems and Financial Reporting team worked with the State Controller’s Office to process \$18.2M in electronic payments to an estimated 108 state agencies.

2022-23 Budget: The Budget Office successfully collaborated with programs and stakeholders to secure a 2022-23 Departmental budget of \$1.2 billion from 33 separate fund sources and 5,791 authorized positions – an increase of \$13 million and 119.0 positions compared to the prior year. The increases were largely a result of 27 new Budget Change Proposals (BCPs) and Legislative BCPs totaling \$70.8 million and 109.0 positions from various fund sources in 2022-23.

Budget Office Operational Analyses: The Budget Office conducted in depth fiscal analyses of 2,125 hiring requests, 1,071 purchase/contract requests, and 203 legislative bills in 2021-22. These analyses were critical in ensuring the Department maintains sufficient budget authority and cash to support current operations.

Established the new Sustainability Unit: This new unit was established to ensure that the Department is in compliance with various Executive Orders, statutes and state laws in regard to sustainability, green energy, and climate change. Compliance is achieved by analyzing benchmark data and facilitating projects that further the sustainability goals of the department and the State of California. The Sustainability Unit has overseen the installation of several electric vehicle charging stations at various DOJ Lab locations in the last two years. They are also facilitating an HVAC wastewater recycling project at DOJ's Labs that will further the state's water-saving goals in a time of unprecedented drought.

Record keeping storage efficiencies: All long-term physical file storage and retrieval for the Legal Divisions and the Division of Operations were merged into a single unit to increase efficiency, reduce costs and provide quicker access to records.

Architectural and engineering (A&E) regulations: The Facilities team recently completed the process to implement DOJ's own Architectural and Engineering services procurement regulations, with the help of the DOJ Government Law Section and the Office of Administrative Law (OAL), to provide the Department the ability to procure these services directly increasing flexibility in handling construction projects and office reconfigurations. The regulations permit DOJ to procure A&E services in the same manner as would the Department of General Services, onboard the procurement functions, and eliminate the need to contract with DGS for the services. The regulations were approved by OAL on June 22, 2022, filed with the Secretary of State that same day, and go into effect on October 1, 2022.

Division of Law Enforcement (DLE) Consolidation: The Division of Law Enforcement is currently housed at several different locations in the Sacramento area, including offices, training space and a DNA Lab. A project is currently underway that would bring all DLE programs under one roof in a new building, with the goal of providing more efficient operations and eventual cost savings.

Wireless Services: The Telecommunications team found several efficiencies in the Department's wireless data plans, which resulted in a savings of over \$24,000 annually.

Facility Operations Efficiencies: In light of telework, certain leased locations have been closed and/or consolidated into other locations. Four locations have been closed and one more should be closed within the next fiscal year, which will save the Department a total \$840,000 annually.

2022 Procurement Conference: The Contracts and Purchasing Unit held its first department-wide procurement conference in January 2022. This two-day event provided a comprehensive viewpoint of CPU and training on CPU's internal processes, allowing our customers a unique view into our inner-workings while also providing guidance and job-relevant training.

Office of Legal Support Services

Overview

The Office of Legal Support Services include programs Legal Support Operations, Law Library Services, Case Management Section and eDiscovery & Litigation Services. These programs provide direct service to the law practice in areas of law office management, advancements in legal technology, eDiscovery, case management and legal billing, and legal research.

Legal Support Operations: Legal Support Operations (LSO) provides administrative support for our law offices in Sacramento, Oakland, San Francisco, Fresno, Los Angeles and San Diego. In total, LSO provides services to 1,450 attorney and paralegal staff in 37 law practice areas. The administrative services include legal secretarial and clerical support, business and office services, docketing and records management, procurement and facilities management.

Law Library Services Law Library Services provides research services and manages the law libraries in the legal offices statewide. The libraries maintain state and federal codes, statutes, court procedures, practice materials, and treatises. The collection features historical codes dating back to the founding of California and over 6,700 California legislative histories.

Case Management Section: The Case Management Section (CMS) is responsible for the Office of the Attorney General Office's (AGO) legal case management, billing and business intelligence systems and all legal desktop applications. Supporting over 35 practice areas comprised of 2,300 users in the three Legal Divisions, Division of Operations and Executive Programs, CMS manages the systems responsible for recovering legal fees and costs of over \$200 million per year through the Legal Services Revolving Fund.

eDiscovery & Litigation Services: eDiscovery & Litigation Services (eDLS) provides legal and investigative teams with services and applications to manage data for litigation, discovery, investigations and Public Record Act requests. The section manages large-scale litigation using a state of the art software that processes, searches, reviews and produces data. eDLS works with legal teams and client agencies to collect, preserve and produce electronically stored information. Additionally, the section develops data management strategies, provides in-court technology assistance, trains users on litigation software, and coordinates with vendors.

Major Accomplishments

Providing Legal Support

Training Leadership: LSO seeks to prepare its supervisors to meet the challenges ahead. To that end, LSO offered two trainings this year. The first, "Coaching and Career Conversations" training, was created in partnership with the Office of Human Resources' Strategic Development and Analytics Section. The second, "Crucial Conversations Training," was created in partnership with the Office of Human Resources' Office of Professional Development.

Providing Virtual Secretarial Support Teams: LSO aims to provide robust support to its attorneys across the state. To maintain the highest standard of efficiency in a virtual environment, legal secretaries from Los Angeles and San Diego are providing virtual support to attorneys in the San Francisco, Oakland and Sacramento offices.

Boosting Recruiting Efforts: To attract new talent, LSO partnered with the Recruitment Unit and launched a mass recruitment session, which included reaching out to college paralegal programs and developing a robust social media recruitment strategy.

Adapting to the New Normal: At the outset of the COVID-19 pandemic, LSO kept the legal staff informed of their caseload by scanning and emailing incoming mail and documents and saving them into the Case Management System. To meet the demands of a growing and increasingly-virtual team, LSO optimized office space efficiency by relocating the Oakland office's law library and adding workstations to meet the growing needs of the legal office.

Fostering Open Communication: With the team moving to remote work, it became increasingly important that the LSO team find innovative ways to communicate both individually and as a team. To that end, LSO held all-staff Town Hall meetings every six months to listen and connect with staff. Additionally, LSO provided staff with timely annual performance reviews to evaluate accomplishments and areas for development.

Expanding Online Resources: DOJ's Law Library Services Unit (LLS) features the most expansive Westlaw and Lexis legal database offerings in California state government. Countless electronic resources were added to the library catalog through Westlaw Edge with its investigatory tool People Map Lexis Advance. These include investigatory tools found in Lexis Advance Public Records, Accurint, HeinOnline, Courtlink, Energy and Environment News which features Energywire and Greewire, and Law360. Additionally, LLS began offering various legal research courses, webinars, one-on-one training sessions and personalized research assistance with digitized, searchable legislative histories. The library also expanded its continuing legal education offerings with courses offered in all locations.

Leveraging Data Analytics and Visualization for Performance Management: Leveraging an upgraded IBM Analytics and BI Platform, CMS enhanced its systems to provide the Office of the Attorney General with faster and more accurate reporting capabilities. This initiative focused on self-service analytics for financial and legal managers, including new key performance metrics for professional workload, case efficiency, and budget change proposals. In addition, CMS automated the Office of the Solicitor General's Annual Appellate Case Activity Report, thereby reducing the reporting cycle time from two weeks to on-demand.

Modernizing and Consolidating the DOJ's Case Management System: CMS continued the second phase of its system modernization efforts in 2020-2022, implementing an integration and automation solution to handle the complex manual processes required to synchronize file-level security with case-data security requirements. This initiative also provided the department with a secure process for consolidating storage and maintaining compliance with records retention policies for electronic data.

Transitioning to Remote Training Protocol Due to COVID-19: In response to COVID-19 mandatory lockdowns, CMS transitioned its training program from in-classroom to fully remote. Leveraging the GoToTraining platform, CMS quickly implemented a system that allowed for uninterrupted delivery of nearly 400 software training classes per year. This training platform allows CMS staff to train students across the state while eliminating travel related expenses. Training materials are provided electronically, which reduces preparation time and print costs while allowing for greater scheduling flexibility for both trainers and students.

Realigning Caseloads: DOJ teams now use the eDLS intranet page to submit Relativity workspace and eDLS Specialists requests. eDLS developed an intake request tracker to monitor workload balance between cities and individual specialists. A post-implementation survey indicates that managers and staff feel their workload is more balanced and manageable.

Leading California State Agencies on eDiscovery Workflows: eDLS continues to host meetings for California government agencies to collaborate and share ideas and challenges with eDiscovery workflows, data sharing between agencies and staffing shortages. In 2021, eDLS spearheaded an inter-governmental committee within this group to address the need for a new staff classification specific to eDiscovery positions.

Enhancing eDiscovery platform tools: eDLS researched, tested, procured and implemented several automated tools designed to work seamlessly with DOJ's current eDiscovery software platform, Relativity. These include Blackout, an automated redaction tool that redacts duplicative data over several documents; Veritone, an automated redaction tool for audio and video files; and Automated Workflows in the RelOne platform, an automated sequencing tool.

Maintaining Retention Schedules: eDLS implemented a workflow to review data storage needs at DOJ. Staff are focusing on archiving and deleting workspaces from Relativity Server to reduce data storage. As of this report, 30 TBs of data have been deleted from Relativity Server. eDLS has also reduced the number of Relativity licenses from over 700 to under 500, alleviating costs and ensuring the license contract will not term out before the expiration date.

Producing Training Videos: eDLS created on-demand videos for users new to Relativity or needing a refresher, which have moved to the eDLS intranet page for easy access and onboarding for new DOJ staff.

Office of Human Resources

Overview

The Office of Human Resources (OHR) is responsible for nearly all facets of employment for DOJ's 5,504 authorized positions. The section is comprised of several units, including:

Attorney Hiring Unit (AHU): AHU is comprised of hiring consultants and technicians who are exclusively dedicated to supporting the hiring of all DOJ attorneys. The team works closely with hiring managers in each of the Legal Divisions to support their ability to hire top talent in the most efficient manner. AHU hiring consultants and technicians are responsible for supporting each step

of the attorney hiring process from the posting of job announcements to preparing Requests for Personnel Action (RPA) packages.

Classification Services Unit (CSU): CSU provides consultation to staff and performs a full range of services and initiatives pertaining to hiring and upholding the Department's classification plan while abiding by the applicable laws, rules and regulations.

Coaching and Career Development Unit (CCD): CCD works with DOJ staff to help them find and succeed at career development opportunities, and assists leaders with improving productivity and decision-making.

Data Analytics Unit (DAU): DAU conducts Human Resources (HR)-related research, statistical analysis, data management, data visualization, and reporting. The goals of the unit include providing data and analytics to support HR services, solving complex problems and automating repetitive and manual processes to improve efficiency using data analysis and technology, and helping prepare DOJ for the future by contributing to a culture of data informed decision making.

Disciplinary Actions and Rejections Team (DART): DART is responsible for reviewing and analyzing pertinent attendance and/or performance materials (including investigations), drafting disciplinary actions, routing draft actions through between 4 and 6 levels of review, coordinating service and the Skelly hearing, assisting in-house counsel with defending the action during an appeal, and consulting with management and Skelly officers. The DART is now also responsible for Public Records Act (PRA) requests.

FMLA and Special Leaves Unit (FSLU): FSLU administers and provides training on the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) entitlements, collectively referred to as FMLA. The Unit's consultants check eligibility, send provisional FMLA notices, review medical certifications, and provide final FMLA designation memos. The unit also provides consultations to employees and supervisors on the department's FMLA policy and the respective regulations administered by the United States Department of Labor and California Department of Fair Employment and Housing. The FMLA & Special Leaves Unit also administers the payroll and benefits functions associated with State Disability Insurance (SDI) leave, Paid Family Leave (PFL), Non-Industrial Disability Insurance (NDI) leave, and Worker's Compensation.

Hiring and Compensation Unit (HCU): HCU works with DOJ personnel liaisons to oversee filling non-attorney vacancies, as well as process promotions for existing employees. HCU staff post jobs to the CalCareers website, determine salaries for new employees, review Hiring Above the Minimum requests and handle a variety of hiring-related matters.

JusticeHR/Workday: The JusticeHR team is working with the California Justice Information Services Division to implement Workday: a cloud-based human resource management software system to support position and employee management, timekeeping, and leave accounting.

Labor Relations Office (LRO): The LRO assists with the broad field that encompasses all the myriad interchanges between management and employees. It is the LRO's responsibility to develop harmonious relations between management and both unionized and non-union employees.

Office of Professional Development (OPD): OPD provides in-service training to help all DOJ employees improve their individual and organizational performance and meet various mandated requirements. OPD's courses are grouped into three general categories: professional and critical skills development, desktop applications, and DOJ mandated training. Most of the courses are DOJ-focused, and several are created and delivered in partnership with other DOJ units. OPD's staff is located in Sacramento and Los Angeles; however, training is provided to various Attorney General's Offices throughout the State. OPD provides a professional learning environment from knowledgeable and experienced trainers who promote interactive, student-centered training and incorporate best practices in the classroom.

Organizational Development Unit (ODU): ODU co-creates meaningful solutions that improve outcomes for the organization and its people. It offers services such as strategic planning, change management, organizational diagnostics, business process improvement, and coaching.

Payroll and Benefit Services (PBS): PBS is responsible for reviewing and processing leave credits (attendance), leaves of absences, various types of pay, and health benefits for all of the department's employees. They work with supervisors and attendance coordinators to ensure their staff is paid accurately on a monthly basis and receive all applicable benefits. Through training as well as individual assistance, the PBS unit helps employees understand personnel-related processes set by control agencies and department policies.

Performance Management Team (PMT): PMT builds partnership with organizational leaders by providing coaching, guidance, and critical resources on a myriad of complex performance management matters.

Personnel Liaison and Certification Unit: The Personnel Liaison and Certification Unit works with OHR managers handles all hiring-related tasks their vacancies, as well as oversight of the personnel liaisons department-wide. In addition, the team processes all non-attorney certification (i.e., eligibility) requests for the department.

Recruiting: The Recruiting Unit is responsible for all aspects of recruiting and plays a critical role in ensuring the best possible talent is identified. Duties and responsibilities include:

- Work with hiring managers to understand their staffing needs
- Source and screen potential applicants to evaluate if they meet the minimum qualifications and the position requirements
- Post jobs online and increase awareness of our vacancies
- Assist the applicants with the application procedure
- Work with everyone involved in the hiring process to drive the process and make it as efficient and effective as possible
- Networking by utilizing industry contacts, association memberships, social media, employees, and various academic institutions

Risk Management Unit (RMU): RMU provides services that protect the human and physical assets of the department against the consequences of loss, and assists divisions in reducing the

risks associated with day-to-day activities; its success is measured by meeting the needs of customers.

Testing and Selection Unit (TSU): TSU provides job analysis, test development, examination administration, and assessment services to all DOJ programs.

Major Accomplishments:

Establishing New Teams and Leaders to Meet Changing Needs:

California Police Shooting Investigative Team: In collaboration with the Labor Relations Unit (LR) and the Division of Law Enforcement's (DLE) management team, the Classification Services Unit (CSU) assisted in the establishment of the California Police Shooting Investigative Team (AB 1506). The AB 1506 team has already investigated dozens of officer-involved police shootings across the State.

Coaching and Career Development Unit: During FY 2021-2022, OHR established a new Coaching and Career Development (CCD) unit, which establishes collaborative and communicative partnerships with DOJ staff to help them find and succeed at career development opportunities, and assists leaders with improving productivity and decision-making.

Hiring and Compensation Unit: The Talent Acquisition Team created the Hiring and Compensation Unit, represented by members of every DOJ unit involved in the hiring process. The new unit is responsible for certain hiring functions performing salary determinations. As a result, OHR predicts a reduction in response times and an improvement in overall customer service.

Accounts Receivable Team: In January 2021, OHR created the Accounts Receivable Team to focus on the collection of employee salary overpayments. This team is responsible for establishing accounts receivables, noticing employees of salary overpayments and providing options for repayment, and working with employees to ensure overpayments are paid to the department in full. Since its inception, the team has successfully collected \$430,631.20.

Benefits Team: In June 2021, OHR created the Benefits Team to improve the benefit enrollment process for departmental employees. This team is responsible for providing in-depth one-on-one benefit consultations, processing benefit enrollment forms, administering the department's annual open enrollment and triennial dependent re-verification programs, and providing onboarding services to departmental employees. Since its inception, the team has successfully processed benefit forms for 1,999 employees, re-verified 887 dependents, responded to more than 15,000 inquiries, and held its first annual open enrollment period last fall.

Career Executive Assignments: In an effort to meet the evolving personnel needs of DOJ, the CSU team assisted in establishing the following Career Executive Assignments:

- Assistant Chief, Division of Medi-Cal Fraud and Elder Abuse;
- Chief Diversity and Inclusion Officer, Directorate Division, Diversity, Equity and Inclusion Office;

- Sexual Assault Evidence Outreach Deputy Director, DLE, Bureau of Forensic Services (BFS).

Improving Retention Rates

Increasing Salaries for DOJ's Special Agents: In September 2021, our Special Agent Series received a 12% Special Salary Adjustment (SSA), greatly improving Special Agent compensation. The Labor Relations unit collaborated with the Payroll and Benefits Services unit to ensure all increases were applied correctly.

Improving Retention Rates with the General Rotation Program: Over the past year, the Classification Services Unit partnered with the Civil Law Division to create a pilot Deputy Attorney General (DAG) Rotation Program. The program aims to improve retention rates among current DAGs by enabling DAGs the opportunity to rotate into another section for up to 24 months and broaden their expertise.

Deputy Attorney General Promotion-in-Place (PIP): The Position Information Management Services Unit successfully completed 101 Deputy Attorney General Promotions. To make these promotions possible, the examination team created a new promotional examination specifically for Deputy Attorney Generals. Of the 134 applications received, multiple panels of high-level subject matter experts from each legal division scored 126 Training and Experience Narratives. Of those, 101 candidate passed and were invited to participate in interviews with the legal division.

Improving Recruitment Rates

Attracting more candidates: During the COVID-19 pandemic, the Recruiting Unit transitioned to using virtual recruiting methods. The team led mass recruitments for both CJIS and Legal Support Operations to attract additional candidates to classifications that have historically struggled to fill positions, resulting in over a dozen hires.

Screening more candidates: The Assessment Consultation Team (ACT) developed a screening matrix tool in Microsoft Excel that can be quickly customized for use with any job vacancy in the department. The matrix provides custom experience categories with an anchored 0-5 point scoring system to facilitate efficient and consistent scoring. Since starting this service, ACT has invited 783 Research Center candidates to participate in online assessments.

Testing more candidates: By offering exams to candidates online, the Exams team drastically reduced the cost of administering tests in-person and allowed for a wider candidate pool. These online administrations also helped maintain safety during the COVID-19 pandemic. Over 3,857 candidates have received online examinations or hiring assessments from the Testing and Selection Unit over the past two years.

Employee Viewpoint Survey: The Organizational Development Unit (ODU) administered the fourth Employee Viewpoint Survey (EVS) in January 2022. The overall response rate to the streamlined survey increased from 61% in 2020 to 70% in 2022. As of August 2022, priority areas identified through EVS results include: career development, equipment and resources for hybrid

work, and cross-departmental communication. ODU worked with Division leaders to follow up on ways to strengthen engagement.

Adapting to COVID-19

Instituting COVID-19 Leave Entitlements: In response to the enactment of various COVID-related leave entitlements, the FMLA & Special Leaves Unit implemented new policies and procedures for processing leave-time. Between April 202 and September 2022, the unit processed hundreds of sick leave cases for employees experiencing COVID-19.

- Throughout the pandemic, the Risk Management team focused on “flattening the curve” at DOJ. In particular, the team:
- Managed 802 possible COVID-19 exposure cases.
- Responded to 15,000+ COVID-related emails from DOJ staff.
- Verified 4,152 vaccine records.
- Completed track and trace duties related to 1,334 positive COVID-19 cases.
- Drafted and issued 102 DOJ-wide informational/educational communications.
- Maintained COVID-19 testing sites at four locations for DOJ staff in accordance with mandates by CalHR and CDPH.
- Established At-Home testing protocols for individuals who needed testing
- Regularly reviewed building badge reports to determine if employees at the above locations were in compliance with testing protocols.
- Facilitated RMU/EER&R leadership meetings to collaborate on medical/religious accommodation requests relating to weekly COVID-19 testing mandates.

Updating Workforce Systems for a New Normal

JusticeHR Project: Workday Solution: The DOJ procured an enterprise resource planning solution from Workday in February 2021. Workday will transform administrative processes throughout the organization by streamlining the payroll process and generating robust reporting and analytics. Go-live is projected for Fall 2022.

DOJ Telework Policy: The Labor Relations Office (LRO) established a long-term telework policy at DOJ. To enforce and inform these policies, the LRO established a Telework Taskforce with representatives from each division. They also developed several telework subcommittees to discuss developments related to technology, equipment, operations, logistics, and office-space consolidation. Finally, they assisted in the development of the Telework and Health & Safety Portal, which captures data and enables the DOJ to meet reporting requirements for the DGS and California Department of Human Resources.

Microsoft Office Teams: The Office of Professional Development (OPD), in collaboration with the CJIS, created training for the department on MS Teams—a workspace for real-time collaboration, communication (chat/IM), meetings and video conferencing. OPD redesigned the current Video Conferencing Intranet page to include an on-demand video walkthrough, a variety of

quick reference guides, an FAQ, and content for a series of Lunchtime Micro Learning Series (LMLS). This platform will replace the BlueJeans video conferencing and Jabber chat programs.

Centralized and Secure Telework Environment: The Position and Information Management Services Unit collaborated with TAC to create and identify a secure drive for Office of Human Resource (OHR) Projects. The creation of the R-drive has helped units within OHR transition into a successful telework environment.

Expanding Training

Expanded Training Catalogue: In 2021, the Office of Professional Development (OPD) created 11 new courses: 1) Resume Tips; 2) Cover Letter Writing; 3) Death by PowerPoint; 4) Mindfulness in the Workplace; 5) Eating Wellness; 6) Proof It; 7) Writing Policies and Procedures; 8) Processing Invoices; 9) Giving & Receiving Feedback; 10) Microsoft One-Note; and 11) Adobe Acrobat Advanced.

Creation of the OPD e-Learning Team: OPD re-purposed three Professional Development Trainers to the OPD e-Learning Team. This team developed training to rollout MS Teams to all DOJ employees. The team is in the process of developing training to assist in the rollout of the Workday system at the DOJ.

Continuing Legal Education Unit (CLE) and OPD Join Forces: In December of 2021, the CLE Unit joined with OPD with the goal of concentrating their energies and talent in meeting the development needs of DOJ employees. From January 2022 - June 2022, CLE collaborated with 49 instructors to provide 14 webinars. These courses offered a total of 17.5 Minimum Continuing Legal Education (MCLE) credit hours and 1.5 hours of Leadership Credits. Over 2,482 staff attended these trainings.

Developing Leadership Opportunities

Supervisor Development Program: The Office of Professional Development (OPD) converted the delivery of DOJ's 80-hour required leadership training from in-person to interactive live webinar. As of June 2022, 74 participants received a completion certificate across five cohorts, saving the Department \$74,000 in CalHR registration costs. In addition, OPD has successfully utilized Smartsheet, an online management software, to create a new system that serves as a one-stop shop for registration, attendance tracking, and compliance monitoring. With the help of this system, DOJ was able to accurately track compliance due dates and achieve a compliance rate of 98.5%.

Emerging Leader Program: OPD is designing the Emerging Leader Program to develop the next generation of leaders in the Department. The team conducted focus groups, thematic analysis, and competency mapping in order to create a program structure and curriculum that addresses the leadership needs of DOJ.

Embracing Diversity

Diversity, Equity, and Inclusion (DE&I) Council: The Organizational Development Unit launched a DE&I council to establish the strategic framework and priorities for DE&I at DOJ. As part of the effort, the team drafted a DE&I common language and communications style guide, produced a DE&I training roadmap, and facilitated the DE&I Interactive Series for the Office of Human Resources.

Black/African American Deputy Attorneys General Recruitment and Retention: OHR completed a study to better understand the experiences of Black/African American Deputy Attorneys General (DAGs) at the Department of Justice (DOJ) and to identify ways to improve recruitment and retention of black attorneys. Thirty-three DAGs participated in a series of 15 focus groups and shared over 2,000 comments. The study produced seven reports that provide summaries of the comments and suggestions provided by focus group participants. One of the primary recommendations was to create an executive-level position to lead diversity, equity, and inclusion (DE&I) efforts at the Department, which the HR Executive office initiated.

Updating Payroll and Benefits

Participation in Collective Bargaining Negotiations: The Labor Relations Office (LRO) participated in collective bargaining negotiations in both 2021 and 2022. They successfully negotiated multiple DOJ-centered proposals to improve benefits in the Department, including increasing the minimum salary of Deputy Attorney General (DAG) Ranges A/B, and eliminating DAG Ranges A/B. Furthermore, the LRO partnered with the Classification and Pay Unit, the Division of Law Enforcement, and the Division of Medi-Cal Fraud and Elder Abuse to secure approval for a 12% special salary adjustment for the Special Agents.

Payroll Adaptations to the Telework Environment: Payroll and Benefit Services (PBS) assisted implementing an automated process for payroll. In addition, the team developed and implemented an electronic salary determination process, wherein salary determinations are now entirely facilitated via email.

Adjusting the Way DOJ Assesses Performance

Performance Appraisal and Probation Reports: The Position and Information Management Services Unit collaborated with Performance Management Team and the Data Analytics Unit to develop new tracking tools and streamline the process to gather the department's performance appraisals and probation reports.

Performance Appraisal Revision: The Performance Management Team successfully launched a revised performance appraisal process at the beginning of 2021. The new process includes a standardized timeline for the completion and submission of performance appraisals, job aids (e.g. a Performance Standard Rating Scale), Frequently Asked Questions, and two informative videos to assist departmental leadership in providing effective feedback to their employees. This resulted in the timely submission of more than 3,200 performance appraisals across the DOJ for two consecutive years.

Performance Management Workshop Training: In February 2021, the Performance Management Team launched its first-ever virtual training. To date, the pre-recorded training as received 6,046 views (includes partial and multiple views).

Office of the Chief

Overview

The Office of the Chief was established in January 2022 and serves as the executive program within the division, providing administrative services and statewide operations with department-wide impact. The office consists of two sections, the Office of Administration/Grant Services and the Statewide Operational Services office.

Office of Administration/Grant Services: The Administration/Grant Services programs perform administrative functions such as OPS personnel services (e.g., hiring, justifications, etc.), business services (e.g., live scan requests, attendance, roster updates, supply purchases, division training requirements, etc.), and grant services (e.g., administer grants issued by the department and assist programs with state or federal grants received).

Statewide Operational Services (SOS): SOS provides support for program functions with department-wide significance including departmental policy, asset management, records management, vehicle/fleet management, parking, emergency preparedness, and ethics/incompatibility.

Major Accomplishments

Bolstering Gun-Protection Efforts

Gun Violence Reduction Program Grant: The Local Assistance Unit, under Grant Services, administered the first round of the Gun Violence Reduction Program pursuant to the Budget Act of 2021. The department awarded nearly \$5 million dollars to ten California Sheriff's Departments to help in the effort of removing firearms and ammunition from persons prohibited from possessing them. The Local Assistance Unit under Grant Services administered the FY 21/22 round of Tobacco Grant funding. The department awarded approximately \$22 million dollars to 68 local entities to help reduce the illegal practice of selling and marketing cigarettes and tobacco products to minors.

Streamlining State Documents

Digital Signatures: The Departmental Policy program worked closely with Civil Law and the Fair Political Practices Commission to allow for a digital signature on some official documents, streamlining the submission process for forms across the agency.