

ATTORNEY GENERAL HARRIS – ANOTHER GUN CONTROL HYPOCRITE

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California Attorney General Kamala Harris, a candidate actively campaigning for the Senate seat that is opening up with Barbara Boxer's retirement, recently made the news when she tried to shame members of Congress for refusing to enact unconstitutional and counterproductive gun-control laws. "They should have closed the chambers of Congress on the House and the Senate side, and said all you members go in there, only you, and spread out the autopsy photographs of [the school children who were killed during the Sandy Hook Elementary School Shooting] and [required] them to look at those photographs. And then vote your conscience," Harris said at Politicon, a political convention held in Los Angeles.¹

Wow! That's some pretty extreme rhetoric. But is the pot calling the kettle black here? Harris is the highest level law enforcement officer in California, and the head of the Department of Justice (DOJ). DOJ is responsible for maintaining criminal records, mental illness records, records of those who have become ineligible to possess firearms, and all of the databases used to perform background checks on gun buyers, to register firearms, and to take firearms away from people who are prohibited from possessing them but who still have firearms registered in their name.

Those records, and the related databases, are a hot mess.

As the California State Auditor has confirmed not once but twice, Harris herself is responsible for maintaining those systems. And she has repeatedly dropped the ball. Under her leadership, DOJ has failed to properly implement, manage, and administer California's gun laws

¹ Mollie Reilly, *Kamala Harris: Congress Should Look at Autopsy Photos Before Voting on Gun Bills*, THE HUFFINGTON POST (Oct. 12, 2015), available at http://www.huffingtonpost.com/entry/kamala-harris-gun-violence_561bce3ee4b0e66ad4c88766.

and associated databases and records.

I. CALIFORNIA'S CRIMINAL CONVICTION RECORDS MESS

Both federal and California law require a background check to be done when a person goes to purchase a firearm from a dealer.² Because California requires essentially all firearm transfers to be conducted through a licensed dealer, all firearm dealer transactions in California, including private sales, require the recipient to undergo a background check. Most states have the FBI conduct a background check through the National Instant Criminal Background Check System (NICS). These checks are often instantaneous. But some states, like California, are “Point-of-Contact” states. Point of contact states conduct the background check (or part of it themselves), instead of allowing the Federal Bureau of Investigation (FBI)³ to access all of the state’s records and databases so the Feds can determine a person’s eligibility to possess a firearm for the state. Essentially by acting as a point of contact state and doing its own background checks, California misses the opportunity to let the feds perform this service, and bear the cost of it.

Regardless, California’s own records are in shambles.⁴ Older state court criminal records often lack a final case disposition and/or adjudication, making it difficult to determine with any certainty a person’s eligibility to possess firearms.⁵ In fact, the Los Angeles Times reported in 2011 that the final outcome (*i.e.*, guilty, not guilty, case dismissed) was missing from about 7.7

² See 18 U.S.C. § 922(t); CAL. PENAL CODE §§ 26815(a), 27540(a).

³ 28 C.F.R. § 25.6.

⁴ See Jack Dolan, *California Criminal Database Poorly Maintained*, L.A. Times (July 17, 2011), available at <http://articles.latimes.com/2011/jul/17/local/la-me-crime-data-20110717>.

⁵ This issue prompted the California legislature to enact Assembly Bill (AB) 500 (2013) which, in part, allowed firearm dealers to release firearms after 30 days when the California Department of Justice (DOJ) could not determine whether a transferee was eligible to possess firearms. See AB 500, 2013-2014 Leg., Reg. Sess. (Cal. 2013). Prior to the enactment of this law, individuals were delayed indefinitely while the DOJ attempted to track down information that never, or no longer, existed or in the alternative insisted that the transferee prove to the DOJ they were eligible before the firearm could be transferred. This resulted in individuals, who should not be considered prohibited from possessing firearms, being denied firearm purchases because they had an arrest somewhere in the distant past.

million of the 16.4 million arrest records entered into state computers!⁶ Some courts even destroy criminal case records entirely after a certain number of years, making it impossible to check or correct such destroyed records. As a result, unless the information contained in a particular court record or summary information database of those records was accurately and completely recorded in the first place, there is no way for the DOJ to confirm a person's eligibility to possess firearms.

For example, in one case a person was arrested for murder, but was later exonerated of that charge. He was, however, guilty of a much less serious collateral offense. He pled no contest to that misdemeanor charge. But the person's records still showed a murder conviction instead of the misdemeanor. Those types of errors are all too common, and have led to inaccuracy, confusion, and delay in processing firearm purchases.⁷

II. CALIFORNIA'S MENTAL HEALTH RECORDS DATABASE MESS

Recent polls show most Americans recognize that mental health issues are behind most mass shootings,⁸ and that most violent crimes are committed by the mentally ill. Studies have shown that persons with mental illnesses are up to 13 times more likely to commit violent crimes.⁹ Nearly every mass shooting in recent memory, including the shootings in Oregon, South Carolina, Isla Vista, and Newtown involved perpetrators with a reported history of mental illness.

⁶ See Jack Dolan, *California Criminal Database Poorly Maintained*, L.A. Times (July 17, 2011), available at <http://articles.latimes.com/2011/jul/17/local/la-me-crime-data-20110717>.

⁷ *DROS Entry System (DES) Firearms Dealers User Guide*, CALIFORNIA DEPARTMENT OF JUSTICE, BUREAU OF FIREARMS (rev. Dec. 29, 2014), available at https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/dros_entry_guide.pdf.

⁸ See Peyton M. Craighill & Scott Clement, *What Americans Blame Most for Mass Shootings (Hint: It's Not Gun Laws)*, THE WASHINGTON POST (Oct. 26, 2015), available at <https://www.washingtonpost.com/news/the-fix/wp/2015/10/26/gun-control-americans-overwhelmingly-blame-mental-health-failures-for-mass-shootings/>; see also Margaret Tyson, *More See Mass Shootings as a Mental Health Issue (POLL)*, ABC NEWS (Oct. 26, 2015), available at <http://abcnews.go.com/Politics/mass-shootings-mental-health-issue-poll/story?id=34686199>

⁹ Seena Fazel, Gautam Gulati, Louise Linsell, John R. Geddes & Martin Grann, *Schizophrenia and Violence: Systematic Review and Meta-Analysis*, PLOS MEDICINE (Aug. 11, 2009), available at <http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1000120>.

Despite these compelling facts, again, not one but two separate Reports from the California State Auditor have found serious problems with the way the DOJ processes mental health records to determine a person's firearm eligibility. Despite these multiple admonitions, Harris has failed to fix the problems.

A 2013 Report from the California State Auditor found that under Harris, the DOJ "had not sufficiently reached out to the courts or mental health facilities to remind them to promptly report required information," which if done would have allowed the DOJ to determine when dangerously mentally ill persons were in possession of firearms or attempting to purchase them.¹⁰ Additionally, this report found that:

[K]ey decisions, such as whether a person is prohibited, are left to staff whose work does not receive a supervisory review. Because of these issues, Justice cannot identify all armed prohibited persons in California as effectively as it should, and the information it uses to ensure public safety by confiscating firearms is incomplete.¹¹

So, Harris has squandered multiple opportunities to potentially prevent serious mental cases from acquiring firearms.

The 2013 Report also found that the DOJ had not reached out to, and was not even aware of, all the mental health facilities in the State that were approved to treat reportable individuals. By comparing the DOJ's facilities outreach list to a list of approved mental health facilities, the Auditor identified 22 mental health facilities that the DOJ had failed to contact about reporting requirements. The 2013 Report concluded that DOJ's failure meant those mental health facilities that did report to the DOJ probably did not report all prohibited individuals – since they had not been advised by the DOJ of, and were unaware of, the reporting requirements.

¹⁰ California State Auditor, *Armed Persons with Mental Illness* (Oct. 2013), available at <https://www.auditor.ca.gov/pdfs/reports/2013-103.pdf>.

¹¹ *Id.*

Here again, Harris' DOJ failed to take any steps to prevent dangerous prohibited persons from obtaining firearms, even when all that was required was something as simple as a phone call or a letter.

Aside from this DOJ failure to require mental health facilities to report qualifying treatments, the State Auditor found in the 2013 Report that county courts had also failed to report at least 2,300 mental health determinations to the DOJ between 2010 and 2012. The report noted that a countless number of mental health determinations have gone unreported because DOJ failed to advise the courts of their reporting requirements, failed to gather the information as state law requires, and because courts did not even have the computer software necessary to track them.¹²

Harris' has done nothing to solve these problems. But what's worse is that Harris' abysmally managed DOJ did not even know the problems existed until the State Auditor pointed them out when it was preparing its 2013 report. By the time the 2013 Report was published, Harris' DOJ still had not bothered to follow-up with the courts to confirm all prohibited persons were being reported.¹³

In 2015, the California State Auditor issued its second Report documenting how the DOJ was failing to use the programs and funds at its disposal to keep firearms out of the hands of those who are dangerously mentally ill.¹⁴ The 2015 Auditor's Report found that the DOJ had failed to fully implement even the most basic recommendations made in the 2013 Report, and that this resulted in the DOJ failing to accurately and promptly identify "firearm owners in the

¹² See Jack Dolan, *California Criminal Database Poorly Maintained*, L.A. Times (July 17, 2011), available at <http://articles.latimes.com/2011/jul/17/local/la-me-crime-data-20110717>.

¹³ California State Auditor, *Armed Persons with Mental Illness* (Oct. 2013), available at <https://www.auditor.ca.gov/pdfs/reports/2013-103.pdf>.

¹⁴ California State Auditor, *Follow-up—California Department of Justice: Delays in Fully Implementing Recommendations Prevent it From Accurately and Promptly Identifying All Armed Persons with Mental Illness, Resulting in Continued Risk to Public Safety* (July 2015), available at <http://bsa.ca.gov/pdfs/reports/2015-504.pdf>.

State who are prohibited from owning or possessing a firearm due to a mental health-related event in their life.”¹⁵

Maybe its Harris who should be locked in a room with autopsy pictures?

III. BILLIONS IN MENTAL HEALTH TREATMENT MONEY GOES UNSPENT

Mental health treatment is the first line of defense in preventing mass shootings. Recent statistics by the U.S. Department of Health indicate that approximately 11 million U.S. adults, or 4.8 percent of the population, were diagnosed with serious mental illnesses in 2009.¹⁶ Critical incidents involving the mentally ill, such as the school shootings in Newtown, Isla Vista and others, underscore the seriousness of detecting and treating mental illnesses. Even President Obama has claimed that increased funding for mental health would reduce violent crimes committed with firearms.¹⁷

But Harris, who has the power to prompt action on this issue, has stood on the sidelines while *billions* of dollars in funds collected and specifically earmarked for mental health treatment in California remains unspent. Meanwhile, mental health treatment programs throughout the state are chronically underfunded.

By providing effective treatment and services for those who suffer from mental illness, or who are at risk of mental illness, some tragic incidents might be prevented. Recognizing this need, California voters approved Proposition 63, the Mental Health Services Act (“MHSA”) in 2004 and expanded mental health treatment services and utilized innovative methods more likely

¹⁵ California State Auditor, *Follow-up—California Department of Justice: Delays in Fully Implementing Recommendations Prevent it From Accurately and Promptly Identifying All Armed Persons with Mental Illness, Resulting in Continued Risk to Public Safety* (July 2015), available at <http://bsa.ca.gov/pdfs/reports/2015-504.pdf>.

¹⁶ SAMHSA: 4.8% U.S. Adults Suffer From Serious Mental Illness, NEWS MEDICAL (Nov. 19, 2010), available at <http://www.news-medical.net/news/20101119/SAMHSA-4825-US-adults-suffer-from-serious-mental-illness.aspx>.

¹⁷ Kimberly Leonard, *White House Claims Medicaid Expansion Would Curb Gun Violence*, U.S. NEWS (Oct. 7, 2015), available at <http://www.usnews.com/news/articles/2015/10/07/white-house-claims-medicaid-expansion-would-curb-gun-violence>.

to identify, mitigate, and treat mental illness. MHSA imposed a 1% income tax on individuals earning over \$1 million to fund these programs. While more than \$7 billion in funds were collected for the MHSA, a 2013 California State Auditor report found these funds were mismanaged, and are not being used for their intended purpose of treating mental illnesses.¹⁸

In Orange County for example, a recent grand jury report determined that while the county should have about 1,500 psychiatric beds according to the standards set by the California Hospital Association, the county has only 685 beds.¹⁹ There is also a shortage of psychiatrists in Orange County, and wait times to see a psychiatrist are often months long. These doctors are critically important in diagnosing and treating many mental health problems which, if left untreated, may ultimately lead to acts of violence. Despite this evidence of pervasive underfunding for mental health treatment, Orange County has built up nearly a quarter-billion dollars in unspent MHSA funds.

And Orange County is not alone in mismanaging its mental health system. San Diego County accumulated a \$172 million fund balance as of 2013,²⁰ while Los Angeles, San Bernardino and Riverside counties also accrued massive amounts of unspent mental health funds.

So why isn't Harris prompting these counties to action? Harris has done nothing to get these monies where they are needed and legally belong.

IV. FAILURE TO IMPLEMENT THE NICS IMPROVEMENT ACT OF 2007

¹⁸ California State Auditor, *Mental Health Services Act California State Auditor* (Aug. 2013), available at <https://www.bsa.ca.gov/pdfs/reports/2012-122.pdf>.

¹⁹ Nick Gerda, *County Stashing Mental Health Cash While Needs Go Unmet*, VOICE OF OC (Sept. 10, 2015), available at <http://voiceofoc.org/2015/09/county-stashing-mental-health-cash-while-needs-go-unmet/>.

²⁰ Lauren Mascarenhas, *County Amasses Mental Health Funds Amid Need*, SAN DIEGO UNION-TRIBUNE (Aug. 22, 2015), available at <http://www.sandiegouniontribune.com/news/2015/aug/22/county-amasses-mental-health-funds-amid-need/>.

Following the Virginia Tech shooting, the federal government implemented the NICS Improvement Amendments Act (“NIAA”) of 2007. This legislation, supported by the National Rifle Association (NRA), sought to increase the information available in the NICS background check system databases so they could be used to more accurately identify prohibited persons. NIAA even enhanced the cooperation among federal agencies, allowing them to freely share information creating better and more complete criminal records. The law also provided incentives to states to submit complete information to the United States Attorney General regarding prohibited persons. The NIAA authorized several new grant programs for both state executive and judicial branch agencies to improve their reporting systems.²¹ To date, 26 states have requested and received NIAA funding with over \$72 million in grant distribution.

Tellingly, California was not among them.²²

Harris has ignored this silver-platter opportunity to receive additional funding to assist the DOJ in gathering and managing mental health information in order to conduct more efficient background checks. She has left millions in federal money to improve the overall effectiveness of such background checks on the table.

V. CALIFORNIA’S FIREARM REGISTRATION DATABASE MESS

In addition to searching criminal records as part of a background check, California also refers to its Automated Firearm System (“AFS”) database to ensure that prohibited persons do not possess firearms. Through AFS, police can access a firearm’s serial number and other characteristics.²³

²¹ *The NICS Improvement Amendments Act of 2007*, BUREAU OF JUSTICE STATISTICS, <http://www.bjs.gov/index.cfm?ty=tp&tid=49>.

²² *State Profiles*, BUREAU OF JUSTICE STATISTICS, <http://www.bjs.gov/index.cfm?ty=tp&tid=491>.

²³ CAL. PENAL CODE §§ 28155, 28160, 28215(d).

Before January 1, 2014, only handguns, voluntarily registered firearms, and registered “assault weapons” and “.50 BMG rifles” were required to be registered with the AFS. California law prohibited the DOJ from recording the serial numbers of long guns until that date.²⁴

Pathetically, the information in the AFS is often incorrect. Model numbers are incorrectly listed as the firearm’s caliber, calibers are listed as serial numbers, vice versa, and etc. The database has not been updated, so many firearms remain unregistered or registered to a previous owner. This makes the entire purpose of the gun owner registration system pointless.

Unfortunately, the AFS database is also in shambles.

People are often unaware of the restrictions California places on firearm transfers or sales. They fail to transfer firearms through a dealer when required, and subsequently fail to have the firearm registered to the recipient. Additionally, some dealers have failed to enter firearm information upon transfer, or entered it inaccurately. In the few situations where firearm transfers can be legally done without going through a dealer, some recipients have failed to register the firearm with DOJ upon receipt. Consequently, firearms transferred years ago are often incorrectly still registered to the original purchaser.

There is a mechanism in place through which individuals can remove the firearms they no longer possess from the registry in order to correct the errors.²⁵ But, DOJ refuses to take registered firearms out of peoples’ names without “verifiable proof.” Harris’ DOJ insists that a former firearm owner show proof the firearm was transferred, lost, or stolen before unregistering the firearm in that person’s name. Oftentimes this proof is impossible to come by. How do you prove that you don’t have something? Consequently, errors in ownership remain within the AFS.

²⁴ CAL. PENAL CODE § 11106 (2013).

²⁵ See *Notice of No Longer in Possession*, California Department of Justice (Rev. May 2015), available at <http://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/BOF4546NLIP0209.pdf>

Despite her unfounded claims that a firearms registry is critical to her gun control agenda, Harris has failed to address these chronic errors in the DOJ database.

VI. APPS DATABASE RIDDLED WITH ERRORS – AND RIDICULOUSLY EXPENSIVE

The Armed & Prohibited Persons System (APPS) was created in 2001 (SB 950).²⁶ APPS cross-references the Automated Firearm System (AFS) with the databases covering those prohibited from possessing firearms (like the mental health and the criminal databases discussed above). As you may have surmised, given the inaccuracies of all of these databases upon which APPS relies, APPS while occasionally snagging a bad guy, has largely become a joke. APPS is mismanaged, filled with inaccuracies, and enforced by agents who would rather do anything other than be a part of what they see as a demeaning program.²⁷

In May of 2013, California Governor Jerry Brown signed controversial Senate Bill 140, giving the DOJ \$24 million that had been collected from gun buyers to conduct background checks to enforce the DOJ's existing APPS program.²⁸ At the time, Harris claimed this money would improve APPS enforcement, saying that:

California is leading the nation in a common-sense effort to protect public safety by taking guns away from dangerous, violent individuals who are prohibited by law from owning them These funds will allow the Department of Justice to increase the number of agents conducting these smart and effective operations. I commend Governor Brown for signing this critical public safety investment into law.²⁹

But the 2013 Auditor's report also found that the DOJ had failed to process reports of people becoming prohibited, potentially allowing them to keep illegally possessed firearms. The

²⁶ *Armed Prohibited Person System*, OFFICE OF THE ATTORNEY GENERAL, available at https://oag.ca.gov/system/files/attachments/press_releases/n2521_apps_fact_sheet.pdf.

²⁷ See *California's APPS: DOJ Special Agent Greg Cameron*, NRANEWS (Aug. 2013), <https://www.nranews.com/home/video/apps-dept-of-justice-special-agent-greg-cameron>.

²⁸ Kathleen Miles, *California Gun Confiscation Bill Passes, Approves \$24 Million to Expedite Illegal Gun Seizure*, HUFFINGTON POST LOS ANGELES (Apr. 19, 2013), available at http://www.huffingtonpost.com/2013/04/19/california-gun-confiscation-bill_n_3117238.html.

²⁹ Mark Leno, *Assembly Passes Leno Bill Taking Illegally Possessed Firearms Off Streets* (Apr. 18, 2013), available at <http://sd11.senate.ca.gov/news/2013-04-18-assembly-passes-leno-bill-taking-illegally-possessed-firearms-streets>.

Auditor also said that the DOJ's unit in DOJ's Bureau of Firearms had not met its own internal deadline for completing initial reviews of potential armed prohibited persons. This failure was attributed in part to "current weaknesses in Justice's workload management and controls over information it receives." As a result, according to the Audit, the DOJ reported "more than 20,800 persons were still deemed to be armed prohibited persons as of July 2013, and these persons had not had their firearms confiscated."³⁰

In a sign of strain on the program, the Department of Justice hadn't vetted the status of some 380,000 gun owners as of the 2013 audit.

Enforcement appeared to be lagging as well: the state audit found 20,800 prohibited people with mental illness who had not had their guns confiscated.³¹

The failure of this APPS system was further highlighted by DOJ's report on APPS for the 2014 Calendar year.³² Despite the rosy disposition DOJ tried to spin in the report, it showed the backlog had shrunk by less than one-fifth from the previous year.³³ "There were almost 17,500 people in the Armed and Prohibited Persons System as of December 31, 2014. That was down by about 18 percent from the more than 21,000 in the database as of January 2014, according to the DOJ's March 1 report to the Legislature."

Compounding matters for Harris, the 2015 Auditor's report came out soon thereafter. The 2015 report identified errors in 20% of the APPS cases reviewed by the Auditor, including at least one case where a person was wrongly identified as a prohibited person in possession of a firearm, when in fact they were not prohibited.

³⁰ California State Auditor, *Armed Persons with Mental Illness* (Oct. 2013), available at <https://www.auditor.ca.gov/pdfs/reports/2013-103.pdf>.

³¹ Jeremy B. White, *The Latest on California Politics and Government* (Dec. 16, 2013), available at <http://blogs.sacbee.com/capitolalertlatest/2013/12/california-lawmakers-question-gun-confiscation-program-backlog.html>.

³² *Armed Prohibited Person System*, CALIFORNIA DEPARTMENT OF JUSTICE (2014), available at <http://www.oag.ca.gov/sites/all/files/agweb/pdfs/publications/armed-prohib-person-system.pdf>.

³³ Jim Miller, *California Continues to Have Large Backlog of Prohibited Gun Owners* (Mar. 2015), available at <http://www.sacbee.com/news/politics-government/capitol-alert/article15138524.html>.

These kinds of errors inevitably lead to law enforcement attempting to confiscate firearms from the homes of law-abiding citizens who are neither armed nor prohibited.³⁴ According to the Auditor, when the DOJ makes this type of error, “it inappropriately infringes upon an individual’s right to own and possess firearms.”³⁵ Uh, yeah. But even individuals who have never owned firearms can find themselves in law enforcement’s crosshairs due to the mistakes and lack of supervision at the DOJ.³⁶ Of course these errors also mean that dangerous persons, who are actually prohibited, are allowed to continue to possess firearms undetected, until they decide to use them. The Auditor also found that the DOJ did not even have a checklist to assist the APPS unit staff in making correct prohibition determinations, or in reviewing and entering all pertinent information into the APPS database.³⁷

In 2015, the Auditor also reported that the backlog of pending potential prohibited persons in possession of firearms did not improve after the first Audit in 2013. In fact, it was actually three times worse by the second audit in 2015.³⁸ During late 2012 and early 2013, the first Audit found that DOJ had a backlog of more than 1,200 matches pending initial review in its daily queue — the queue that contains the daily events from courts and mental health facilities that indicate a match and may trigger a prohibition for an individual to own a firearm. By 2015 this daily queue had reached more than 3,600 cases, six times higher than the DOJ’s “goal” of no more than 600 cases.³⁹

³⁴ *Protect Yourself! California’s Politicized Gun Confiscation Program Threatens Uninformed Gun Owners*, MICHEL & ASSOCIATES, P.C. (May 23, 2014), available at <http://www.calgunlaws.com/wp-content/uploads/2012/08/Protect-Yourself1.pdf>.

³⁵ California State Auditor, *Follow-up—California Department of Justice: Delays in Fully Implementing Recommendations Prevent it From Accurately and Promptly Identifying All Armed Persons with Mental Illness, Resulting in Continued Risk to Public Safety* (July 2015), available at <http://bsa.ca.gov/pdfs/reports/2015-504.pdf>.

³⁶ *APPS: California’s Universal Registration Scheme*, NRANEWS, <https://www.nranews.com/series/ginny-simone-reporting/video/apps-california-s-universal-registration-scheme>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

And that's just the potential matches. The DOJ has a "historical backlog" of more than a quarter-million potentially prohibited persons, which it hasn't even checked for matching records yet. Based on DOJ's poor performance record of reviewing this "historical backlog," the California State Auditor estimated that at its current pace the DOJ would not complete its review of these records until 2022.⁴⁰ The Auditor found the longer it takes the DOJ to review the records in the "historical backlog," the longer armed prohibited persons keep their firearms. The 2015 Report also found that DOJ had not implemented all the recommendations from the 2013 Report.⁴¹

Given the gross mismanagement of the APPS program, the Legislature has asked DOJ some important questions. The California Senate Republicans requested an oversight hearing for the failing program.⁴² In the letter to President Pro Tem De León, the Senate Republicans inquired, amongst other things, why the DOJ failed to meet their hiring objectives despite spending 40% of the funds provided to them in 2013.⁴³

In hearings on April 30, 2015, and May 20, 2015, the DOJ tried to justify their actions relating to APPS, and shockingly requested millions in additional funds. According to the DOJ, there is approximately only \$12 million remaining in the DROS fund. During the May 20, 2015, hearing the DOJ asked for the additional money from the Firearm Safety and Enforcement Fund.⁴⁴ This fund, much like the DROS fund, is paid by responsible firearm purchasers at the time of lawful firearm purchases. Essentially, it's a tax on gun buyers.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Senate Republications Seek Oversight Hearing to Examine Significant Backlog in Attorney General Kamala Harris' Program to Take Guns from Criminals and Mentally Ill*, REPUBLICAN CAUCUS (Mar. 17, 2015), available at <http://cssrc.us/content/senate-republicans-seek-oversight-hearing-examine-significant-backlog-attorney-general>.

⁴³ Letter to Senator de Leon, President Pro Tem, California State Senate, from Republican Leaders (Mar. 17, 2015) available at http://cssrc.us/sites/default/files/150317_Letter.pdf.

⁴⁴ Senate Budget and Fiscal Review, *Subcommittee No. 5 – Agenda* (May 20, 2015), available at <http://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/SUB5/05202015Sub5MR.pdf>.

It's easy for Kamala Harris to score political points for her Senate campaign using inflammatory rhetoric to make vague demands for more gun control laws. But when it comes to making existing laws work, laws that she herself has trumpeted as part of reducing gun violence, Harris has botched the job big time.