

The California State Auditor released the following report today:

## Armed Persons With Mental Illness

*Insufficient Outreach From the Department of Justice and Poor Reporting From Superior Courts  
Limit the Identification of Armed Persons With Mental Illness*

### BACKGROUND

Responsible for identifying firearm owners in California who are prohibited from owning or possessing a firearm because of a prohibiting event in their life, as of July 2013 the Department of Justice (Justice) had identified more than 20,800 such individuals—referred to as armed prohibited persons—for a variety of reasons including mental health. Justice maintains a database that identifies such prohibited persons. Superior courts (courts) are generally responsible for reporting events related to criminal proceedings and information related to determinations concerning an individual's mental health, while mental health facilities are generally responsible for reporting prohibiting events related to mental health status. Justice confiscates firearms when a person owns one and is subsequently, based on a certain event, prohibited from owning one.

### KEY FINDINGS

During our review of Justice's management of identifying armed prohibited persons, we noted the following:

- Many courts did not report mental health determinations to Justice because courts were unaware of the reporting requirements—only five of the 34 courts that we surveyed knew of the requirements and the surveyed courts claimed they failed to report over 2,300 mental health determinations from 2010 through 2012.
- Despite being aware that some courts do not report the required mental health information, before our audit Justice had not reminded courts of the reporting requirement.
- Although some courts were reporting information to Justice, they did not report all of the required mental health events: Los Angeles Superior Court failed to report 15 of 27 mental health determinations we reviewed; San Bernardino Superior Court's criminal division did not report any of the 15 determinations of mental incompetence to stand trial; and Santa Clara Superior Court's largest criminal courthouse only reported nine of the 15 the cases we reviewed.
- Despite being required to report mental health prohibiting events *immediately*, the courts from each of the three counties we visited interpreted "immediately" differently with courts' interpretations ranging from within two to seven days.
- Justice was unaware of all the relevant mental health facilities—its outreach list was missing 22 facilities that were approved to treat reportable individuals—and thus, did not communicate the reporting requirements to all the facilities.
- Some key staff decisions are not subject to review, such as decisions that a specific individual is not an armed prohibited person—we found that three of eight decisions we reviewed were incorrect.
- Justice has difficulty processing the information it receives from reporting entities against its record of firearm owners.
  - ✓ Its daily backlog of potential matches pending review has sometimes exceeded the informal cap of 1,200 matches of prohibiting events with firearm owners.
  - ✓ It has not finished reviewing a historical backlog of firearm owners—nearly 380,000 as of July 2013—to determine whether any of those individuals are armed prohibited persons and does not appear to be on track to complete this review by its planned deadline of the end of 2016.

### KEY RECOMMENDATIONS

Among the numerous and detailed recommendations we made, are several to ensure that Justice has the necessary information to identify armed prohibited persons with mental illness and that all required prohibited individuals are reported to Justice. Other recommendations are aimed at ensuring Justice keeps an accurate and up-to-date list of all mental health facilities required to report individuals with mental illness in order to communicate and provide reporting information. We further recommended Justice implement quality control processes over staff determinations and manage staff priorities to meet internal deadlines to identify armed prohibited persons and confiscate their firearms timely. We also recommended the Legislature amend the law to specify that all mental health-related prohibiting events be reported to Justice within 24 hours.

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