

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

May 01, 2023

2. Department

Justice

3. Organizational Placement (Division/Branch/Office Name)

Division of Law Enforcement/ Office of the Chief

4. CEA Position Title

Office of Gun Violence Prevention Director

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

Under the general direction of the Chief Deputy Attorney General and the direction of the Department's Division of Law Enforcement (DLE) Chief and Assistant Chief, the CEA performs a dual role as both a program administrator and as a highly experienced and specialized attorney. The incumbent will plan, implement, and establish policy to reduce and prevent gun violence and assist with litigation strategy. This position is highly visible and the responsibilities have a significant role in the Attorney General's mission to serve the people of California in providing clear policies to promote effective efforts to reduce and prevent gun violence, firearm injuries and related traumas and promote research and data collection.

6. Reports to: (Class Title/Level)

Assistant Chief of the Division of Law Enforcement/ CEA B

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

This position will serve as the principal legal adviser and expert on gun violence and firearm injury prevention and provide advice and counsel to assist with the department's litigation strategy, regulations, and policies and will be required to report any changes concerning state and federal policy trends, data statistics, concerns, and/or events to the Division of Law Enforcement Assistant Chief, who is a member of the Executive Management Team. This position will also be expected to report regularly to the Executive Management Team.

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The CEA will serve as the principal legal adviser and expert on gun violence and firearm injury prevention and provide advice and counsel to assist with the Department of Justice's (DOJ) litigation strategy, regulations, and policies. The incumbent will consult with law enforcement, public agencies, the firearms industry, and the public on firearms-related legal issues; keep abreast of all firearms-related legislative measures and regulations; assists with litigation strategy and/or may directly handle firearm-related litigation on behalf of the Attorney General's Office.

The CEA will act as the principal liaison and expert in gun violence and firearm injury reduction and prevention with specified federal, state and local government, stakeholders and community groups. They will increase awareness in a variety of gun violence prevention strategies and implementation of programs, including making recommendations on state and federal laws and policy.

The CEA will also serve as the principal legal adviser to the DLE Chief, Assistant Chief and Chief Deputy Attorney General on gun laws, providing advice and counsel to assist with litigation strategy, regulations, and policies. The position will conduct thorough legal research to identify opportunities for proactive policy engagement.

The CEA will represent the Attorney General and the DLE Chief in meetings and public forums with public officials and their representatives. The position will require extensive interface with attorneys and management staff in various California and federal law enforcement agencies and departments as well as stakeholders and other advocate groups.

The CEA will collaborate with the Department of Public Health, Department of Health Care Services, the Board of State and Community Corrections, and research centers to identify the causes of gun violence in communities in order to incorporate a public health approach to improve social determinants of health for communities that are the most affected by gun violence. The CEA will implement public awareness campaigns and work with the Department's Communication Office to develop a media strategy. They will develop and provide materials and training resources regarding gun laws and mental health resources.

The CEA will conduct outreach to help the Department's gun violence reduction grant program, and will develop a report on the plan of action with statistical data from the Office of Gun Violence Prevention (OGVP). The incumbent will oversee the creation of a resource bank and network database of gun violence prevention strategies and programs; identify available federal grants and other funding and collaborate with the Legislature and various stakeholders.

The incumbent will be responsible for establishing policies for: (1) Applying the public health approach for effective gun violence prevention; (2) Enacting and implementing policies, programs, and practices in gun violence prevention; (3) Investing in interventions that address the root causes of gun violence in structurally disadvantaged communities; (4) Training healthcare professionals on lethal means safety counseling so they are prepared to ask patients about firearm access and provide effective and respectful counseling when appropriate; (5) Focusing gun violence prevention policies on evidence-based risk factors — not mental illness.

The CEA will be responsible for planning, implementing, and establishing policy, and coordinating and promoting effective efforts to reduce and prevent gun violence, firearm injuries and related traumas and promote research and data collection. The Director will serve as the DOJ's gun violence and firearm injury prevention expert and provide consultation to the DOJ leadership team, as well as coordinate efforts with other state agencies, the Legislature and the Office of the Governor. The DOJ will rely on the expertise of the Director to support its mission and strategic initiatives.

Initially, this CEA position will not oversee staff; however, it is our intention to grow the OGVP program over time to include subordinate staff at a later date once we determine the viability of the program. We would go through the formal request process with the Department of Finance if there is a need to expand the program beyond the Director. The CEA will develop and implement strategies to staff and fund the OGVP program to ensure the program is meeting its mission and priorities of the DOJ and the Attorney General.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The DOJ is committed to ensuring policies are in place that protect the people of California. The development and implementation of a comprehensive and responsive outreach program will focus on (1) Researching current policies and work planning, implementing and establishing policy for the DOJ; (2) Promoting efforts to reduce and prevent gun violence, firearm injuries and related traumas by conducting research and data collection; (3) Liaising between the DOJ with other state and federal agencies, the Legislature, the Office of the Governor and stakeholder/advocacy groups; (4) Overseeing the creation and maintenance of a resource bank and network database; (5) Providing materials and training resources regarding gun laws and mental health resources; (6) Sharing information and applying for available federal grants and other funding opportunities; (7) Serving as the principal legal advisor on gun laws providing advice and counsel to assist with litigation, litigation strategy, regulations, and policies.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

Although the CEA position was originally requested (and approved) at Level A, as a Public Safety, Law & Regulation Compliance CEA, further development of the OGVP program has necessitated the need to revise the OGVP Director CEA. The increased level of responsibilities, as well as additional legal duties are more appropriately allocated at CEA Level B and the position should now be designated as a legal CEA.

The additional duties the CEA will perform include legal duties, such as acting as the department's primary legal advisor regarding gun violence and firearm injury reduction and prevention, as well as conducting thorough legal research to identify opportunities for proactive policy engagement. Additionally, the CEA will collaborate with the department's Government Law section on the most difficult, complex, sensitive, and consequential firearms-related legal work and may directly handle firearm-related litigation on behalf of the Attorney General's Office.

Gun violence is a national public health crisis that is a preventable public health tragedy affecting communities all over the United States. While Californians are less likely to die as a result of a firearm compared to other state, too many Californians still suffer the harm of gun violence:

- Someone is killed with a gun every three hours in California.
- Californians who live with handgun owners are more than twice as likely to die of homicide.
- California women living with handgun owners are more likely to die by suicide.
- More than half of those killed by firearms in California dies as a result of suicide.
- From hiring police to detect and investigate gun crime to paying medical expenses for gun injuries, gun violence is expensive. Annually gun violence costs the state of California approximately \$18 billion --- just under \$500 per Californian. California has the 44th highest society cost of gun violence in the United States.
- In California, the rate of gun deaths increased by 6% from 2010 to 2019, the rate of gun suicides increased by 5% and gun homicides by 8%.
- Guns are the 2nd-leading cause of death among children and teens in California. In California, an average of 240 children and teens die by guns every year, and 73% of those deaths are homicides. In the United States, 58% of all gun deaths among children and teens are homicides. (Sources: CDC, WONDER, ve year average (2015-2019).

Gun violence is a complex issue that requires a comprehensive solution to halt the rising violence across California. Recognizing the severity of the issue, the state legislatures introduced AB 2253, which would have established the state's policy to recognize and address gun violence as a public health crisis and established the Office of Gun Violence Prevention (OGVP) within the DOJ to combat the crisis.

Although AB 2253 was not signed into law, the DOJ still recognizes the value in implementing statewide policies that will counter gun violence through community intervention and education.

The DOJ has successfully upheld the laws of California and implemented several programs throughout the state, aimed at regulating firearms and reducing gun violence. Aside from background checks conducted when a firearm is purchased, the DOJ also conducts firearms safety trainings, continuously monitors firearms owners, and then coordinates with law enforcement agencies throughout the state to exchange vital information on gun owners who are legally prohibited from possessing firearms.

However, the OGVP offers a different approach to preventing and/or reducing gun violence throughout the state by determining the root causes of gun violence and creating policies and programs that counteract those risk factors, including increasing community awareness.

The Board of State and Community Corrections (BSCC), the Department of Public Health (DPH) and research programs that specifically focus on gun violence and prevention can identify causes of gun violence in California communities and can work with the DOJ to incorporate a public health approach to improve social determinants of health for communities most affected by gun violence. The DOJ can work with the BSCC and DPH to incorporate a public health approach to gun violence prevention-related programs and services.

The Gun Violence Reduction Program (GVRP) is a grant program within the DOJ which the OGVP Director will help oversee. The Budget Act of 2021 makes available a total of \$10 million to be awarded by the California Department of Justice (Department) to support eligible local law enforcement agencies in conducting activities related to the seizure of weapons and ammunition from persons who are prohibited from possessing them, including efforts based upon entries in the Department's Armed Prohibited Persons System (APPS).

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The CEA will be a member of DOJ's Senior Leadership team which is responsible for providing program and policy direction, carrying out AG initiatives and formulating and implementing statewide policies. This position will be instrumental in affecting change, influencing a public health approach to reduce and prevent gun violence in California, and guiding agencies toward positive and constructive policies that improve social determinants of health for communities most affected by gun violence.

The CEA's policy role includes, but is not limited to the following duties:

- The CEA will serve as the principal legal adviser prevention and provide advice and counsel to assist with the DOJ's litigation strategy, regulations, and policies. This includes conducting thorough legal research to identify opportunities for proactive policy engagement.
- The CEA will be responsible for planning, implementing, and establishing policy, and coordinating and promoting effective efforts to reduce and prevent gun violence, firearm injuries and related traumas and promote research and data collection.
- The CEA will serve as the DOJ's gun violence and firearm injury prevention expert and provide consultation to the DOJ leadership, as well as coordinate efforts with other state agencies, the Legislature and the Office of the Governor. The DOJ will rely on the expertise of the CEA to support its mission and strategic gun violence reduction initiatives as well as develop programs to prevent emerging threats.
- The CEA will focus gun violence prevention policies on evidence based risk factors --- not mental illness.
- The CEA will make policy recommendations on the impacts of new and proposed legislation, regulations, and on programs and resources to reduce and prevent gun violence. Specifically, this position will influence policy created by the following new legislation:
 - AB 1594, which establishes a standard of conduct in the firearms industry and requires industry member to take reasonable precautions to ensure, among other things, that they not sell any weapon that are likely to create an increased risk to public safety. Additionally, AB 1594 allows the state, local governments and Californians to sue irresponsible gunmakers for the harm caused by their products.
 - AB 1621, which is expanding the scope of several current firearms restrictions, including serialization of firearms and limiting the number of firearms parts that can be purchased in a 30-day period.
- The CEA will work with the DOJ Bureau of Firearms to ensure AB 1014 and AB 393 policies and procedures are in place for the seizure of firearms, ammunition and magazines to prevent harm to others or an individual.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The CEA will have decision-making authority within their areas of assignment. This position will provide the strategic counsel on statewide policies and recommendations on how to reduce and prevent gun violence and firearm injury.

The CEA collaborates with the Government Law section on the most difficult, complex, sensitive, and consequential firearms-related legal work; advises the Bureau of Firearms on firearms-related legal and non-legal issues; assists with litigation strategy and/or may directly handle firearm-related litigation on behalf of the Attorney General's Office.

This position will evaluate and determine the impact of the department's current policies in relation to gun violence prevention. The CEA will provide information and recommendations to higher levels within the division and department on policy changes necessary to the successful implementation of the OGVP goals. Additionally, the OGVP CEA position will be responsible for establishing new policies that further the program.

Decisions involving highly visible matters of interest to the Attorney General will be raised to a higher level within the division.

- The CEA will provide leadership in the development, implementation and maintenance of a comprehensive and proactive program that will develop and foster stakeholder relationships at the local, state and national levels to provide information on strategies to reduce and prevent gun violence and firearm injury.
- The CEA will also serve as the principal legal adviser to the DLE Chief and Chief Deputy Attorney General on gun laws providing advice and counsel to assist with litigation strategy, regulations, and policies. Conduct thorough legal research to identify opportunities for proactive policy engagement.
- The CEA will collaborate with various state health departments and external gun research programs to identify the causes of gun violence and apply the public health approach for effective gun violence prevention such as social determinants of health within the communities most affected by gun violence.
- The CEA will invest in interventions that address the root causes of gun violence in structurally disadvantaged communities.
- The CEA will work in conjunction with the DOJ Communication's Office to develop media campaigns, public awareness and targeted media communication.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

This position will evaluate and determine the impact of the department's current policies in relation to gun violence prevention. Based on the collection of data and work with other state agencies, the CEA will provide information and recommendations to higher levels within the division and department on policy changes necessary to the successful implementation of the OGVP goals. Additionally, the OGVP CEA position will be responsible for establishing new policies that further the program based on the data collected through the collaboration with other agencies. The OGVP will use the data and reports to develop and implement strategies to prevent gun violence and ensure the policies are adopted and followed accordingly. The CEA will formulate and implement new strategies that enhance the Directorate Division's outreach programs and strengthen stakeholder relations. The CEA will serve as the principal legal adviser to the DLE Chief and Chief Deputy Attorney General on gun laws providing advice and counsel to assist with litigation strategy, regulations, and policies. The CEA will conduct thorough legal research to identify opportunities for proactive policy engagement. The CEA will cultivate, establish and maintain effective relationships with law enforcement agencies and associations, and community and national stakeholders to provide information on strategies to reduce and prevent gun violence and firearm injury.

The CEA will share data with executive level decision makers and policymakers to develop and support legislative policies.