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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

**JEFF SILVESTER, BRANDON COMBS,
THE CALGUNS FOUNDATION, INC., a
non-profit organization, and THE SECOND
AMENDMENT FOUNDATION, INC., a
non-profit organization,**

Plaintiffs,

v.

**KAMALA D. HARRIS, Attorney General of
California (in her official capacity),**

Defendant.

1:11-cv-02137-AWI-SKO

**DECLARATION OF MARC ST. PIERRE
IN SUPPORT OF DEFENDANT'S
MOTION TO ALTER OR AMEND
JUDGMENT**

DECLARATION OF MARC ST. PIERRE

I, Marc St. Pierre, declare:

1. I have personal knowledge of the following facts, and, if I am called as a witness at a relevant proceeding, I could and would testify competently to the following facts.

2. I am a Data Processing Manager II with the California Department of Justice (DOJ). I manage the Information Technology (IT) application development team responsible for supporting numerous applications for the Bureau of Firearms (BOF), including the Automated Firearms System (AFS), Carry Concealed Weapons (CCW), California Firearms Information Gateway (CFIG), Certificate of Eligibility (COE), Consolidated Firearms Information System (CFIS), Dealer Record of Sale (DROS) System, and the DROS Entry System (DES).

3. I have been with the Department of Justice since 1998. I have held my current position since July 1, 2013.

4. I am familiar with the various BOF applications and databases that my team supports as part of the DROS background check process.

5. Presently, the CCW database and COE database are not queried as part of the Basic Firearms Eligibility Check (BFEC). Also, AFS is not queried as part of the BFEC to determine whether a DROS applicant in the AFS has a firearm.

6. Presently, AFS is queried as part of the BFEC only to determine whether the firearm identified in the DROS application by its serial number has been reported lost or stolen.

7. Conceptually, it may be simple to alter the DROS background check process to check whether a DROS applicant has an active CCW license or an active COE, or the applicant has a firearm in AFS. Technologically, however, it is a complex process that will require highly-skilled resources to make the changes to the various IT systems and processes involved in the DROS background check process.

8. In my preliminary analysis, I believe that, to implement the Court's Order such that queries to CCW, COE, and AFS are automated as part of the BFEC, changes must be made at least to the DROS, DES, and CFIS. I am currently investigating and analyzing the changes that

1 may be needed to be made to each of these systems. Further analysis may show that it will be
2 necessary to modify other systems, including but not limited to CFGI, COE, CCW, and AFS.

3 9. I have been involved with BOF's procurement of outside vendors to make technical
4 changes to DOJ's computer systems and am familiar with the general process and the time
5 required.

6 10. The first step in the procurement process is to prepare a Statement of Work (SOW)
7 and a Request for Proposal (RFP). To prepare these documents, BOF will first need to develop
8 an initial set of business requirements (or business rules) for the changes that need to be made to
9 the computer systems.

10 11. This involves a preliminary determination as to which of BOF's computer systems
11 and databases may need to be changed, and what changes may need to be made to each of the
12 impacted systems and databases. As discussed above in paragraph 8, I have made a preliminary
13 determination as to which systems may be impacted and am in the process of determining the
14 changes that will likely need to be made to each of those systems.

15 12. Once BOF determines the preliminary set of business requirements, DOJ will prepare
16 the SOW and the RFP, and release them to the vendors.

17 13. The vendors may then ask DOJ questions about various aspects of the SOW and RFP.
18 BOF will publish the answers to those questions to all vendors, who may then ask additional or
19 follow up questions. There may be multiple rounds of questions and answers.

20 14. After all vendor questions have been answered, the vendors would submit their bids
21 and responses for the project. DOJ would then review these responses and bids, including
22 checking the vendors' references.

23 15. DOJ would then select a vendor for the project, negotiate a contract with the vendor,
24 and then submit the contract for approval through the Department's contract and procurement
25 section. After the contract is approved, DOJ then conducts fingerprint clearance checks on the
26 selected vendor's proposed personnel to work on the project. Once the fingerprint clearances are
27 received the vendor may begin work on the project. DOJ must provide the vendor personnel with
28

1 adequate on-site workspaces, with all the necessary equipment and software required to complete
2 the scope of work.

3 16. I estimate that the procurement process I describe in paragraphs 10-15 above will take
4 approximately six months.

5 17. I base my estimate based on my involvement in BOF's recent procurement of
6 contracts with an outside vendor to make changes to BOF's computers systems, which took
7 approximately six months, from developing the preliminary business requirements to when the
8 vendor actually began work on the project.

9 18. After procuring the vendor, it will most likely take the vendor, working closely with
10 DOJ staff, at least six months to develop detailed business requirements, write the code, test the
11 code, and then ultimately implement the code. It typically takes this amount of time to make
12 technical changes to BOF's computer systems because it is an iterative process to write and test
13 the code and further modify the business requirements as necessary. During the process of
14 writing and testing code, the initially-determined business requirements typically need to be
15 modified because of issues that became apparent or arise during the writing and testing of the
16 code. After the business requirements are then modified, new code would have to be written and
17 tested, which may then lead to the need for further modification of the business requirements.
18 This process repeats until the final code is successfully tested and implemented, and which
19 business requirements meet BOF's objectives.

20 19. In sum, based on my past experiences with DOJ, my preliminary estimate is that it
21 will most likely take at least 12 months to procure a vendor and make the necessary technical
22 changes to BOF's computer systems and databases to implement the changes ordered by the
23 Court.

24
25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct.
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Executed this 22 day of September, 2014, at Sacramento, California.



Marc St. Pierre