

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK

To: Office of the City Administrator
Attn: Deborah Edgerly
From: Police Department
Date: May 8, 2007

2007 APR 29 PM 3: 21

Re: An Informational Report from the Chief of Police on the Policy for Gun Buy-Back Programs Conducted by the Oakland Police Department in the City of Oakland

SUMMARY

This informational report provides an overview of gun exchange (gun buy-back) programs conducted by the Oakland Police Department to address the issue of gun access and violent crime in the City of Oakland. Staff will address the effectiveness of current and past programs, including the removal of specific types of firearms used in various acts of violence throughout the City.

FISCAL IMPACT

This is an informational report.

The Department does not anticipate any additional O & M costs associated with its gun exchange program. In previous exchange programs, it was suggested that the Department offer gift cards in the amount of \$200 in exchange for any firearm in working condition. An exchange of 200 firearms would cost the City \$40,000. The Department would seek corporate and private donations to cover any exchange programs using this type of exchange. Another option would be to provide equipment such as games, computers, toys, or services in exchange for working firearms, all of which donations would also be sought.

BACKGROUND

Gun exchange programs have been conducted across the country with varying results. The City of Boston conducted a gun exchange program which ran Monday through Friday, during the period of June 12 - July 14, 2006. Designated drop-off sites were located throughout the City, and over a thousand firearms were collected¹. The project was organized under a program known as *Aim for Peace*. The main elements associated with this exchange program included:

- \$200 gift card giveaway
- Amnesty for possession (to the event)

¹ The population of Boston is 600,000, which swells to a daytime population of over 700,000.

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- Anonymous drop off

There were approximately 32 community partners, and 22 promotional partners affiliated with the program. Organizers also advertised on the internet website *MySpace*, which allowed for extended community outreach.

The City of Boston accepted guns with no questions asked and without conducting an analysis of serial numbers to identify firearms with criminal association.

In 1999, the City of Oakland conducted a similar gun exchange program where no identification was required to participate. Over a two-day period, 200 firearms were collected. The event took place in two different parts of the City, one in East Oakland and one in West Oakland. During this project, a significant number of firearms were collected; however many were old, rusted, inoperable, and not the types of firearms being used in firearm related crimes.

In exchange for guns, some participants received computers. After quickly exhausting its supply of computers, the City issued a *rain check* to participants who did not receive a computer in exchange for a gun. As a result of the City's inability to acquire additional computers, those participants who had obtained rain checks were not able to redeem them which, understandably, created distrust and apprehension about future programs.

On December 2, 2006, a second citywide gun exchange program was conducted in Oakland. The goal was to reduce the number of available guns on the street, thereby making an impact on gun-related violence within the City. The event took place in the MacAfee Coliseum parking lot in East Oakland between the hours of 10:00 a.m. and 2:00 p.m. During that period City organizers, along with members of the Oakland Police Department, collected 32 firearms (20 handguns and 12 rifles). Incentives for participation were gift cards from either Sears or Wal-Mart Department stores, or free tickets to a Guns N' Roses rock concert. On December 9, 2006, another gun exchange event took place at DeFremery Park in West Oakland. Participants were offered the same incentives as before and 35 more guns were collected (identification was required to participate in the gun exchange).

It should be noted that the City of Oakland organized these events, not the Police Department. Statistics show that gun exchange programs organized by entities other than law enforcement agencies are more successful².

Although the programs did not collect a large number of firearms, it was successful in removing *functional* firearms from the street, and possibly averting future gun-related criminal activity. The program was also successful in building social capital and collaborations with local

² Citizens are apprehensive about possible consequences associated with being found in possession of a firearm near police departments and police officers, even at gun exchanges. High profile events involving law enforcement across the country continue to erode public confidence and trust. The *Riders* police misconduct case still resonates with Oakland citizens.

businesses, and providing a platform from which to build future relationships and provide outreach to the community at large.

KEY ISSUES AND IMPACTS

Oakland began its program by looking at the model used in Boston in 2006. One essential difference between the two programs was the requirement for identification by the City of Oakland. The Police Department required participants to show photo identification before participating in the exchange, but still granted amnesty for the possession of the firearm and transporting it the event. Additionally, each firearm received by the City will be analyzed for criminal association³.

Organizers of the program attempted to recruit community partners, especially youth groups and non-profit organizations to assist with the program; however, many of the groups would not participate if identification was required to exchange a firearm. Many believed the program would not work with an identification requirement. As a result, the City relied solely on media coverage to advertise its efforts. Also, organizers were limited in their flexibility of extending the gun exchange date due to the date of the Guns N' Roses concert.

Regardless of the strategy employed, there are certain laws that must be adhered to when implementing a gun exchange program. Below are some of the various California Penal Code (PC) sections governing the transfer of firearms.

- PC Section 12078(a)(7) requires firearms be delivered or received by an authorized representative of a governmental agency. Voluntarily relinquishing a firearm as part of a buy-back or trade-in program is a transfer under California state law (therefore an officer must be present to accept the firearm).
- PC Section 12028(c) requires firearms, determined to have been stolen, be returned to their lawful owner.
- PC 11108 (a) requires law enforcement to update the Federal Automated Firearm System when a firearm is taken into custody.

There are other factors that can have an impact on the success of a program which include:

- The type of incentive being offered to the participant
- The convenience of the firearm drop-off location to participants
- The participation of community partners and promoters

In Chicago, churches were used as drop-off locations, while police stations were the primary drop-off locations in Boston. In Oakland, MacAfee Coliseum and DeFremery Park were used as drop-off locations.

³ Analysis of those firearms is currently being conducted by the Criminalistics Division.

It is important that community partners are involved in exchange programs. If participants feel safe, confident and trust the organizers, they may be more willing to come forward and participate in these programs.

Obtaining identification from exchange program participants helps investigators trace the origin of a weapon that may have been used in a violent crime, or identify those individuals responsible for committing other heinous crimes throughout the City. The first step in that investigative process is to speak with the individual who turned the firearm in through the exchange program. Absent this information, it is impossible to link any weapon to an individual. This presents a dilemma for the City, which is: 1) require identification for gun exchanges and maintain investigative leads or, 2) not require identification and forfeit investigative leads.

The parameters of gun exchange programs vary from city to city. Some cities like Richmond and Oakland, CA ask for identification. Other cities like Boston, MA, Washington, D.C., Chicago, IL, and Sacramento, CA do not ask for identification. Those cities that do not ask for identification tend to recover more firearms.

The City of Chicago, with a population over 5.5 million, ran a similar program with *no questions asked* and netted over 3,000 firearms. The program was conducted over six days in eight locations throughout the City, and offered a \$50 incentive for each firearm.

CONCLUSION

Gun exchange programs are successful in removing some firearms from the streets; however, these programs have not been effective in removing the types of firearms that are most often used in violent crimes throughout the City (typically semi-automatic handguns and assault rifles). From an historical perspective, most guns that have been recovered by the Oakland Police Department through these programs are old, antiquated, and moderately functional.

Cities that organize gun exchange programs must identify the goal of the program. If Oakland's goal is to remove as many firearms from the streets as possible (functional or non-functional) then programs should be conducted without the requirement of identification from participants. However; if the goal is to obtain *functional* weapons that are possibly being used in violent crimes or could potentially be used in violent crimes and acquire possible investigative leads to those crimes by requiring identification from participants, we will net fewer guns.

SUSTAINABLE OPPORTUNITIES

Economic: The efforts by the Department to participate in gun exchange programs could precipitate a reduction in crime and the fear of crime thereby stimulating economic growth for the City.

Environmental: There are no environmental opportunities associated with this report.

Social Equity: Gun exchange programs organized by the City are designed to respond to the rise in violent crime by removing accessible firearms from the streets of Oakland (and other local jurisdictions) thereby increasing public safety and public trust.

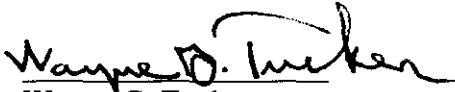
DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen issues associated with this report.

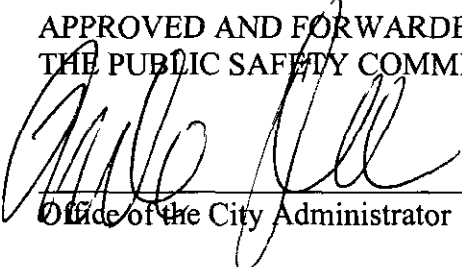
RECOMMENDATION

Staff recommends acceptance of this informational report.

Respectfully submitted,


Wayne G. Tucker
Chief of Police

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:



Office of the City Administrator

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