

2013 MAY 30 PM 4: 18



CITY OF OAKLAND

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Sean Whent
Interim Chief of Police

SUBJECT: Guns Recovered and Traced

DATE: May 6, 2013

City Administrator
Approval

Date

5/28/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council accept this report regarding guns recovered and traced within the City of Oakland during 2012.

BACKGROUND

This report is responsive to the City Administrator's direction that the Oakland Police Department (OPD) provide an Informational Report on guns recovered and traced within the City of Oakland during 2012. The request and scheduling recommendation was filed April 15, 2013 by Councilmember Libby Schaaf.

ANALYSIS

Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Not all firearms used in crime are traced, and not all firearms traced are used in crime.¹

Firearms selected for tracing are not chosen for purposes of determining which types, makes or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.²

Currently, the Oakland Police Department (OPD) submits gun trace requests to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) via "eTrace 4.0 (eTrace). eTrace is a paperless firearms trace request submission system and an interactive

Item: _____
Public Safety Committee
June 11, 2013

firearms trace analysis tool that provides an electronic exchange of crime gun incident-based data in a secure web-based environment. Through eTrace, law enforcement agencies can electronically submit firearms trace requests, monitor the progress of traces, retrieve completed trace results, and query firearms trace-related data. eTrace includes analytical and download capabilities for ATF's firearms trace information, including selective field searches and statistical reporting.

Pursuant to the Gun Control Act of 1968, ATF is the sole federal agency that is authorized to conduct firearms tracing. The NTC is authorized to trace a firearm for a law enforcement agency involved in a bona fide criminal investigation. Firearms tracing begins when a law enforcement agency discovers a firearm at a crime scene and seeks to learn the origin or background of that firearm in order to develop investigative leads. Tracing is a systematic process of tracking the movement of a firearm from its manufacture or from its introduction into U.S. commerce by the importer through the distribution chain, i.e., wholesaler/retailer to the first retail purchaser. That information can help to link a suspect to a firearm in a criminal investigation; identify potential traffickers; and, when sufficiently comprehensive tracing is undertaken in a given community, detect in-state, interstate, and international patterns in the sources and kinds of crime guns.³

OPD eTrace requests are submitted by the Department's Weapons Charging Detail that is currently staffed with one sworn officer authorized to operate the eTrace system. Through 2011, until ATF lost funding to supplement our trace ability, OPD had the expertise of a civilian, part-time, ATF provided a contractor who ran all recovered firearms through eTrace. Funding was secured to hire this contractor back, but an agreement was unable to be made with ATF regarding position reestablishment. OPD is in the process of securing or assigning additional sworn staff to the Property and Evidence Unit in order to fulfill centralized firearm documentation and reporting responsibilities.

Statistical aggregate eTrace and gun tracing data are made available to OPD by the ATF on request and are generally found in ATF annual reports made available to the public. Although detailed information is provided through gun trace reports, a significant amount of data is considered law enforcement sensitive and may not be shared in this report. The Consolidated and Further Continuing Appropriations Act of 2012 (PL 112-55) restricts the disclosure of any part of the contents of the Firearms Tracing System or any information required to be kept by Federal Firearms Licensees pursuant to law or required to be reported pursuant to law.⁴ The Act, in pertinent part, states:

"...no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the (ATF) or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section, except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security

Item: _____
Public Safety Committee
June 11, 2013

or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data..."

In order to comply with the above, this report is limited to sourced information from publicly available ATF reports, or the report contains information derived from confidential ATF reports in a manner that models that type of information normally provided by the ATF in publicly available reports.

2011 Data⁵

The most recent, publicly available and annual report on OPD and California law enforcement agency traces regards January 1, 2011 - December 31, 2011 data.

- 2011 Total Number of Firearms Recovered and Traced in California: 30,364
- California Firearm Recovery Types:
 - Pistols⁶: 13,635
 - Revolvers⁷: 6,931
 - Rifles⁸: 5,727
 - Shotguns⁹: 3,618
 - Derringers¹⁰: 240
 - Receivers/Frames (Incomplete Firearms): 97
 - Machineguns¹¹: 70
 - Combinations: 18
 - Unknown Types: 13
 - Other (e.g., flare, launcher): 15
- Top Categories Reported on Firearm Traces:
 - Weapon Possession: 9,931
 - Weapon Offense: 6,165
 - Dangerous Drugs: 2,147
 - Carrying Concealed: 1,648
 - Found: 1,114
 - Firearm Under Investigation: 788
 - Aggravated Assault: 778
 - Property Crimes: 738
 - Homicide: 604
 - Robbery: 554
 - Other: 5,897

- Top 15 Source States for Firearms Recovered in California:
 - California: 12,481
 - Arizona: 995
 - Nevada: 491
 - Texas: 357
 - Oregon: 275
 - Washington: 267
 - Florida: 146
 - Utah: 143
 - Georgia: 137
 - Oklahoma: 131
 - Colorado: 129
 - Idaho: 125
 - New Mexico: 112
 - Louisiana: 101
 - Ohio: 95

- Time-to-Crime Rates (time from purchase date to use in crime):
 - Under 3 Months: 478
 - 3 – 7 Months: 502
 - 7 – 12 Months: 554
 - 1 – 2 Years: 1,010
 - 2 – 3 Years: 888
 - 3 or More Years: 13,588
 - California Average Time-to-Crime: 13.94 Years
 - National Average: 11.20 Years

- Top Recovery California Cities:
 - Los Angeles: 6,150
 - Sacramento: 1,192
 - Oakland: 894
 - San Diego: 845
 - Long Beach: 613
 - Fresno: 556
 - San Bernardino: 544
 - Stockton: 465
 - Compton: 450
 - Modesto: 443

2012 Data

In early to mid-2012, OPD collaborated with ATF with a focus on group/gang and gun related firearm offenses. This partnership and work continues today through crime reduction initiatives such as Ceasefire, the City's central violence reduction strategy. As a result of the 2012 collaborative operation, statistics were compiled for firearms recovered from Oakland and traced between February 1, 2012 and June 30, 2012 – the defined ATF/OPD operational period.

- Total Number of Oakland Traces 2/1/12 – 6/30/12: 533

- Number of Traces Excluded Due to firearm “turned in,” Duplicate Traces, or Gun Buyback: 69

- Traces Remaining for Analysis: 464

- Firearms by Type:

- Pistol: 260
- Revolver: 80
- Rifle: 78
- Shotgun: 43
- Machinegun: 2
- Other: 1

- Top Categories Reported on Firearm Traces:

- Possession of Weapon: 157
- Found Firearm: 48
- Firearm Under Investigation: 43
- Dangerous Drugs: 32
- Robbery: 31
- Carrying Concealed Weapon: 27
- Property Crimes 24
- Traffic Offense: 20
- Aggravated Assault: 20
- Homicide: 11
- Family Offense: 11
- Weapon Offense: 10
- Firing Weapon: 6
- Burglary: 5
- Obstruction of Justice: 4
- Simple Assault: 3
- Other: 12

- Time-to-Crime Rates:
 - Under 3 Months: 4
 - 3 – 7 Months: 9
 - 7 Months – 1 year: 11

 - 1 – 2 Years: 18
 - 2 – 3 Years: 12
 - 3 or More Years: 223
 - Average Time-to Crime: 12.91 Years

- Top Source States:
 - California: 186
 - Nevada: 16
 - Texas: 11
 - Arizona: 10
 - Washington: 8
 - Oregon: 6
 - Oklahoma: 6
 - Florida: 5
 - Louisiana: 3
 - Georgia: 3
 - Colorado: 3
 - Alabama: 3
 - Ohio: 2
 - Montana: 2
 - Mississippi: 2
 - Idaho: 2
 - 10 States with fewer than 2 source traces

PUBLIC OUTREACH/INTEREST

No public outreach was conducted or identified for or in this Report.

COORDINATION

The Budget Office and the City Attorney's Office were consulted in preparation of this report. The ATF was provided an advanced copy of this Report's Analysis section at their request. OPD was not requested to make redactions or edits.

SUSTAINABLE OPPORTUNITIES

Economic: No sustainable economic opportunities are identified in this report.

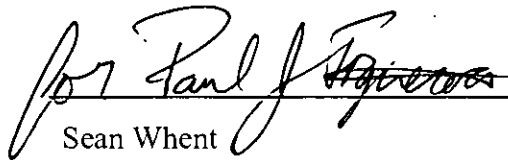
Item: _____
Public Safety Committee
June 11, 2013

Environmental: No environmental opportunities are identified in this report.

Social Equity: No Social Equity issues are identified in this report.

For questions concerning this report, please contact Interim Assistant Chief Paul Figueroa at extension 238-7183.

Respectfully submitted,



Sean Whent
Interim Chief of Police

Prepared by:
Sergeant Chris Bolton
Chief of Staff
Oakland Police Department

¹ ATF Firearms Trace Data Disclaimer, Public L. No. 112-55, Consolidated Appropriations Act of 2012 (1)

² ATF Firearms Trace Data Disclaimer, Public L. No. 112-55, Consolidated Appropriations Act of 2012 (2)

³ ATF Fact Sheet <<http://www.atf.gov/publications/factsheets/factsheet-national-tracing-center.html>> (3 May 13)

⁴ 18 USC 923(g), 18 USC 923(g)(3), and 923(g)(7)

⁵ ATF Firearms trace Data < <http://www.atf.gov/statistics/trace-data/2011-trace-data.html>> (3 May 13)

⁶ The term "PISTOL" means a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having: a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and a short stock designed to be gripped by one hand at an angle to and extending below the line of the bore(s). 18 U.S.C. § 921 (a)(29)

⁷ The term "REVOLVER" means a projectile weapon of the pistol type, having a breech loading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing. 18 U.S.C. § 921 (a)(29)

⁸ The term "RIFLE" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. 18 U.S.C. § 921 (a)(7)

⁹ The term "SHOTGUN" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger. 18 U.S.C. § 921 (a)(5)

¹⁰ A short-barreled, usually large caliber, small, pocket "PISTOL"

¹¹ The term "MACHINEGUN" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger. 26 U.S.C. § 5845(b)

Item: _____
Public Safety Committee
June 11, 2013