

draft

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER DESLEY BROOKS

RESOLUTION URGING REQUESTING THE CITY ADMINISTRATOR ASK THE CHIEF OF POLICE TO SEND LETTERS TO PROSPECTIVE HANDGUN PURCHASERS WHO RESIDE IN THE JURISDICTION INFORMING THEM OF THEIR RESPONSIBILITIES AS FIREARM OWNERS

WHEREAS, between July 1, 2001 and June 30, 2011, 3,829 victims of gunshot wounds were brought to Highland Hospital for treatment. Of those, 3,289 survived, 540 died; and

WHEREAS, in 2012, there were many senseless killings in Oakland -- a grandmother walking home from the store, slain by a stray bullet from a nearby gun battle; six students and a staff member gunned down at Oikos University; two best friends from childhood, girls ages 15 and 16, shot and left to die on the street; a 15-year-old girl at a n-Oakland-housing complex where another teen died in July, bringing the number of people killed in the city in 2012 to 131; and

WHEREAS, in 2012, the amount of homicides in the City was Oakland's ~~homicides were at the highest number of homicides in Oakland~~ since 2006, when 148 people were slain. In 2011, 110 people were killed; and

WHEREAS, in 2006, 3,253 people died from firearm-related injuries in California and 4,305 other people were treated for non-fatal gunshot wounds; and

WHEREAS, California Penal Code § 11106 requires the California Department of Justice (DOJ) to compile information about prospective handgun purchasers based on information received from firearms dealers at the time of application, and to furnish this information to peace officers of the state upon any proper request; and

WHEREAS, Penal Code § ~~42071(b)(3)(A)~~26815 prohibits delivery of a firearm until ten days have passed since the purchaser has submitted an application to purchase the firearm; and

WHEREAS, California law imposes certain responsibilities on firearm owners, including the responsibility to process all secondary transfers of firearms through a licensed firearms dealer, thereby allowing DOJ to run a background check on every recipient of a firearm; and

WHEREAS, from July 2005 through July 2009, the Los Angeles Police Department received the names and addresses of prospective handgun purchasers residing in targeted areas of the City from DOJ, and distributed letters during the ten-day waiting period to those purchasers informing them of their responsibilities as firearm owners; and

~~WHEREAS, the letter to be sent out to prospective handgun purchasers by the Oakland Police Department would state that it is a crime to sell or give a gun to anyone without first completing a Dealer of Record of Sale (DROS) form at a gun store, and if the police recover a gun involved in a crime, the City Attorney will prosecute the previous owner if he or she did not fill out a DROS form; and~~

WHEREAS, other California jurisdictions have found that the letters are an effective way to inform gun purchasers of their legal obligations, and have had a constructive impact on the behavior of gun purchasers; and

WHEREAS, the RAND Corporation has recently completed a study describing the results of the Los Angeles program. The study found that prospective gun purchasers who received the letter were twice as likely to report to law enforcement that those guns were stolen as purchasers who did not receive the letter. The study noted that it was unclear whether the guns that were reported stolen were actually stolen or were being falsely reported as stolen to break the paper trail between the initial purchaser and the eventual criminal owner of the gun. Either way, the knowledge that a handgun is no longer in the hands of the initial buyer is important to law enforcement in its own right; and

WHEREAS, Attorney General Jerry Brown agreed that DOJ may extend the Los Angeles program to other cities and counties in California that wish to send letters to prospective handgun purchasers; and

WHEREAS, in November 2009, the County of San Mateo enacted a resolution encouraging the Sheriff to send similar letters to prospective handgun purchasers in the County, and the County has begun sending these letters; now, therefore be it

RESOLVED: That the Oakland City Council by adoption of this resolution hereby ~~urges the~~ requests that the City Administrator ask the Chief of Police to request seek assistance from the Department of Justice so that the City may send letters to prospective handgun purchasers who reside in the City during the ten-day waiting period advising them of their obligations as firearm owners, ~~and be it~~

FURTHER RESOLVED: ~~That the letters sent by the Chief of Police should inform the purchaser that it is a crime to sell or give a gun to someone else without first completing a Dealer Record of Sale (DROS) form at a gun store, and if the police recover a gun involved in a crime, the City Attorney may prosecute the previous owner if he or she did not fill out a DROS form.~~

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California