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AGENDA REPORT

TO: Henry L. Gardner
Interim City Administrator

FROM: Sean C. Whent

SUBJECT: Guns Recovered and Traced

DATE: November 13, 2014

City Administrator
Approval

Date 11-20-14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that City Council accept this Informational Report regarding guns recovered and traced within the City of Oakland from January 1, 2012 through October 27, 2014.

OUTCOME

This informational report is presented to the City Council and the Oakland community to provide an update on the Department's efforts to trace guns used to commit crimes in the City of Oakland.

BACKGROUND/LEGISLATIVE HISTORY

This report is responsive to the City Council's direction that the Oakland Police Department (OPD) provides an Informational Report on guns recovered and traced within the City of Oakland during 2012-2014. The request and scheduling recommendation was filed on April 15, 2014 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 crimes.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

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

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sources or methods by which firearms in general are acquired for use in crimes.²

Currently, the 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 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 training. 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 manufacturer 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 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. The detail is currently staffed with one sworn officer and the officer is authorized to operate the eTrace system. Through 2011, when ATF lost funding supplement our trace ability, OPD had the expertise of a civilian part-time ATF contractor, but an agreement with ATF regarding position reestablishment could not be completed. OPD currently has one non-sworn staff member in the Property and Evidence Unit responsible for 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

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

of data is considered law enforcement sensitive and may not be share 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. The Act, in pertinent part, states:

"...no funds appropriated under this or any other...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 (J) 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 or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this provision 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. This report also 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.

2012-2014 Data⁴

The most recent publicly available and annual report on OPD traces includes January 1, 2012 – October 27, 2014 data.

Table One: Total Number of Firearms Recovered and Traced in Oakland by Year

Year	Number of Firearms Recovered and Traced in Oakland
2012	713
2013	735
2014	662

⁴ ATF Firearms Trace Data < <http://www.atf.gov/statistics/trace-data/2011-trace-data.html> > (3 May 13)

Table Two: Oakland Firearm Recovery by Year and Weapon Type

Type	2012	2013	2014
Pistol ⁵	421	477	428
Revolver ⁶	126	145	100
Rifle ⁷	95	69	70
Shotgun ⁸	66	35	56
Derringer ⁹	2	4	6
Receiver/Frame (Incomplete Firearm)	0	2	1
Machinegun ¹⁰	1	0	0
Combination	0	1	0
Unknown Type	1	0	0
Other (e.g., flare launcher)	1	2	1

⁵ Pistol is 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)

⁶ Revolver is 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)

⁷ Rifle is 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 field 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)

⁸ Shotgun is 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)

⁹ Derringer is a short-barreled, usually large caliber, small, pocket pistol

¹⁰ Machinegun is 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)

Table Three: Oakland Firearm Recovery by Year and Crime

Crime	2012	2013	2014
Weapons Possession	202	238	188
Weapons Offense	166	79	45
Dangerous Drugs	31	42	41
Carrying Concealed	56	69	134
Found Property	64	80	51
Firearm Under Investigation	39	0	0
Aggravated Assault	26	38	22
Simple Assault	0	0	41
Property Crimes	27	0	0
Homicide	14	33	31
Robbery	30	45	28
Other	58	111	41
Undetermined	0	0	40

Table Four: Oakland Firearm Recovery by Year and Caliber

Caliber	2012	2013	2014
9 mm	164	170	158
.40 caliber	87	117	110
.45 caliber	82	61	59
.22 caliber	78	72	64
.38 caliber	54	72	57
12 Gauge	52	28	48
.357 caliber	40	43	27
.380 caliber	36	49	31
7.62 mm	28	22	22
.25 caliber	19	27	26
Undetermined	73	74	60

Table Five: Oakland Recovery by State of Origin

State	2012	2013	2014
California	289	254	236
Nevada	14	35	32
Arizona	8	23	23
Texas	14	17	9
Oregon	10	14	14
Washington	13	6	9
Florida	10	8	8
Louisiana	6	0	5
Colorado	4	0	0
Oklahoma	7	9	4
Alabama	5	8	0
Boise	0	6	4
Utah	0	6	4
Arkansas	0	6	0
Georgia	0	8	5
Ohio	0	6	5
Tennessee	0	0	5
Undetermined	333	329	299

Table Six: Oakland Recovery by Time from Purchase Date to Use in Crime

Time	2012	2013	2014
Under 3 months	5	13	8
3-7 months	13	19	17
7-12 months	18	23	18
1-2 years	37	37	35
2-3 years	20	24	27
3 or more years	316	341	285
Undetermined	304	278	272
Oakland Average	12.28 years	12.28 years	12.73
National Average	11.09 years	11.09 years	10.92

Table Seven: Oakland Recovery by Age of Possessor

Age (in Years)	2012	2013	2014
17 & Under	53	44	33
18 to 21	156	149	101
22 to 24	80	73	63
25 to 30	94	101	104
31 to 40	114	72	67
41 to 50	37	38	41
Over 50	32	44	31
Undetermined	147	214	222
Oakland Average	28	29	30
National Average	36	36	36

PUBLIC OUTREACH/INTEREST

No public outreach was conducted or identified for this report.

COORDINATION

The City Attorney's Office was consulted in preparation of this report. The ATF was provided an advanced copy of this Report's Analysis section per request. No redactions or edits were requested.

COST SUMMARY/IMPLICATIONS

There were no cost summary or implications identified in this report.

SUSTAINABLE OPPORTUNITIES

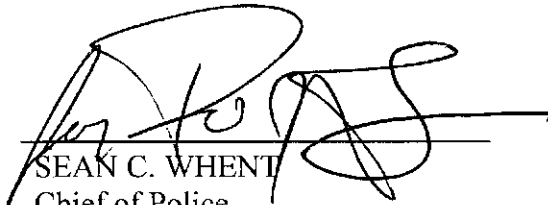
Economic: There are no economic opportunities identified in this report.

Environmental: No environmental opportunities have been identified.

Social Equity: No sustainability opportunities have been identified.

For questions regarding this report, please contact Captain Kirk Coleman at (510) 238-4486.

Respectfully submitted,



SEAN C. WHENT
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