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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Guillermo Cespedes
Department of Violence
Prevention

SUBJECT: SUPPLEMENTAL - Update on
Department of Violence Prevention

DATE: January 6, 2020

City Administrator Approval

Date:

1/9/2020

RECOMMENDATION

Staff Recommends That City Council Receive An Informational Report Providing An Update On The Department Of Violence Prevention Established By Ordinance Number 13451 C.M.S. To End The Epidemic Of Violent Crime In Oakland And Healing Trauma In Impacted Communities.

REASON FOR SUPPLEMENTAL REPORT

At the December 3, 2019 Life Enrichment Committee (LEC) meeting, the Chief of Violence Prevention presented an informational report with a summary update on the Department of Violence Prevention (DVP) which includes a description of the activities carried out between September 23, 2019 and November 22, 2019. The LEC requested additional information about efforts to reduce the number of illegal guns in Oakland as well as recommendations for potential future action by City Council.

Efforts To Reduce The Number Of Illegal Guns In Oakland

In the context of the DVP Public Health framework shared in the initial report, the presence of illegal guns on the streets is a *community level risk factor* present in all forms of violence addressed by the DVP. The theory of change acknowledges that fewer guns on the streets of a given community is *good medicine* that will reduce violence. The central challenge for the DVP and other similar efforts across the country is the "how" or the "dosage of good medicine" necessary to reduce the number of illegal guns on the streets.

The work of tracing guns used in crimes and arresting unscrupulous gun dealers is the work of law enforcement. However, social workers, public health practitioners and researchers, along with advocacy groups and lobbyists, have a responsibility to search for and implement complementary solutions from their respective professional and/or community-based lenses.

The following sources of information were reviewed to develop a programmatic and policy response to the concerns raised by the LEC:

Life Enrichment Committee
January 14, 2020

- The Alameda County District Attorney's Office, *Guns in Alameda 2012-2018* report.
- Reports from Oakland Police Department (OPD) to the Public Safety Committee, regarding the status of gun tracing efforts as part of the *\$1M Tracing Allocation in Fiscal Year 2015-2017 Budget*.
- Testimony presented by John Hopkins Center for Gun Policy and Research before the House Appropriations Subcommittee on Labor, Health, Human Services and Education on March 7, 2019.
- Documented successful international experiences in reducing the availability of guns (Australia).
- Current community level interventions being implemented in Oakland including but not limited to the Brady Campaign & Brady Center.
- Experience of Chief Cespedes in conducting yearly gun buy back efforts for the City of Los Angeles from 2008 to 2013.
- Testimony from field practice of various life coaching models with men and women actively involved in group/gang activity in Los Angeles, Oakland, Honduras, El Salvador.

Accurate Data on Gun Tracing, Purchase, Transfer and Stolen Guns is Unavailable

The Alameda County District Attorney's Office (ACDA) states that most firearms used in crimes are stolen; with very few purchased legally by the person using it in the commission of a crime. In 2018, ACDA reviewed 862 firearms used in the commission of a crime and of these roughly 50 percent (432) were registered in California. Of those only 7.6 percent were registered to the person who committed the crime. The remaining 430 were not registered in California, so the data on ownership is not available.

Firearm trace data is a key clue for investigators in identifying firearms used in specific crimes. According to the California Department of Justice (CA-DOJ) Automated Firearms Unit, due to current challenges with data collection only the last category entered (stolen v. recovered) is available to law enforcement.¹ To add to data challenges, when a stolen firearm is ultimately recovered by law enforcement, the database containing the history of the firearm being stolen will automatically drop off the system 10 days after the gun is returned to the owner.

At the request of the Public Safety Committee as part of the *\$1M Tracing Allocation in FY 2015-2017 Budget*², OPD also conducted its own work on tracing guns used in crimes that reaffirms the ACDA's findings. Through E-Trace System, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) allows municipal police agencies like OPD to request the history of a particular gun used in crimes. E-Trace includes gun purchase records from US dealers, but

¹ When a firearm is reported stolen, law enforcement enters that fact into the Automated Firearm System (AFS) maintained by the CA-DOJ and transmitted to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). ATF and CA-DOJ can run a query to determine the number of firearms lost or stolen. When a firearm used in a crime is "recovered", law enforcement records in the AFS data base that the firearm was "recovered", which overrides the prior designation. While AFS and ATF databases maintain historical data on each firearm, it is not readily available to law enforcement, social workers, researchers, or program developers even when specifically requested.

² This was a one-time allocation in 2015 to study gun tracing. An "Informational Report on Gun Tracing" was presented to Public Safety Committee on March 14, 2017 to provide an update on the \$1M in funding. In addition, a report by the ATF on gun tracing was also provided on May 23, 2017. On June 20, 2017, OPD presented a "2nd Supplemental Gun Tracing Report" at Public Safety Committee.

does not contain data on all legal gun sales across the US.³ OPD and other municipalities are limited in accessing gun trace data not directly related to specific crime investigations. According to the Giffords Law Center to Prevent Gun Violence, the Tiahrt Amendment is a provision of each US DOJ appropriation bill since 2003 that significantly restricts law enforcement's ability to investigate gun crimes and identify unscrupulous gun dealers. The amendment currently: (1) Prohibits the ATF from releasing firearm trace data for use by cities, states, researchers, litigants, and members of the public; (2) Requires the Federal Bureau of Investigations (FBI) to destroy records of all approved (legal) gun purchases within 24 hours; and (3) Prohibits ATF from requiring gun dealers to submit their inventories to law enforcement review.

The recent law enforcement reports highlight the challenges inherent in tracing the origins of a gun that has been used in the commission of a crime. Such tracing is helpful in *intervening* so that that particular gun will not be used in another crime, and in helping OPD catch the person who used the gun to commit a crime. Currently, the process to track who bought the gun; from whom; when; how long they had it; and how the person committing the crime gained access to it is not yet possible given the technological issues and the actions or inaction of Congress.

Without accurate data, developing evidence-based, programmatic approaches that rely on data illustrating the number of illegal guns is extremely difficult.

Research on How Access to Firearms Impacts Violence is Limited

In March 2019, Professor Daniel Webster, one of the country's eminent gun violence researchers, presented testimony before the House Appropriations Subcommittee on Labor, Health, & Human Services and Education. Dr. Webster has been studying violence as a public health problem for 30 years and has conducted research on virtually every form of gun violence and evaluated a broad range of strategies designed to reduce gun violence. In his testimony, he notes the one exception in his work is that he has not conducted research on if or how access to firearms plays a role in violence, nor how firearms were acquired by those who used them to harm themselves or others.

Although firearms are used in 90 percent of homicides of victims between ages 15-24 years, and most suicides and intimate partner homicides involve the use of firearms, the Center for Disease Control (CDC) funding on research of youth violence, intimate partner violence and suicides has not focused on critical questions relevant to access to firearms for more than two decades. CDC's reluctance to support research examining the role of firearms in interpersonal and self-directed violence and firearm access has been driven by actions taken and/or not taken by Congress.

Determining what policies to enact to reduce gun violence center around questions that rigorous scientific research can inform. Questions include: *How do those that commit violence obtain their firearms? Do firearm laws affect the ability of individuals who might be prone to violence to obtain and use firearms? Do policies or programs directed at firearms access affect suicidal behavior? Do firearm policies negatively impact the safety of law-abiding citizens by keeping them from accessing firearms to defend themselves? How do firearm storage practices in*

³ ATF National Tracing Center (NTC) is the only organization authorized by US Congress to trace US and foreign manufactured firearms for international, federal, state and local law enforcement agencies.

homes and motor vehicles affect the risk to underage use, gun theft, and risks of lethal violence within homes, schools and communities?

Do Gun Buyback Programs Work?

Another question to consider is, *do gun buyback programs work?* Gun buyback programs are a community-based gun violence prevention effort that has been met with considerable attention and mixed reviews over the past 4 decades. What is believed to have been the first gun buyback program in the United States took place in Baltimore, Maryland in 1974 and retrieved 13,500 guns. This was a voluntary, anonymous gun buyback that lasted 2 months. Gun homicides and assaults actually rose during the two-month program, while the overall crime rate also increased. Similar programs followed in other cities, including some cities that repeated their programs. The gun buyback program offered a simple proposition: Sell your gun to the city for cash, no questions asked. The events became so prevalent across the country that public health researchers decided to test whether they actually reduced crime. Twenty years later in 1994 the first such report analyzing a 1992 gun buyback in Seattle, Washington found little evidence of a causal relationship between gun buybacks and violence reductions.⁴ Other studies of gun buyback programs also found their impact on violence reduction was inconclusive.⁵

Between 2009 and 2013 the City of Los Angeles held five (5) one-day gun buybacks as part of a primary prevention community awareness media campaign. The LA gun buybacks, which netted over 11,000 guns, were voluntary, anonymous, and those surrendering guns received gift cards to buy food at a grocery store chain that sponsored the gun buybacks. Crime data analysis found no evidence of a causal relationship between the gun buybacks and reductions in crime and violence throughout the city. However, surveys found 90 percent of those surrendering guns felt safer doing so, with the majority of those who surrendered guns were over the age of 50 years old. Given this, the greater value of these gun buyback efforts may have been in the media campaign that surrounded each event that helped to increase awareness and community good will around the importance of community participation in reducing gun violence.

Studies of an Australian gun buyback effort are touted by the research community as the one gun buyback effort that demonstrated a causal relationship between the buyback and homicide and suicide reduction. Of note is that buyback efforts were mandatory and paired with significant changes in gun access laws. Australia had mandatory buyback programs in 1996 and 2003 as part of a larger federal strategy called the *National Firearm Agreement* (NFA) that severely restricted legal gun ownership and required a permit for all new firearm purchases. The goal of the set of newly proposed firearm regulations was to achieve uniformly stricter regulations across states to minimize the likelihood of future mass shootings. The most important legislative achievements of the NFA included a federal ban on the sale, transfer, importation and

⁴ Callahan, CM, Rivara, FP, and Koepsell, TD. (1994). Money for guns: evaluation of the Seattle Gun Buy-Back Program. Public Health Rep. 1994 Jul-Aug; 109(4): 472-477. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1403522/>

⁵ Phillips, SW, Kim, D-Y, Sobol, JJ. (2013). An Evaluation of a Multiyear Gun Buy-Back Programme: Re-Examining the Impact on Violent Crimes. International Journal of Police Science & Management. Volume: 15 issue: 3, page(s): 246-261. Available at: <https://doi.org/10.1350/ijps.2013.15.3.315>

Kuhn, EM, Nie, CL, O'Brien, ME, et al. (2002). Missing the target: a comparison of buyback and fatality related guns. Injury Prevention 2002;8:143-146. Available at: <https://injuryprevention.bmj.com/content/8/2/143>

ownership of certain types of long firearms, heavier restrictions on civilian ownership of all types of firearms, and a federal buyback program.⁶

A 2011 report determined NFA was successful in terms of lives saved due to a decline in both suicide and homicide rates.⁷ The average firearm suicide rate in Australia in the seven years after the bill declined by 57 percent compared with the seven years prior. The average firearm homicide rate went down by about 42 percent. Australia's homicide rate was already declining before the NFA was implemented, but there is reason to believe the NFA, combined with the buyback provisions, contributed significantly to those declines. Furthermore, 1996 and 1997, the two years in which the NFA was first implemented, saw the largest percentage declines in the homicide rate in any two-year period in Australia between 1915 and 2004. Even so, the authors conclude:

It does not appear that the Australian experience with gun buybacks is fully replicable in the United States. Levitt provides three reasons why gun buybacks in the United States have apparently been ineffective: (a) the buybacks are relatively small in scale (b) guns are surrendered voluntarily, and so are not like the ones used in crime; and (c) replacement guns are easy to obtain.⁸

The mixture of aggressive national gun control policies in combination with mandatory gun buybacks is what resulted in Australia's effective reductions in homicides and suicides.

Brady Campaign & Brady Center Efforts

The Brady Campaign & Brady Center understands gun violence as an epidemic and their mission is to reduce gun violence in the US by 25 percent by 2025. While they implement a number of initiatives, primarily aimed at gun policy reform, a couple of key interventions that are worth exploring more deeply include their End Family Fire program and their efforts to Expand Brady Background Checks.

The End Family Fire program focuses on education and prevention of accidental and unintended shootings and homicides in the home due to improperly stored and secured firearms. Research has shown 4.6 million US children live in homes with access to an unlocked or unsupervised gun, and that a family member is 4 times more likely to be shot than an intruder when a gun is present in a home. The aim is to focus on the shared desire to keep family members safe and protected by encouraging gun owners to properly secure and store firearms in approved lock boxes and gun safes.

⁶Australia's states would take away all guns that had just been declared illegal. In exchange, they'd pay the gun owner a fair price, set by a national committee using market value as a benchmark, to compensate for the loss of their property. The NFA also offered legal amnesty for anyone who handed in illegally owned guns, though they weren't compensated. According to one academic estimate, the buyback took in and destroyed 20 percent of all privately owned guns in Australia.

⁷ Hemenway, D; Vrinotis, M. (2011). The Australian Gun Buyback. Bulletins –Spring 2011 (Issue 4). Available at: https://cdn1.sph.harvard.edu/wpcontent/uploads/sites/1264/2012/10/bulletins_australia_spring_2011.pdf

⁸ Levitt, SD. (2004) Understanding why crime fell in the 1990s: Four factors which explain the decline and six that do not. Journal of Economic Perspectives. 18:163-1. Available at: <https://www.aeaweb.org/articles?id=10.1257/089533004773563485>

Expand Brady Background Checks aims to increase enforcement of existing laws that target the illegal sales of firearms by authorized distributors. Loopholes in the background check system, or the failure of local authorities to enforce existing firearm purchase restrictions, has allowed the sale of guns to those who would otherwise not qualify to be a gun owner. While it is difficult to determine, for reasons already described above, exactly how many of these illegally purchased guns end up in the streets and are used in the commission of a crime, more work can be done policy-wise to enforce existing laws and develop better supply-side tracing systems once a gun has been purchased.

Recommendations For Future Action

Reduce Illegal Guns in the Streets Through Community Awareness Campaigns and Policy Reform

In regards to unsecured guns in the home, DVP will further explore implementing community awareness/education campaigns focused on keeping families safe and targeting both licensed and unlicensed gun owners about the importance of properly securing guns in the home to reduce accidental use and injury. In addition, the DVP will explore the possibility of providing gun owners within DVP-identified pilot zones with free lock boxes for guns. At a systems-level, the City of Oakland should consider strengthening relationships with neighboring jurisdictions, public system partners, community groups and policy advocates and explore ways to partner around policy reform and legislation creation designed to better regulate the sales of firearms.

Implement Comprehensive Place Based Strategy (PBS) Pilot

Incorporate the PBS framework to achieve the objectives of the DVP, as it appears that currently the four legs of the table⁹ are not necessarily implemented simultaneously in the same geographic location. To this end, DVP will identify one to two small geographic zones (i.e. 2 square miles) as initial pilot zones that are most impacted by violence based on social indicators, community stressors, and/or crime data. Then, DVP will conduct an assessment of resources and services currently available in those zones and work to coordinate service delivery with Oakland Unite, Oakland Fund for Children and Youth, Oakland Parks, Recreation and Youth Development Department, Oakland Unified School District, OPD and Alameda County Probation to address all four levels of risk. If service gaps are identified in those zones, DVP will extend funding to culturally-competent community-based organization(s) with demonstrated capacity and expertise to provide appropriate-level services in the pilot zone(s).

Formalize a Working Group for Gender-Based Violence Support Planning

Along the lines of using differentiated levels of risk to help steer investment, resources and services to people most impacted by violence at the appropriate level of need, the DVP Chief will lead efforts to formalize a Working Group to develop a risk assessment tool specifically designed for gender-based violence victims and survivors in Oakland with a focus on commercial sexual exploitation and intimate partner violence. Working group members will include community members already impacted by and/or engaged in this field of work, Oakland Unite funded grantees and other stakeholders with particular expertise in this field. Based on their lived experiences and practical knowledge, the working group will be responsible for determining the characteristics of this assessment tool and how to effectively implement it.

⁹ The "table" is visual representation of the *public health place-based prevention and intervention strategy*. Each leg of the table represents a specific target population and the recommended type of intervention for that population.

Increase the Profile of Oakland in Global Efforts to Reduce Violence

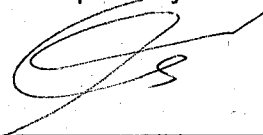
In alignment with the DVP's vision to eliminate violence in Oakland, the City has signed-on to be a partner in a global strategy called the Peace in our Cities Campaign that seeks to galvanize a movement of people, mayors and city governments to drastically reduce urban violence by 2030. Of the 14 international cities involved, Oakland is currently the only US city participating. The DVP Chief will continue to leverage his relationships with the international community to broaden Oakland's network of colleagues and partners to advance the DVP's mission and goals. Increasing the City's profile both domestically and internationally will help facilitate the sharing of best practices and lessons learned while also increasing the possibilities for fund development and additional resources for Oakland's communities most impacted by violence.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that City Council accept an informational report from the Chief of Violence Prevention on activities and progress of the Department of Violence Prevention (DVP), which was established by Ordinance No. 13451 C.M.S. to end the epidemic of violent crime in Oakland and healing trauma in impacted communities.

For questions regarding this report, please contact Guillermo Cespedes, Chief of Violence Prevention at (510) 238-2916.

Respectfully submitted,



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