



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: **October 19, 2021**

TO: Board of Supervisors

SUBJECT

TAKING GHOST GUNS OFF OUR STREETS AND DISRUPTING THE CYCLE OF VIOLENCE AFFLICTING OUR COMMUNITIES (DISTRICTS: ALL)

OVERVIEW

The United States continues to suffer from the plague of firearm violence and deaths. Amongst the two-dozen high income, populous countries including Australia, France, Italy, Spain, and the United Kingdom, over 80 percent of firearm deaths occur in the US. Over 90 percent of children killed by firearms in this group were from the US.¹ Each year, more than 39,000 people in United States die as result of gun violence, and tens of thousands more suffer non-fatal gun injuries.²

To stem the tide of gun violence, we must take action at the local level. We must take action to prevent unintentional shootings, interrupt suicidal tendencies, reduce the risk of homicides and decrease access to guns used in crimes.

A “ghost gun” ordinance would lower the chances of firearms getting into the hands of individuals banned from possession due to a criminal conviction involving a felony or violent misdemeanor, and from persons prohibited from possessing firearms due to mental illness.

To reduce suicides and other deaths or injuries, reasonable gun storage laws must be enacted at the local level. Studies have demonstrated that the risk of suicide—particularly amongst children and teens—is significantly higher in homes where a firearm is kept loaded and/or unlocked.³ An

¹ Grinshteyn E., Hemenway D. (2016). Violent Death Rates: The US Compared with Other High-income OECD Countries, 2010. The American Journal of Medicine, 129(3), 266-273

² CDC. WISQARTM. Report run 24 February 2018. Atlanta, GA: CDC National Center for Injury Prevention and Control. https://webappa.cdc.gov/sasweb/ncipc/dataRetrictions_inj.html

³ Daniel W. Webster, Jon S. Vernick, April M. Zeoli, and Jennifer A. Manganello, “Association Between Youth-focused Firearm Laws and Youth Suicides,” JAMA 292, no. 5 (2004): 594–601

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alarming number of children and teens live in homes with loaded and unlocked guns and the overwhelming majority of these minors know where in the home the guns are kept. Additionally, keeping guns out and accessible can lead to accidents causing unintentional injury or death.

While California law required makers of 3D printed guns to apply for a serial number from the Department of Justice, additional local action is needed. Individuals can easily download a design file and print a firearm with a \$200 3D printer in just a couple of hours.

3D printing potentially enables those who are prohibited from possessing firearms, principally felons and domestic abusers, to avoid background checks.

While ordinances and regulations must be changed to prevent further harm from guns, it is also critically important to pair these interventions with community-based violence intervention to disrupt cycles of violence.

RECOMMENDATION(S)

CHAIR NATHAN FLETCHER AND SUPERVISOR LAWSON-REMER

1. Direct the Chief Administrative Officer (CAO), in consultation with County Counsel, to return to the Board in 90 days with a draft ordinance that, unless already preempted by State law:
 - A. Updates definitions regarding firearms as appropriate including defining “ghost guns,” precursor parts for such guns and unserialized parts and guns
 - B. Prohibits the possession or distribution of unserialized parts used in the creation or possession of ghost guns
 - C. Creates safe firearm storage standards
 - D. Prohibits 3D printing of unserialized firearms or precursor parts
2. Direct the Chief Administrative Officer to develop options for community-based gun violence reduction and disruption programs and return to the Board within 180 days.

EQUITY IMPACT STATEMENT

According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), as of 2019, 30 percent of all firearms recovered in California were not serialized. Locally, the number of ghost guns recovered by law enforcement has steadily been trending upward over the past few years. Research also shows that gun violence and traditional responses to gun violence disproportionately have a negative impact on communities of color, often perpetuating harm and trauma that continues to cycle from generation to generation. This initiative seeks to reduce the impact of gun violence across the County, especially within the communities that are most disproportionately impacted. The development of programs that adopt best practices of addressing harm and trauma by providing healing and accountability, and centering and elevating the voices of those directly impacted by violence, foster safety, and equitable outcomes by disrupting the cycle of violence and mass incarceration that has historically disproportionately impacted communities of color.

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FISCAL IMPACT

There is no fiscal impact associated with today's action. There may be future fiscal impacts associated with the final recommendations for option to provide community-based violence reduction and disruption programs. Any such recommendations would need to return and be approved by the Board.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The US continues to suffer from the plague of firearm violence and deaths. Amongst the two-dozen high income, populous countries including Australia, France, Italy, Spain, and the United Kingdom, over 80 percent of firearm deaths occur in the US. Over 90 percent of children killed by firearms in this group were from the US.⁴ Each year, more than 39,000 people in the United States die as a result of gun violence, and tens of thousands more suffer non-fatal gun injuries.⁵

To stem the tide of gun violence, we must take action at the local level. We must take action to prevent unintentional shootings, interrupt suicidal tendencies, reduce the risk of homicides and decrease access to guns used in crimes.

Preliminary study data shows that firearms and guns are trafficked into the urban core from outside communities. This flow of guns, especially unserialized guns exacerbates violence in the community. We must support the community and promote antiviolence efforts by taking steps to shut off the flow of guns, especially "ghost guns" into the community

While many gun owners respect the power of their firearm and adhere to the laws, there is a proliferation of unregulated, untraceable, non-serialized firearms, also known as "ghost guns." Unregulated "ghost guns" undermine federal and state laws that would normally block access to guns for people who pose danger to themselves or our communities—including violent criminals, domestic abusers, and individuals suffering from mental illness.

All firearms and parts sold in the US require serialized identification of the firearm and its components. "Do-it-yourself-guns," or "ghost guns" lacks commercial serial numbers and can easily become untraceable due to the lack of identifying markings. "Ghost guns" do not have traceable serial numbers, and therefore, generally evade all the regulations which apply to the

⁴ Grinshteyn E., Hemenway D. (2016). Violent Death Rates: The US Compared with Other High-income OECD Countries, 2010. The American Journal of Medicine, 129(3), 266-273

⁵ CDC.WISQARSTM. Report run 24 February 2018. Atlanta, GA: CDC National Center for Injury Prevention and Control. https://webappa.cdc.gov/sasweb/ncipc/dataRestriction_inj.html

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regulated firearms industry. These bad actors degrade the work of the responsible manufacturers and firearms owners.

According to the Chief of Police, San Diego Police Department (SDPD), David Nisleit, “About one in four of every gun we’re recovering right now is a ghost gun.”⁶ For San Diego County, Sheriff Bill Gore reports seizing 36 non-serialized guns in 2019, 70 in 2020 and 133 through July of 2021. The average for 2021 is 19 seizures per month, which could result in 228 seizures for the year. Sheriff Bill Gore further states, “Our greatest concern are the individuals we encounter in possession of these guns. We find them to be persons who cannot lawfully own guns.”

The leadership displayed by San Diego City Councilmember Marni Von Wilpert in championing a city ordinance to tackle the issue of “ghost guns” and San Diego City Attorney Mara Elliott to promote a “safe storage” ordinance influences our drive to update County ordinances and further close loopholes in regarding to stemming gun violence.

California law requires an individual to “apply to the California Department of Justice (DOJ) for a unique serial number or other mark of identification, and this identifying information must be engraved or permanently affixed to the firearm within 10 days of it being manufactured or assembled.”⁷ The serial number allows for law enforcement to assure that only those who may legally purchase and own a firearm are able to do so. As noted in the SDPD report, “Convicted felons, and others who are prohibited from possessing firearms, can avoid legal processes by purchasing firearms kits from manufacturers, secondary retailers, and internet websites. Once purchased and assembled, the legal process is circumvented further by selling the manufactured firearms without a background check being conducted on the purchaser or having a lawful transfer of the firearm conducted through a Federal Firearms Licensee (FFL).”⁸ One such situation occurred in June 2021 in Encinitas. Sheriff’s Deputies encountered an individual who pulled out and aimed a ghost gun at the deputies.

A ghost gun ordinance would reduce the number of firearms in the hands of individuals banned from possession due to a criminal conviction involving a felony or violent misdemeanor, and from persons prohibited from possessing firearms due to mental illness. According to Crime in California 2020, a report by the California Department of Justice, firearms valuing \$52,000 were reported stolen between 2017 and 2020.⁹ Stolen unserialized guns increase the anonymity of crimes.¹⁰

⁶ City of San Diego, July 20, 2021, Staff Report “Eliminate Non-Serialized Untraceable Firearm (E.N.U.F.) Ordinance”, p.2

⁷ California Penal Code Section 29180

⁸ City of San Diego, June 11, 2021, Memorandum from Chief Nisleit to Councilmember Marni von Wilpert, p1

⁹ California Department of Justice, July 1, 2021, Crime in California 2020, p.17

¹⁰ Kochanek KD, Murphy SL, Xu JQ, Arias E. Deaths: Final data for 2017. National Vital Statistics Reports; vol 68 no 9. Hyattsville, MD: National Center for Health Statistics. 2019. Available online: https://www.cdc.gov/nchs/data/nvsr/nvsr68/nvsr68_09-508.pdf

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Along with our concern for homicides is the concern for accidental deaths and preventable suicides. In recent years, there have been many more firearm suicides than firearm homicides in the United States. In 2017, there were 23,854 firearm suicides and 14,542 firearm homicides.¹¹

To reduce suicides, reasonable gun storage laws must be enacted at the local level. Studies have demonstrated that the risk of suicide—particularly amongst children and teens—is higher in homes where a firearm is kept loaded and/or unlocked.¹² An alarming number of children and teens live in homes with loaded and unlocked guns and the overwhelming majority of these minors know where in the home the guns are kept.

In 2019, 117 children and teenagers were unintentionally killed with firearms, and approximately 1,167 children and teenagers committed suicide with firearms, according to data from the Center for Disease Control and Prevention.¹³ During this same period in California, 54 children and teens died of suicide due to the use of a firearm.¹⁴

Sadly, from March to December 2020, unintended shooting deaths by kids went up more than 30 percent, compared to the same time period in 2019.¹⁵ The unsafe storage of firearms threatens public health and safety in the United States. A 2000 study published in the American Journal of Public Health found that “[o]f the homes with children and firearms, 55 percent were reported to have [one] or more firearms in an unlocked place,” and 43 percent reported keeping guns without a trigger lock in an unlocked place.¹⁶ According to a 2018 study of gun households published in the American Journal of Public Health, nearly a quarter of all gun owners keep their firearms unlocked.¹⁷

Many young children, including toddlers, are strong enough to fire handguns. A Washington Post report showed that toddlers were responsible for an average of one shooting a week in 2017.¹⁸ In 2013, more preschoolers were shot to death (82) than police officers (27) according to data from

¹¹ John Gramlich, “What the Data Says About Gun Deaths in the US,” Pew Research Center, August 16, 2019, <https://www.pewresearch.org/fact-tank/2019/08/16/what-the-data-says-about-gun-deaths-in-the-u-s/>

¹² Daniel W. Webster, Jon S. Vernick, April M. Zeoli, and Jennifer A. Manganello, “Association Between Youth–focused Firearm Laws and Youth Suicides,” *JAMA* 292, no. 5 (2004): 594–601

¹³ Centers for Disease Control, February 2021, A Public Health Crisis Decades in the Making, p.5

¹⁴ Centers for Disease Control and Prevention, National Center for Health Statistics. Suicide Deaths and Rates per 100,000. WONDER Online Database, 1999–2019. Available: <http://wonder.cdc.gov/ucd-icd10.html>.

¹⁵ Schaechter, Judy (2021) Guns in Homes, American Academy of Pediatrics Council on Injury, Violence and Poison Prevention, <https://www.healthychildren.org/English/safety-prevention/at-home/Pages/Handguns-in-the-Home.aspx>

¹⁶ Azrael, D., Cohen, J., Salhi, C. *et al.* Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey. *J Urban Health* 95, 295–304 (2018). <https://doi.org/10.1007/s11524-018-0261-7>

¹⁷ Cassandra K. Crifasi, et al., “Storage Practices of US Gun Owners in 2016,” *American Journal of Public Health* 108, no. 4 (2018): 532–537.

¹⁸ Ingraham, Christopher, September 29, 2017. American toddlers are still shooting people on a weekly basis this year. The Washington Post, <https://www.washingtonpost.com/news/wonk/wp/2017/09/29/american-toddlers-are-still-shooting-people-on-a-weekly-basis-this-year/>

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the Centers for Disease Control and Prevention and the Federal Bureau of Investigation published in October 2015 by the New York Times.¹⁹

While California law required makers of 3D printed guns to apply for a serial number from the Department of Justice, additional local action is needed. One can easily download a design file and print a firearm with a \$200 3D printer in just a couple of hours.

“All you need is a weekend’s worth of time and \$50 for the materials”, wrote the neo-Nazi who was sentenced to life in prison for the killing of two people in 2019 in the attempted attack on a synagogue in the city of Halle, Germany.²⁰ According to Phillip Boyce from the British based firm Forensic Equity, “You can have a fully automatic AR15 rifle or fully automatic AK47. And normally, those fully automatic weapons have got steel barrels but the rest of it is plastic.”²¹ Creators of 3D printed guns insert small piece of metal into the bodies of plastic firearms to circumvent federal law. Clearly, 3D printing potentially enables those who are prohibited from possessing firearms, principally felons and domestic abusers, to avoid background checks.

Specifically, this proposal would direct the Chief Administrative Officer (CAO), in collaboration with County Counsel, return to the Board in 90 days with a draft ordinance that, would address these concerns by 1) updating definitions regarding firearms, including defining “ghost guns,” precursor parts for such guns and unserialized parts and guns; 2) prohibits the possession or distribution of unserialized parts used in the creation or possession of ghost guns; 3) creates safe firearm storage standards and 4) prohibits 3D printing of unserialized firearms or precursor parts. Additionally, we are recommending that the CAO direct staff to develop options for community-based violence reduction and disruption programs working collaboratively with area municipalities and community partners and return to the Board within 180 days.

We urge our colleagues to join us in supporting this action to close loopholes and advance firearm safety.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s proposed action to direct the drafting of gun violence prevention ordinances and contemplation of future options for community-based violence reduction and disruption programs supports the Safe Communities Strategic Initiative – making San Diego the safest and most resilient community in the nation, where youth and the community as a whole are protected, and the criminal justice system is balanced between accountability and rehabilitation.

¹⁹ Kristof, Nicholas. October 3, 2015. A New Way to Tackle Gun Deaths, The New York Times, https://www.nytimes.com/2015/10/04/opinion/sunday/nicholas-kristof-a-new-way-to-tackle-gun-deaths.html?_r=0

²⁰ Dearden, Lizzie. October 11, 2019. Use of 3D Printed Guns in German Synagogue Shooting Must Act as Warning to Security Services, Experts Say. Independent <https://www.independent.co.uk/news/world/europe/3d-gun-print-germany-synagogue-shooting-stephan-balliet-neo-nazi-a9152746.html>

²¹ Abbasi, Hyder. July 31, 2021. What’s behind far-right trend of using 3D tech to make guns? <https://www.aljazeera.com/news/2021/7/31/what-behind-far-right-trend-using-3d-tech-make-guns>

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Respectfully submitted,

CHAIR NATHAN FLETCHER
Supervisor, Fourth District

TERRA LAWSON-REMER
Supervisor, Third District

ATTACHMENT(S)
N/A