



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Dev Davis

SUBJECT: SEE BELOW

DATE: 01/21/2022

Approved

Date 01/21/2022

RECOMMENDATION:

1. Reject the recommendation made by the City Attorney in her January 14, 2022, memo requiring San Jose residents who own guns to carry liability insurance and pay fees to gun harm reduction programs.
2. Reinvigorate the Mayor's Gang Prevention Task Force to reconvene the multiple agencies and programs aimed at reducing gang violence and illegal gun use.
 - a. Engage partners, such as the DA's office and the local judiciary, to ensure full enforcement of the firearm-related laws already in place.
 - b. Work with state legislators and local law enforcement to eliminate ghost gun sales and arrest and prosecute those who are in possession of these weapons.
3. Educate residents about our local safe storage law and Gun Violence Restraining Orders and Emergency Protection Restraining Orders available to local law enforcement and concerned family and/or friends.
4. Direct staff to design a gun safety education program for residents and return to Council with a budget proposal.
5. Direct staff to establish an annual gun buyback program and return with a budget proposal for this cost.
6. Direct the City Manager's Office to work with the Police Department to identify and apply for all available federal and state grants to help offset costs related to gun safety education and gun buyback programs.

DISCUSSION:

Everyone agrees that guns are dangerous and sometimes lethal. At the same time, there are many valid reasons why some residents choose to legally own guns. Some feel it adds a degree of self-protection. Some enjoy the sport of target shooting, and others legally hunt game for food. It is tragic when someone uses a gun to commit suicide or decides to take the life of another human being. We need to responsibly address this multi-faceted reality in our community. Requiring insurance that may or may not be available to everyone and requiring a fee – of unknown amount

– given to a non-profit that may or may not be legally able to certify insurance coverage for a resident is not the way to reduce gun harm. It also adds an already overtaxed police department with yet another layer of bureaucracy and paperwork.

The Mayor and City Attorney are asking us to pass an ordinance where all the details and structure are to be “worked out later.” Pardon the analogy - we are talking about guns - it’s like shooting first and aiming later.

In the past, illegal gun use was addressed during multi-agency meetings of the Mayor’s Gang Prevention Task Force. What has happened to that once very successful group? The last gang hotspot map on our city’s website is from April 2015. The last workplan listed online is for 2015-2017. I recommend reinstating/reviving the Mayor’s Gang Prevention Task Force to at least facilitate interagency connections and information sharing. A similar program in Oakland was shown in a quasi-experimental study to be effective in reducing total shootings and gang-involved shootings and is rated as an effective solution to crime by the US Department of Justice.¹

We do have laws in place that address gun harm that are unevenly enforced. Let’s work on using and enforcing those laws. Gun Violence Restraining Orders (GVRO) are law in California and expanding to many other states. It is a court order that temporarily removes a family member’s access to guns if they are threatening to harm themselves or other people. A family member or a law enforcement officer can request the court to issue a GVRO. There is no cost to file an order. These orders can be in place immediately and be temporary or long term. We have not made this law known widely to our community. If we want to do something, give our agencies the tools and monetary resources they need to enact the laws we have already passed and inform our residents about their current options. Don’t burden them with more legislation.

We should not be punishing legal gun owners because they are the easiest target to regulate. We should be pursuing prosecution and jail time for anyone in possession of ghost guns that circumvent regulation. According to SJPD Chief Anthony Mata, in his entire career, he has never seen so many ghost guns out on our streets. This past week, a carjacking suspect fired a ghost gun at responding officers. These ghost guns are homemade and illegal. They don’t fall into the category of gun registration and they would not be searchable in the gun insurance registry.

We should listen to our public safety officers out on the streets who feel defeated when a suspect is released from custody sooner than the arresting officer has time to finish the initial arrest report. They call it catch and release. It’s not funny. It’s sad, and it’s dangerous.

It is time we address this very real and serious issue with concrete solutions that do not burden lawful and responsible gun owners.

¹ National Institute of Justice Crime Solutions. Program Profile: Ceasefire (Oakland, Calif.). <https://crimesolutions.ojp.gov/ratedprograms/700>