



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Raul Peralez

**SUBJECT:** GUN HARM REDUCTION  
ORDINANCE

**DATE:** January 21, 2022

Approved by:

Date: 1/21/2022

## RECOMMENDATION

Accept the memorandum authored by Mayor Liccardo, Vice Mayor Jones and Councilmembers Cohen and Carrasco and direct the City Manager and City Attorney to:

1. Prior to the second reading of the ordinance, report back with a status of the Community Violence Prevention & Response initiative<sup>1</sup> approved by the Rules & Open Government Committee (ROGC) on September 22, 2021 as well as next steps on any outstanding items.
2. Prior to the end of the fiscal year, schedule a joint study session with the County Board of Supervisors as directed by ROGC with a focus on gun violence prevention as it relates to mental health, Intimate Partner Violence (IPV) / Intimate Partner Homicide (IPH) and substance abuse with a diverse panel that includes but is not limited to mental health professionals, social service professionals and firearm experts.
  - a. If the County BOS declines or does not respond, proceed with a Council Study Session and include experts from relevant County departments such as the Behavioral Health Services Department.
3. Provide a timeline and work plan on designating a non-profit before the ordinance takes effect to the Public Safety, Finance and Strategic Services (PSFSS) committee, and include responses to the following questions:
  - a. Who will be delivering the services outlined in number 1-4 per section 10.32.220 in the draft Gun Harm Reduction Ordinance?
  - b. Assuming providers are existing local organizations, do they have the bandwidth to effectively carry out these services?

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<sup>1</sup><https://sanjose.legistar.com/View.ashx?M=F&ID=9819199&GUID=1C13D215-45C9-4AB0-A857-F15E0E5F4559>

- c. How will there be coordination with the County’s Behavioral Health Services Department and other relevant county departments?
  - d. What metrics will be put in place to measure efficacy of the services and whether there is a correlation to reduced gun violence?
  - e. What is the contingency in the event that the designated non-profit is no longer financially viable?
  - f. What is the expected rate of registration by gun owners? Compared to other fee-required registration programs such as animal licensing.
  - g. Per section 10.32.240 of the draft ordinance, elaborate what the enforcement process will be.
4. Amend the ordinance requiring the designated non-profit to provide a bi-annual report to the appropriate committee with a possible cross reference to City Council.

## **DISCUSSION**

### *Community Violence Prevention & Response*

On September 22, 2021, the ROGC approved my proposed initiative titled *Community Violence Prevention and Response*, a three-pronged approach at examining and ultimately addressing the social and mental causation of gun violence in our community. We have an opportunity to break traditional silos and engage in a robust dialogue within our community on how to provide help to those before they cause harm to themselves or others. The Gun Harm Reduction ordinance creates a funding source for a designated non-profit to service delivery the following as outlined in the ordinance per section 10.32.220:

1. Suicide prevention services or programs;
2. Violence reduction or domestic violence services or programs;
3. Mental health services related to gun violence; or
4. Firearms safety education or training.

Specifically related to #1 and #3, it is critical that San José is working collaboratively with those responsible for delivering behavioral and mental health services, as well as maintaining a pulse on how we are managing the well being of our city staff and community members at large.

### *Actions Relating to Expenditures of Funds*

I would like to first thank all current and future community advocates that will be involved in the daunting task of creating a designated non-profit chartered to expend the collected funds as envisioned by this ordinance. While I appreciate the intent, the proposed shift in direction to a fee collection and service delivery by a third party designated non-profit approach does prompt more questions than answers.

Non-profit management is comparable to running a business, and as such, if not properly structured for success, will result in its demise. We have seen in the past challenges of city-supported non-profits such as the Police Athletic League (PAL) and History San Jose in which the City had to dedicate resources for its survival. Ultimately, the “devil is in

the details” and prior to creating a new non-profit, something that the City has historically struggled with, we must do our due diligence and set ourselves up for success rather than failure.

Hence, the questions I have posed in the recommendations are not intended to prolong efforts towards reducing gun harm and violence, but rather ensure we will succeed in reducing it and save lives. As policymakers, we are expected to ask these tough questions so that we can assure our constituents and residents that their city resources are being effectively allocated.

### **CONCLUSION**

Thank you to City Staff for the quick turnaround of a draft ordinance in effort to reduce gun harm and violence, a cause not only very personal to me but one that I have been consistently supportive of during my seven years in office. The data points articulated by Dr. Ted Miller and the Pacific Institute for Research and Evaluation (PIRE) are powerful. However, it is important as well that as we engage in this contentious debate that has penetrated every level of government in our country, we remember the individuals who are lost to gun violence are our sisters, brothers, daughters, sons, mothers, fathers, friends and neighbors – lives senselessly cut too short by a preventable epidemic that has touched our city one too many times.