



CITY OF

## PORTLAND, OREGON

Office of the Mayor

**Mayor Sam Adams**

1221 S.W. Fourth Avenue, Suite 340

Portland, Oregon 97204-1994

(503) 823-4142

FAX: (503) 823-3588

E: [samadams@portlandoregon.gov](mailto:samadams@portlandoregon.gov)

[www.mayorsamadams.com](http://www.mayorsamadams.com)

### REPORT TO COUNCIL

*August 10, 2011*

**To: Mayor Sam Adams**

**From: Illegal Gun Ordinance Oversight Committee**

**Subject: Accept the Report on Illegal Gun Ordinance – Illegal Firearm use Hotspots**

*On December 1, 2010, the Portland City Council passed ordinance number 184274, ordering Council to add new and amend existing City Code provisions to address illegal gun use and violent gang activity in the City (Ordinance; amend Code Sections 14A.80.010 and 14A.60.010; add Code Sections 14A.60.050, 14A.60.060 and add Chapter 14A.90). Ordinance 184274 states, in part:*

*“NOW, THEREFORE, the Council directs:*

*f. A committee established by Council shall monitor the implementation and enforcement of the new firearm use hotspots code for Council. The Committee will collect and analyze data to determine whether management of the hotspots*

*1) Serves the safety needs of the community;*

*2) Is fair and equitable;*

*3) Has generated improper disparate treatment*

*The Committee will report to Council every six months.”*

*Pursuant to that resolution, the Illegal Gun Ordinance Oversight Committee is presenting its work to City Council. As this is the Oversight Committee's first report to City Council, the Oversight Committee will be introducing itself and updating City Council on the information the Oversight Committee has received from the City of Portland, and the Portland Police Bureau.*

*Oversight Committee Members:*

- *Gahlana Carolyn Easterly, African American Advisory Council to Portland Police Bureau, Black Women for Peace*

- *Mike Verbout, Portland Public Schools Principal (Retired)*
- *Rosanne Lee, Office of Neighborhood Involvement, East Portland Crime Prevention Coordinator*
- *Roel Chavez, Prevention Services, Programa Hispano/Catholic Charities*
- *Dave Smith, East Portland Police Bureau East Precinct Involved Citizens (EPIC) Volunteer*

**TO THE COUNCIL**

The Office of the Mayor concurs with the recommendation of the *Illegal Gun Ordinance Oversight Committee* and

**RECOMMENDS:**

That the Council accept the report.

Respectfully submitted,

Mayor Sam Adams  
City of Portland

Illegal Gun Ordinance Oversight Committee Report to City Council per Illegal Gun Ordinance 184274 (Report)

On December 1, 2010, Portland City Council passed Ordinance 184274 ordering Council to add new and amend existing City Code provisions to address illegal gun use and violent gang activity in the City. That resolution is attached. Per Ordinance 184274, Council found, among other things, that:

**Firearms, generally:**

- Firearms are used in 42 percent of the homicides committed in the city.\*
- Because of the range and effectiveness of firearms, the use of firearms in violent crimes is more likely to lead to the death or injury of bystanders.\*

**Firearms, children, young adults, and youth gangs:**

- Close to half of the firearms used in unintentional (“accidental”) shootings of children were acquired by children from their parents, who left the firearms loaded and unsecured in a place accessible to children.\*
- According the National Center for Injury Prevention, homicide was the 4<sup>th</sup> highest ranking cause of death for ages 15-24 in the state of Oregon between 1999 and 2007. Homicide was also the 5<sup>th</sup> highest ranking cause of death for ages 25-34 in the state of Oregon during the same time period.
- Portland Police Bureau (PPB) data demonstrate that the majority of gang related activity occurs in the evening or early morning hours. For example, during the month of August 2010, the vast majority of incidents that prompted Gun Violence Response Team response occurred between 7:00 pm and 2:30 am.
- The African-American community has seen the greatest toll on its youth as a result of illegal gun use. Young African American males are killed by guns at a much higher rate than any other segment of the U.S. population, according to the Violence Policy Center’s 2007 report, *Black Homicide Victimization in the United States*.

**Firearms, lost or stolen:**

- The number of stolen firearms reported in the City of Portland since 2006 ranges from 327 to 248 firearms per year.
- Stolen guns represent a major risk to the community at large because they have, by definition, entered criminal hands. Ensuring law enforcement’s early awareness of every lost or stolen gun will enhance law enforcement’s ability to recover those guns and reduce gun violence.

In response to the above findings, and other information – including a September 27, 2010 report from Mayors Against Illegal Guns\* on the impacts of gun trafficking on gun crime, ability of law enforcement to respond to gun crime, and ability of gun traffickers

and straw buyers to evade responsibility – Council added and amended the following provisions:

- City Code Section 14A.80.010, **Curfew**, amended
- City Code Chapter 14, amended by adding 14A.60.050, **Endangering a Child by Allowing Access to a Firearm**,
- City Code Chapter 14, amended by adding 14A.60.060, **Failure to Report Theft or Loss of a Firearm**,
- City Code Section 14A.60.010, Possession of a **Loaded Firearm in a Public Place**, amended
- City Code Chapter 14, amended by adding Chapter 14A.90 **Illegal Firearm Use Hotspots**

\* Illegal Gun Ordinance Oversight Committee members are continuing to gain background on City Council Ordinance 184274, and Council’s findings.

#### **Illegal Gun Ordinance Oversight Committee Members:**

The Illegal Gun Ordinance Oversight Committee is made up of the following members:

- **Mike Verbout**, Portland Public Schools Principal (Retired), Illegal Gun Ordinance Oversight Committee Chair
- **Dave Smith**, East Portland Police Bureau East Precinct Involved Citizens (EPIC) Volunteer
- **Gahlana Carolyn Easterly**, African American Advisory Council to Portland Police Bureau, Black Women for Peace
- **Roel Chavez**, Prevention Services, Programa Hispano/Catholic Charities
- **Rosanne Lee**, Office of Neighborhood Involvement, East Portland Crime Prevention Coordinator

The Illegal Gun Ordinance Oversight Committee meets regularly, in the Portland Police Bureau North Precinct Community Meeting Room.

#### **The Mayor’s Mandate to the Illegal Gun Ordinance Oversight Committee:**

While the City of Portland and the Portland Police Bureau are providing information regarding all parts of the Ordinance to the Illegal Gun Ordinance Oversight Committee as good public policy, Council explicitly directed the committee to “monitor the implementation and enforcement of the new firearm use hotspots code.” Council asked the committee to “collect and analyze data to determine whether management of the hotspots

- 1) Serves the safety needs of the community;
- 2) Is fair and equitable;
- 3) Has generated improper disparate treatment[.]”

The Illegal Gun Ordinance Oversight Committee will report to Council every six months.

Due to summer vacation schedules, the Illegal Gun Ordinance Oversight Committee was unable to provide its first report back to Council until early August. However, the committee has been meeting throughout the summer and has received information from the City of Portland and the Portland Police Bureau.

From the Mayor's Office, the Illegal Gun Ordinance Oversight Committee has received and reviewed:

- Links to City Council Ordinance 184274, and related testimony
- Links to sections of the illegal gun ordinance on the City Auditor's website
- Links to Mayor's website, including blogs that provide background information
- The Illegal Gun Ordinance PowerPoint presentation shared with the Portland City Council in passing City Council Ordinance 184274
- A particularly important slide from the PowerPoint presentation outlining the oversight committee's function (attached)
- An outline of the Portland Police Bureau's data system for tracking implementation of the ordinance
- A resource and contact sheet, so that oversight committee members can contact the Mayor's office, Portland Police Bureau, City Attorney, Revenue Bureau, and District Attorney and have their questions answered.

From the Portland Police Bureau, the Illegal Gun Ordinance Oversight Committee has received and reviewed:

- Information on the Portland Police Bureau's progress on implementation of the Illegal Gun Ordinance
- A list of commonly used Portland Police Bureau acronyms, as related to this issue
- Portland Police Bureau memos regarding curfew
- A Portland Police Bureau memo regarding illegal firearm use hot spot rules
- A Portland Police Bureau spreadsheet of illegal firearm use hot spot exclusions, to date

Additionally, the Illegal Gun Ordinance Oversight Committee participated in opportunities to meet and talk with City of Portland, Portland Police Bureau, and Multnomah County staff. The Illegal Gun Ordinance oversight committee:

- Met several times with Amreet Sandhu, Public Safety & Peacekeeping Policy Advisor, from the Office of Mayor Sam Adams
- Met with Antoinette Edwards, Director of Public Safety & Peacekeeping, from the Office of Mayor Sam Adams
- Met several times Lieutenant Tom McGranahan, Gang Enforcement Team/Gun Task Force, from the Portland Police Bureau
- Met with David Woboril, City of Portland Senior Deputy Attorney

- Met with Janice Hammond Getten, Senior Financial Analyst Revenue Bureau
- Met Mike Riedel, Multnomah County Deputy District Attorney

### **Illegal Gun Ordinance Oversight Committee Conclusions and Recommendations:**

Per Council's mandate, the oversight committee will provide on-going review, meet bi-monthly, report their findings to City Council every six months, make sure that the data supports continued designation of hotspots, assess the use and need for these ordinances, and make certain that there is no disparity of treatment.

The Illegal Gun Ordinance Oversight Committee has monitored the implementation and enforcement of the new firearm use hotspots code, and has provided its feedback to the Mayor's office, and to Portland Police Bureau. The Illegal Gun Ordinance Oversight Committee has made the following recommendations.

#### **Implementation**

- Recommendation: the Illegal Gun Ordinance Oversight Committee recommends making information regarding the boundaries of Illegal Firearm Use Hotspots more easily accessible to the public. For example, ideally, an average citizen could walk into a precinct office and receive information from the front desk on illegal firearm use hotspots, upon request.
- Outcome: Lt. McGranahan agrees the recommendation is a good one and is continuing to work with precincts to roll out implementation and enforcement.

#### **Enforcement**

- Recommendation: the Illegal Gun Ordinance Oversight Committee recommends creating forms that make notice clearer to an average reader.
- Outcome: this recommendation is under advisement, the Portland Police Bureau has ordered new forms with maps, and considering additional methods for notifying the public.

#### **Data Collection and Analysis**

The Illegal Gun Ordinance Oversight Committee has collected and analyzed data to determine whether management of the hotspots: 1) serves the safety needs of the community; 2) is fair and equitable; 3) has generated improper disparate treatment. The Illegal Gun Ordinance Oversight Committee has received data from the Portland Police Bureau. That data is attached.

First, from that data, the Illegal Gun Ordinance Oversight Committee has analyzed whether the management of the hotspots serves the safety needs of the community. Based on the fact that the Portland Police Bureau has issued 13 exclusions from illegal firearm use hotspots, the Illegal Gun Ordinance Oversight Committee

believes that the illegal firearm use hotspots are, in fact, serving the safety needs of the community.

Second, from that data, the Illegal Gun Ordinance Oversight Committee has also analyzed whether the management of the hotspots is fair and equitable. In terms of procedure, the Illegal Gun Ordinance Oversight Committee has provided recommendations on how management of the illegal firearm use hotspots can be more fair and equitable (*see implementation and enforcement recommendations above*). The Portland Police Bureau welcomes the Illegal Gun Ordinance Committee's recommendations, and is working to refine procedures in the early stages of implementation and enforcement to ensure that the ordinance is implemented and enforced in the most fair and equitable manner.

Lastly, from that data, the Illegal Gun Ordinance Oversight Committee has analyzed whether the management of the hotspots has generated improper disparate treatment. Based on the demographic information provided by the Portland Police Bureau, the Illegal Gun Ordinance Oversight Committee has observed no improper disparate treatment at this time. The Illegal Gun Ordinance Oversight Committee will continue to monitor hotspots, bi-monthly, to ensure that the illegal firearm use hotspots management serves the safety needs of the community, is fair and equitable, and has not generated improper disparate treatment.

The Illegal Gun Ordinance Oversight Committee recommends that the City of Portland and Portland Police continue to work towards fair and equitable implementation and enforcement of the illegal gun ordinance, and will report back to council in six months.

**Attached:**

City Council Ordinance 184274 (Attachment A)  
The City of Portland's Mandate to the Illegal Gun Ordinance Oversight Committee from Testimony to Council re: City Council Ordinance 184274 (Attachment B)  
Portland Police Bureau Excel Spreadsheet with Illegal Firearm Use Hotspot Data (Attachment C)

## Attachment A

### **ORDINANCE No.**

Add new and amend existing City Code provisions to address illegal gun use and violent gang activity in the City (Ordinance; amend Code Sections 14A.80.010 and 14A.60.010; add Code Sections 14A.60.050, 14A.60.060 and add Chapter 14A.90)

The City of Portland ordains:

Section 1. The Council finds:

1. Under Oregon state law, a municipality is specifically authorized to regulate the discharge of firearms and to regulate possession of loaded firearms in public places. These two types of regulations clearly fall outside the Oregon state law regarding state preemption for matters involving the “sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition.”
2. State law does not prohibit a municipality from enacting curfew, loss reporting or child access laws.
3. Firearms are used in 42 percent of the homicides committed in the city.
4. Because of the range and effectiveness of firearms, the use of firearms in violent crimes is more likely to lead to the death or injury of bystanders.
5. Close to half of the firearms used in unintentional (“accidental”) shootings of children nationally were acquired by children from their parents, who left the firearms loaded and unsecured in a place accessible to children.
6. According to the National Center for Injury Prevention and Control, homicide was the 4<sup>th</sup> highest ranking cause of death for ages 15-24 in the state of Oregon between 1999 and 2007. Homicide was also the 5<sup>th</sup> highest ranking cause of death for ages 25-34 in the state of Oregon during the same time period.
7. The number of stolen firearms reported in the City of Portland since 2006 ranges from 327 to 248 firearms per year.
8. Current city code provides that children under age 14 and not yet in high school have a curfew between 9:15 pm and 6 am on school days and 10:15 pm and 6 am on non-school days. Children over age 14 or in high school have a curfew between 10:15 pm and 6 am on school days and 12 midnight and 6 am on non-school days. Portland Police Bureau (PPB) data demonstrate that the majority of gang related activity occurs in the evening or early morning hours. For example, during the month of August



2010, the vast majority of incidents that prompted Gun Violence Reduction Team response occurred between 7:00 pm and 2:30 am. Further restricting the curfew for youth who are currently on probation or under juvenile court jurisdiction for gun related offenses will provide police with an additional investigative tool to contact youth before a violent incident occurs and will protect the community. The Juvenile Justice Department and PPB will communicate with each other about the identity of youth currently on probation for gun related offenses including pictures so precinct officers can easily determine if a youth is violating the curfew ordinance.

9. The purpose of City Code section 14A.60.060 is to (1) facilitate the apprehension of criminals who commit crimes with stolen or lost weapons, (2) deter the criminal use of stolen and lost weapons, (3) facilitate the recovery of stolen and lost weapons, (4) prevent unwarranted criminal accusations against firearms owners who suffer the loss or theft of a firearm, and (5) deter persons from falsely claiming that a firearm was lost or stolen to avoid punishment for an illegal firearm transfer.
10. Stolen guns represent a major risk to the community at large because they have, by definition, entered criminal hands. Ensuring law enforcement's early awareness of every lost and stolen gun will enhance law enforcement's ability to recover those guns and reduce gun violence.
11. The September 27, 2010 report from Mayors Against Illegal Guns, a bi-partisan coalition, analyzed 2009 crime gun trace data from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which showed that gun trafficking is alive and well in Oregon. Specifically, this report outlines the problems that stem from a lack of reporting lost or stolen firearms in Oregon. Law enforcement recognizes the benefits of requiring a gun owner to immediately report when a gun is lost or stolen. Prompt investigation is imperative in these cases.
  - 1) The report also focused on whether states require gun owners to report lost or stolen guns to police. Currently seven states and District of Columbia require gun owners to report lost or stolen guns to local law enforcement (none of these states are on the West Coast). States that have a reporting requirement have an average export rate of 6.2 guns per 100,000 inhabitants. In comparison, the 43 states that do not require such reporting have a crime gun export rate of 16.1 guns per 100,000 inhabitants, which is more than two and half times greater than the rate of state that do. (See page 23 of report).
  - 2) Findings: States that do not require gun owners to report lost or stolen goods to police export crime guns at a rate more than two and half times greater than states that require such reporting, and

are the source of a greater proportion of short time to crime (TTC) crime guns.

- 3) Over 150,000 firearms were reported lost or stolen in 2008. 85% of these guns were never recovered and tens of thousands more were likely never even reported.
  - 4) Reporting lost or stolen guns assists local law enforcement in two ways:
    - (1) It enables police to respond more rapidly to a report that a gun was stolen and possibly return it to its owners or track down the thieves.
    - (2) If a trafficker or straw buyer is identified through gun tracing and confronted by police, such a requirement prevents them from evading responsibility by claiming that the crime gun was stolen from them.
  - 5) States that do not allow local control of gun laws export crime guns at a rate more than 4 times greater than states that allow local control, and are the source of a greater proportion of short time to crime (TTC) guns. Currently, 8 states give municipalities broad authority to regulate firearms.
12. The African-American community has seen the greatest toll on its youth as a result of illegal gun use. Young African American males are killed by guns at a much higher rate than any other segment of the U.S. population, according to *Black Homicide Victimization in the United States* (Violence Policy Center, 2007).

NOW, THEREFORE, the Council directs:

- a. City Code Section 14A.80.010, Curfew, is amended as in the attached Exhibit 1.
- b. City Code Chapter 14 is amended by adding a new Section 14A.60.050, Endangering a Child by Allowing Access to a Firearm, as in the attached Exhibit 2.
- c. City Code Chapter 14 is amended by adding a new Section 14A.60.060, Failure to Report Theft or Loss of a Firearm, as in the attached Exhibit 3.
- d. City Code Section 14A.60.010, Possession of a Loaded Firearm in a Public Place, is amended as in the attached Exhibit 4.
- e. City Code Chapter 14, is amended by adding a new Chapter 14A.90 Illegal Firearms Use Hotspots, as in the attached Exhibit 5.

- f. A committee established by Council shall monitor the implementation and enforcement of the new firearm use hotspots code for Council. The Committee will collect and analyze data to determine whether management of the hotspots

- 1) Serves the safety needs of the community;
- 2) Is fair and equitable;
- 3) Has generated improper disparate treatment

The Committee will report to Council every six months.

- g. Subject to revision by Council or its delegee, such revision effective when posted on the City and Police Bureau websites and described on notices to subsequently excluded persons, the following descriptions shall comprise the boundaries of the Illegal Firearms Use Hotspots listed, and the Hotspots shall include the entire area on and within the listed boundaries:

1. Central Hotspot: The area encompassed by the west bank of the Willamette River, the centerlines of SW Madison Street, SW Naito Parkway, SW Jefferson Street, the center divider of I-405, the centerline of NW Glisan Street and a line extended from the centerline of NW Glisan to the west bank of the Willamette River.
2. North / Northeast Hotspot: The area encompassed by the centerlines of N. Interstate Avenue, N and NE Russell, NE Martin Luther King Blvd. and N and NE Lombard.
3. East Hotspot: The area encompassed by the centerlines of NE Glisan Street, 148<sup>th</sup> Avenue, SE Stark Street and 162<sup>nd</sup> Avenue.

Passed by the Council:

Commissioner: Mayor Adams

Prepared by: Kate Lieber

Date Prepared: November 10, 2010

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By

Deputy

## Illegal Firearm Hotspots (Exhibit 5)

- On-Going Review by oversight committee
  - meet bi-monthly;
  - will report their findings to City Council every six months;
  - make sure that the data supports continued designation of hotspots;
  - assess the use and need for these ordinances; and
  - to make certain that there is no disparity of treatment.

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**Attachment C**

Sex	RACE	DOB	Date Exclusion Written	Convicted / Pending	Appeal	Date Appeal Received	Appeal Decision	Curfew Arrest	Date Exclusion Active	Expiration / Probation Ends	Exclusion Written By DPSST
M	B	6/1/1993	4/14/2011	C	0			0	4/21/2011	12/1/2011	44162
F	B	3/9/1994	4/14/2011	C	0			0	4/21/2011	10/5/2011	23726
M	W	4/7/1993	4/14/2011	C	0			0	4/21/2011	1/25/2012	43489
M	B	3/29/1995	4/14/2011	C	0			0	4/21/2011	11/16/2011	23726
M	B	9/30/1994	4/14/2011	C	0			0	4/21/2011	2/2/2012	23726
M	H	1/30/1996	4/14/2011	C	0			0	4/21/2011	4/28/2011	23726
M	B	9/2/1993	4/14/2011	C	0			0	4/21/2011	9/27/2011	43489
M	W	8/11/1993	4/14/2011	C	0			0	4/21/2011	9/14/2011	43489
M	A	2/18/1994	4/14/2011	C	0			0	4/21/2011	9/28/2012	43483
M	B	6/29/1995	4/15/2011	P	0			0	4/22/2011		44162
M	B	9/26/1995	5/3/2011	C	0			0	5/10/2011	6/2/2011	46941
M	W	12/19/1992	4/14/2011	C	0			0	4/21/2011	12/1/2011	44162
M	B	8/13/1982	7/16/2011	P	0			0	7/22/2011		46621

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Agenda No.  
**REPORT NO.**  
 Title

Accept Illegal Gun Ordinance Oversight Committee Report to City Council per Illegal Gun Ordinance 184274 (Report)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Sam Adams</b>	CLERK USE: DATE FILED <u>AUG 05 2011</u>
<b>COMMISSIONER APPROVAL</b>  Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By:  Deputy
<b>BUREAU APPROVAL</b> Bureau: Bureau Head:	<b>ACTION TAKEN:</b>  <b>AUG 10 2011 ACCEPTED</b>
Prepared by: Amreet Sandhu Date Prepared: 8/3/11	
<b>Financial Impact Statement</b> Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" type="checkbox"/>	
Council Meeting Date 8/10/11	
<b>City Attorney Approval</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> Start time: <u>3:00</u>  Total amount of time needed: <u>1 hour</u> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	