



OFFICE OF MAYOR SAM ADAMS  
CITY OF PORTLAND

**REPORT TO COUNCIL**

July 11, 2012

**To:** City Council

**From:** Mayor Sam Adams

**Subject:** Accept Illegal Gun Ordinance Oversight Committee Annual Report to City Council

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 a report to City Council on Wednesday, July 18<sup>th</sup>, 2012.

**TO THE COUNCIL:** The Office of the Mayor concurs with the recommendation of the Illegal Gun Ordinance Oversight Committee and

**RECOMMENDS:** that the City Council accept the report.

Respectfully submitted,

Mayor Sam Adams  
City of Portland

7/18/12

City of Portland, Oregon

# Illegal Gun Ordinance Oversight Committee

Annual Report, 2012

Presented to City Council July 18, 2012

*A committee established by the Portland City Council shall monitor the implementation and enforcement of the 2010 Portland City Ordinance enacting new City legislation concerning the illegal use of firearms. The Committee will collect and analyze data to determine whether implementation of the Ordinance:*

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

#### **ILLEGAL GUN ORDINANCE OVERSIGHT COMMITTEE MEMBERS**

- **Mike Verbout (Chair)**, Portland Public Schools Principal (Retired)
- **Dave Smith**, East Portland Police Bureau East Precinct Involved Citizens (EPIC)
- **Gahlana Carolyn Easterly**, African American Advisory Council to Portland Police Bureau, Black Women for Peace
- **Temo Alvarado**, Gang Outreach Worker, Programa Hispano/Catholic Charities
- **Rosanne Lee**, Portland Office of Neighborhood Crime Prevention (Retired)

#### **COMMITTEE STAFF AND ADVISORY MEMBERS**

- **Clay Neal**, Mayor's Director of Public Safety and Peacekeeping
- **Lieutenant Tom McGranahan**, Gang Enforcement Team and Gun Task Force (Retired)
- **Lieutenant Art Nakamura**, Gang Enforcement Team and Gun Task Force
- **Sergeant Jami Resch**, Gun Task Force
- **Eric Zimmerman**, Deputy District Attorney

## BACKGROUND

The illegal use of firearms is a long-standing community problem in the United States and in Portland. Every year, more than 30,000 people in the United States are killed by guns, and over 66,000 are injured by gunfire.<sup>1</sup> In 2011, there were 18 deaths involving guns in Portland.

### **Firearms in Portland:**

- Firearms are used in approximately 40 percent of the homicides in Portland.
- 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.
- 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*.
- 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.

To combat gun violence and gun deaths in Portland, Mayor Sam Adams pursued local policies and enforcement that limit the ability for individuals to use guns criminally. On December 1, 2010, Portland City Council passed an Ordinance enacting three new gun-control laws and five changes to city code aimed at curbing gun-violence, particularly among juveniles. The laws hold adults responsible if their guns get into children's hands, penalize gun owners who do not report the theft or loss of a firearm, and designate illegal firearm use hotspot zones that allow the city to exclude criminals from them.

### **Implementation, Stage One:**

Upon adoption of this ordinance, City Council established the Illegal Gun Ordinance Oversight Committee (Committee) to track the implementation and enforcement of the changes to city code and the enforcement of new firearms violations. The Committee’s role is to provide oversight on the five pieces of the Illegal Gun Ordinance. This oversight includes determining whether available data supports the continued designation of Illegal Firearm Use Hotspots, assessing the use and need for this ordinance, and making certain that there is no disparity of treatment as a result of this ordinance.

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<sup>1</sup> according to the Center for Disease Control's website

Specifically, City Council asked the committee to “collect and analyze data to determine whether implementation of the Ordinance

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

In addition to ensuring that implementation of the ordinance achieves the goals of the City Council without discriminatory practices, the committee can also make recommendations to change the policies should they see fit.

**Committee Reports:**

The first of these reports was accepted by City Council on August 10, 2011. Since that time, the Committee has tracked and analyzed the Stage One implementation of the new legislation through the Portland Police Bureau in partnership with the District Attorney’s and Mayor’s Offices.

Stage One of implementation has provided an opportunity for the Police Bureau to work with its own employees and public agency partners to determine the integration of new policy into an existing system of public safety. Implementation of these new laws is continually finessed based on the experience of the officers and agency partners enforcing the ordinance as well as recommendations from the Committee during this stage.

# REPORT

The Committee examined implementation of four of the five portions of the Illegal Gun Use Ordinance:

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|--|---------|
| 1. Illegal Firearm Use Hotspots                        | Page 5  |
| 2. Endangering a Child by Allowing Access to a Firearm | Page 13 |
| 3. Failure to Report Theft or Loss of a Firearm        | Page 14 |
| 4. Possession of a Loaded Firearm in a Public Place    | Page 16 |

For this report, the Committee did not examine the implementation of the amended Curfew section of City Code. However, the Committee plans to review information on the implementation of a more restrictive curfew as it becomes available.

The majority of this report is devoted to the analysis of the Illegal Firearm Use Hotspots. Supportive statistical information can be found in the exhibits to this report as well as the graphs and figures cited throughout the body of this report.

## Illegal Firearm Use Hotspots:

Three original Illegal Firearm Use Hotspots (Hotspots) were designated as such in 2010 based on the historic rates of gun crimes within those boundaries. This included crimes that can be specifically attributed to the illegal use of firearms, including aggravated assaults and attempted murders with a firearm and shots fired calls as well as anecdotal evidence from Portland Police sworn personnel, street-level gang outreach workers, staff in the District Attorney's office, and crime prevention specialists.

For this report, the Committee examined these same inputs of information to determine whether the designation of these Hotspots continued to be warranted. To compare appropriate information, the Committee looked at the concentration of gun crimes in these areas over the course of 12 months from before the Illegal Gun Ordinance was enacted in comparison with the 12 months following the implementation of the Ordinance.<sup>2</sup>

Based on this data and updated anecdotal evidence, the Committee made the following findings about each of the current Hotspots:

### Current Hotspots

- **Downtown:** Committee voted (unanimous) to **maintain the designation**
  - Gun crimes in this area as a percentage of the city's gun crimes have decreased, but it is still a location where many people continue to congregate and drink alcohol (a contributing factor to violence).
  - Anecdotally, Police have found more guns on female suspects and more guns in cars in this area over the past year.
  - PPB is working with bar owners and security staff throughout the summer to ensure continued safety.
  - The nature of this location as a place for congregation and entertainment, coupled with the continuation of crime (albeit at a lower level), lead the committee to determine that people who commit gun crimes should continue to be excluded from this hotspot.
- **I-5 Corridor:** Committee voted (unanimous) to **maintain the designation**
  - Percentages are relatively stable. It's the largest designated area but also has the highest percentages of gun crimes in the city.
  - Gang Enforcement Team and crime prevention anecdotal evidence demonstrated that there are many gun shots fired at residences in this area.
  - It may be a good idea to focus on hotspots within this hotspot due to its large size (targeted missions).<sup>3</sup>

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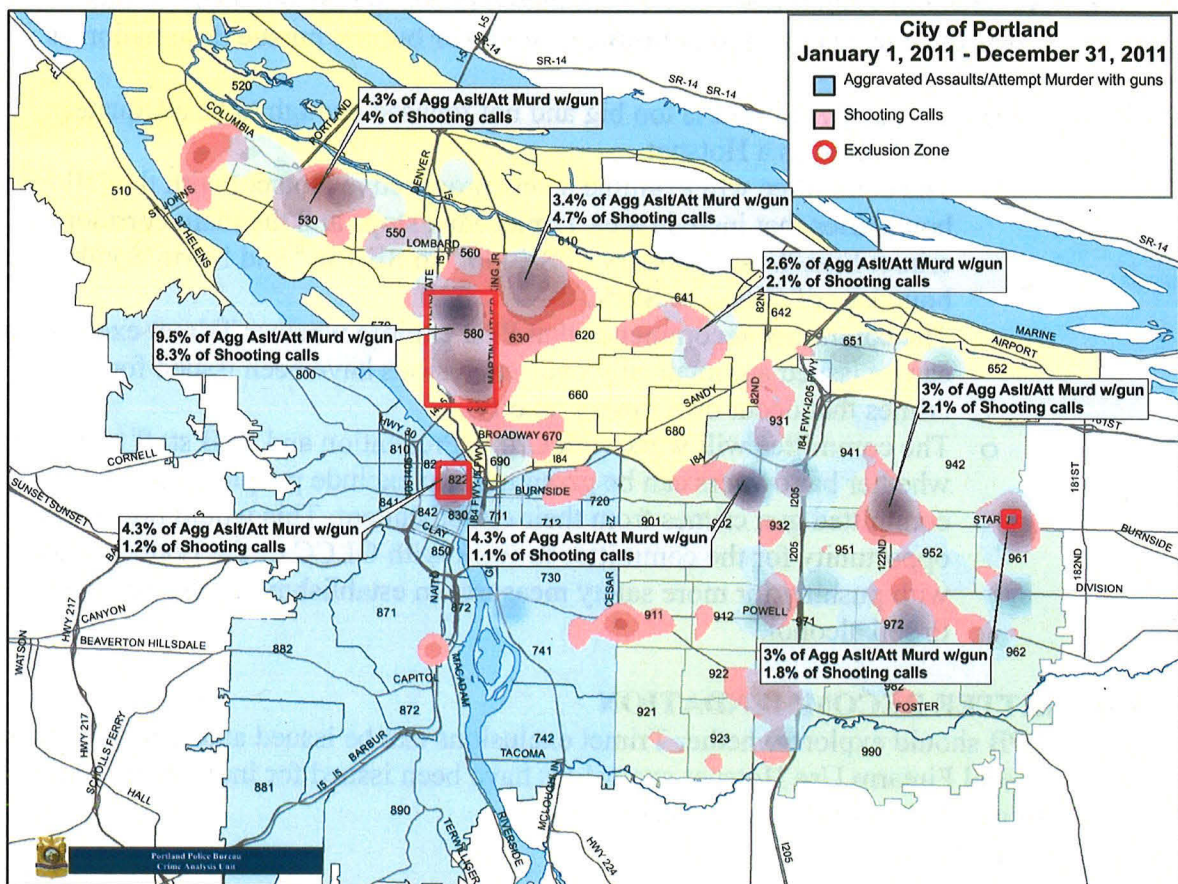
<sup>2</sup> Maps demonstrating the gun crime concentration analysis for these areas are attached as EXHIBIT C.

<sup>3</sup> The newly established NE Portland Neighborhood Violence Prevention Committee is working to establish project-specific violence prevention efforts within the boundaries of this Hotspot. The Committee will work with the neighborhood committee to propose areas that should be prioritized.

- The committee will continue to explore expansion of this Hotspot to the east, where the concentration of gun crimes is comparable to within the boundaries of the Hotspot.
- **160<sup>th</sup> and Stark:** Committee voted (unanimous) to **maintain the designation**
  - While the percentages are low for this Hotspot, this is a geographically smaller area, so the concentration is high.
  - Gang outreach is receiving a lot of calls to this area. Anecdotal evidence points to gun and gang violence being different in this area compared other parts of town. For example, there are many more young women involved in gun and gang crimes within this Hotspot.
  - Self-initiated activity by Police in this area is higher than other parts of town.
  - The committee **recommends** an extension of the boundary to 181<sup>st</sup>, which crosses the Portland/Gresham boundary.

### COMMITTEE RECOMMENDATION

Portland City Council should work with Gresham City Council to expand the SE 160th and Stark Illegal Firearm Use Hotspot past the Gresham/Portland boundary to SE 181st.





### Prospective Hotspots:

As described above, the three original Illegal Firearm Use Hotspots were designated as such based on the historic rates of gun crimes within those boundaries. Based on the updated city wide analysis from the Police Bureau for 2011-2012, the committee examined two prospective hotspots with statistics similar to the original hotspots.<sup>4</sup>

- **East 82<sup>nd</sup> and Burnside:** Committee voted (unanimous) to **continue to monitor** the area but not to pursue designation as Hotspot
  - There was a large jump in calls to the area over the past year. In 2010-2011, only 0.5% of city-wide aggravated assault/attempted murder occurred within this area. In 2011-2012, the percentage rose to 7.3%.
  - Gang Enforcement Team Sergeant stated that there are not that many GVRTs in the area.
  - The committee could not determine anecdotally what the cause for the increase was.
  - The committee would like to continue to monitor the area to determine whether 2011-2012 was an anomaly and explore what the increase in crime can be attributed to.
  
- **Hazelwood:** Committee voted (unanimous) to change the boundary of this prospective hotspot and to **continue to monitor** but not pursue designation as Hotspot
  - This analyzed area is too big and not focused enough to be adequately considered as a Hotspot.
  - The committee will examine a new prospective Hotspot with the following boundaries that include area Trimet Max stops and the main corridor of crime: East/West boundary of SE 117<sup>th</sup> to SE 136<sup>th</sup> and North/South boundary of Glisan to Stark.
  - The committee recommends that PPB explore whether Trimet exclusions can be issued automatically once exclusions have been issued for gun crimes that occur on Trimet property.
  - The committee will work with Crime Prevention and PPB staff to explore whether bar owners can be given tools to exclude people who have committed gun crimes from their establishment. This would provide an opportunity for the committee to work with OLCC or the Lottery to assist with pushing for more safety measures in establishments that are licensed to sell alcohol.

### **COMMITTEE RECOMMENDATION**

PPB should explore whether Trimet exclusions can be issued automatically once Illegal Firearm Use Hotspot exclusions have been issued for individuals convicted of gun crimes on Trimet property.

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<sup>4</sup> Maps demonstrating the gun crime concentration analysis for these areas are attached as EXHIBIT D.

### Other Areas Examined

In examining city wide data for prospective Hotspots, the Committee proposed further research on three other areas in Portland; these are the areas surrounding the Lloyd District, SE 122<sup>nd</sup> and Powell, and SE 122<sup>nd</sup> and Stark. Based on the same data analysis listed above for the current and prospective Hotspots, these locations did not prove statistically valid to be considered as a Hotspot.

The Committee will continue to respond to city wide statistics and anecdotal evidence in order to determine whether the proposed designation of a new area as Illegal Firearm Use Hotspots should be explored.

### **Hotspot Exclusion Implementation**

As stated by Sergeant Jami Resch from the Portland Police Bureau's Gun Task Force, Illegal Firearm Use Hotspots are a *preventative* tool. Our community has many tools to deal with gun crimes and the prevalence of unwanted and stolen firearms, including many traditional enforcement tools that the Police Bureau utilizes on a daily basis. The intention of Hotspots is to allow for Police to help prevent gun crimes by separating criminals with access to guns from intended targets and traditionally at-risk locations.

To analyze how these Hotspots impact our community, the Committee reviewed data, anecdotal evidence, and considered the context of the current stage of implementation of this tool. Specifically, the Committee collected and analyzed data from the Police Bureau and the District Attorney's office to determine whether management of the hotspots: 1) serves the safety needs of the community; 2) is fair and equitable; and 3) has generated improper disparate treatment.

This data includes the following:

- The number of gun crimes in the Hotspots and in other areas of the city<sup>5</sup>
- Demographics of offenders and victims involved in gun crimes<sup>6</sup>
- Demographics of people who receive Illegal Firearm Use Hotspot Exclusions upon conviction of a gun crime<sup>7</sup>
- Demographics for the entire City of Portland and people living within the Illegal Firearm Use Hotspots<sup>8</sup>
- Demographics for individuals listed on the City's gang-designation list<sup>9</sup>

The Committee struggled with wading through a plethora of information to determine what is most useful in assessing the service of this tool and whether it is being implemented fairly and equitably. The Committee recognizes the impact of gun violence in our city and across the country. When assessing disparate treatment in the

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<sup>5</sup> See EXHIBIT D

<sup>6</sup> See EXHIBIT E

<sup>7</sup> See charts below (page 10)

<sup>8</sup> See EXHIBIT F for information gathered from the 2010 Census

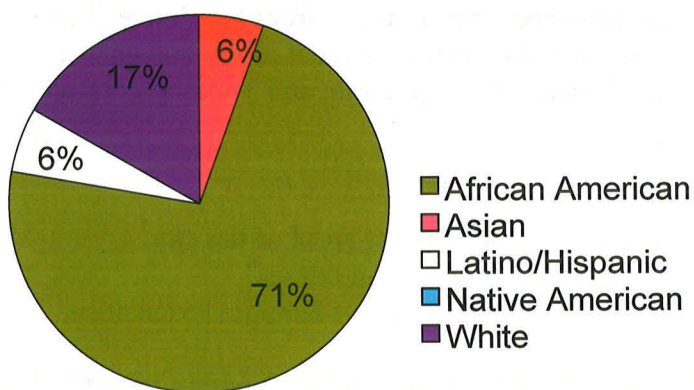
<sup>9</sup> See charts below (page 11)

implementation of public safety policies, the Committee also recognized how public policy impacts diverse communities in our country differently.

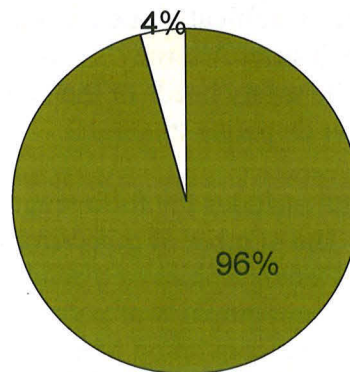
First and foremost, it is important to consider that gun violence disproportionately impacts African Americans in our community and nation-wide. In the first four months of 2012, 30.3% of the victims in gun crimes in Portland were African American. 54% of known offenders in these crimes were also African American. When compared with the African American population in Portland, which sits around six percent, it is clear that the impacts of gun crimes have a disproportionate impact on the African American community in Portland. The Committee views Hotspot exclusions as having the potential of *preventing violence* in our African American community.

However, Hotspot exclusions apply to offenders who have committed any gun crime in Portland, which is a diverse population. The potential for disparate treatment in the implementation of these Hotspots lies with an individual determining whether or not to issue an exclusion while the suspect is in custody. The process for issuing an exclusion begins with the responding officer who fills out an exclusion form when detaining an individual suspected of and arrested for a gun crime, which becomes effective upon conviction. Demographics for individuals who have exclusions in effect or pending are detailed in the charts below:

**Ethnicity of 18 individuals with Exclusions in effect post conviction**



**Ethnicity of 24 individuals with Exclusions pending conviction**



Judging solely from the above graphs, even when compared with high representation of African Americans as offenders of gun crimes in our community, the Committee would conclude that African Americans are being disparately impacted by the issuance of Hotspot exclusions.

However, the Committee examined a greater context to determine disproportionality. To further assess the context for analysis of disparate treatment, the Committee reviewed specifically and in more depth the following information:

- o Demographics of offenders and victims involved in gun crimes

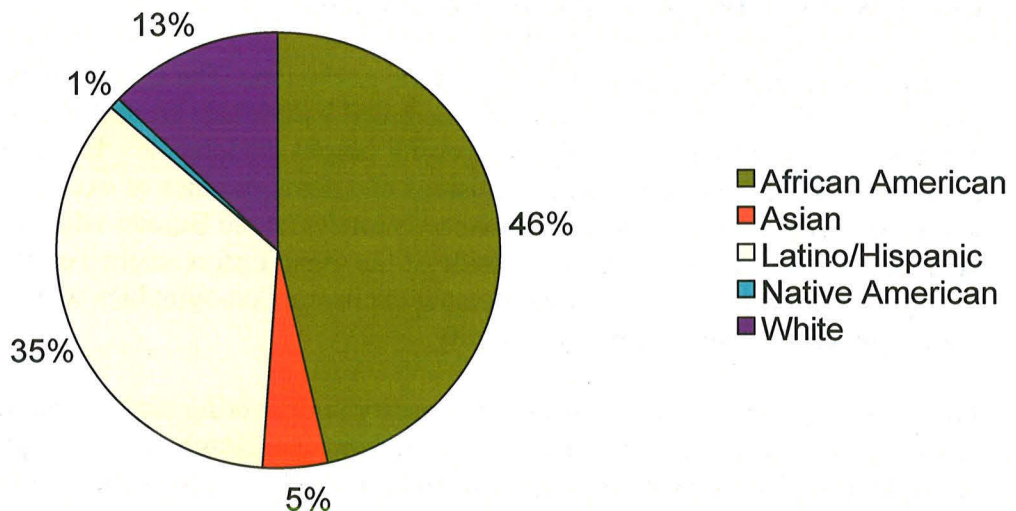
- Demographics of criminals requiring the attention of the Gang Violence Response Team
- The status of the implementation of this Ordinance within the Portland Police Bureau
- Portland Police Bureau Gang designation process and statistics<sup>10</sup>
- Anecdotal evidence from Portland Police Bureau employees, Crime Prevention Specialists, Street Level Gang Outreach Workers, and District Attorney

It is true that the Exclusions (both pending and in effect total 42) have predominantly been issued to African Americans (36 of the 42). However, in this first stage of implementation, the only division of the Police Bureau that enforces and issues exclusions is the Gang Enforcement Team (GET), which works specifically to curb gang violence through targeted enforcement.

Therefore, the Committee realized that demographics of the city’s population as a whole may be less relevant to compare to the exclusions issued than the population demographics of violent gangs in Portland. Portland, like many other cities, is afflicted by violence related to a diverse set of gangs; including, black-style gangs, Latino gangs, white supremacist gangs, and Asian gangs. To effectively prevent, intervene, and suppress gang violence, the Police Bureau has a formal process to designate an individual as a member or affiliate of a gang. Portland Police Bureau Policy 640.05 is the Gang designation policy, which outlines the steps leading up to designation and the process for appealing designation or removing yourself from the designation list.

The breakout of designated gang members by race is found in the chart below:

**Portland Gang Designation Demographics  
as of 6/20/2012**



<sup>10</sup> See EXHIBIT G

Together, African American and Latino/Hispanic gangs make up 81% of the gang-designated individuals in our community.<sup>11</sup>

In addition to the demographic breakdown of gang-designated individuals in our community, the Committee also reviewed anecdotal evidence from the Police Bureau and street-level gang outreach workers about the nature of violent acts related to specific gang sets in our city. In Portland, Latino gangs predominantly use knives, white gangs predominantly use baseball bats and fists, and black-style gangs predominantly use firearms. While violence is not tolerable in any form, the 2010 Ordinance is legislation that specifically targets gun violence and, therefore, will have a stronger impact on the violent activities of black-style gangs.

In summary, the Committee reflected upon the following information:

- The limited amount of exclusions issued and in effect (42)
- The PPB division issuing exclusions (Gang Enforcement Team)
- The population that GET works with (the only statistical representation is the gang-designation list, which shows 46% African American)
- The offenders and victims in gun crimes in Portland (in 2012, ~50% and ~33% respectively were African American)
- The nature of black-style gangs compared with other gangs in Portland (that they use firearms as weapons to a greater degree than other gangs)

#### **COMMITTEE ASSESSMENT**

Based on the above information, the Committee has concluded that there are not signs of disparate treatment evident in the current implementation of Hotspot exclusions. As mentioned above, Hotspot exclusions serve the safety needs of our city by providing a gun violence prevention tool for our Police.

#### **CONTINUED IMPLEMENTATION ANALYSIS**

To date, there have been zero violations of the exclusions. The Committee was not able to determine the cause of this – whether excluded individuals are following their conditions of probation or, simply, not getting caught in Hotspots – but the Committee does expect both the violations of exclusions and demographics of excluded individuals to change in the future. Once the ordinance is implemented Bureau-wide, exclusions will be issued and enforced by officers outside of the Gang Enforcement Team. Therefore, the Committee has the expectation that Hotspot exclusion demographics will more closely match gun crime demographics in our city.

For our future concerns about disproportionality in delivering exclusions, the committee worked closely with the Gun Task Force Sergeant Jami Resch and the Deputy District Attorney Eric Zimmerman to explore the option of a **Gun and Gang Conviction**

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<sup>11</sup> This Committee understands that there has been significant public process on the gang-designation policy. While we accept that there may be community concern with that process which could warrant further review by our community partners and public agencies, it is not this Committee's role to perform that analysis or make any related recommendations.

**Package.** Through DDA Zimmerman, the Committee learned that there are automatic probation packages issued to individuals convicted of crimes associated with prostitution or drugs. These packages provide our public safety system with consistent implementation of conditions of probation to avoid human error or oversight.

#### **COMMITTEE RECOMMENDATION**

The Committee will work with the District Attorney's Office to implement a new **Gang and Gun Conviction Package** with Hotspot exclusions as part of the conditions of probation.

The proposed conviction package would help to solve three problems:

- **Adult/youth discrepancy in the issuance of exclusions** – the Committee has been working through the discrepancy between successful implementation of exclusions with youth offenders and the more challenging circumstances with adult offenders. Juvenile offenders are more easily tracked because one single District Attorney manages all juvenile offenders. The number of adult cases is much larger and they are generally much more complex in that an adult with a pending exclusion will likely have multiple conviction opportunities for different crimes. The Gang and Gun Package would render the Hotspot exclusion automatic for all gun crimes, ensuring that the more complex criminal justice system for adults renders the same results as the simpler juvenile system.
- **Possibility for racial discretion in the issuance of exclusions** – no gun crime goes unaddressed by the Portland Police Bureau. However, for many reasons, there is opportunity for discretion in the issuance of Hotspot exclusions if that process is left up to a responding officer. By moving that responsibility to be an automatic condition of probation once an individual is convicted of a gun crime, then the discretionary opportunity is removed.
- **Ensures delivery of exclusion, without potential for error at the Police Bureau** – as mentioned above, automatic issuance of an exclusion post conviction removes the opportunity for human error or discretion.

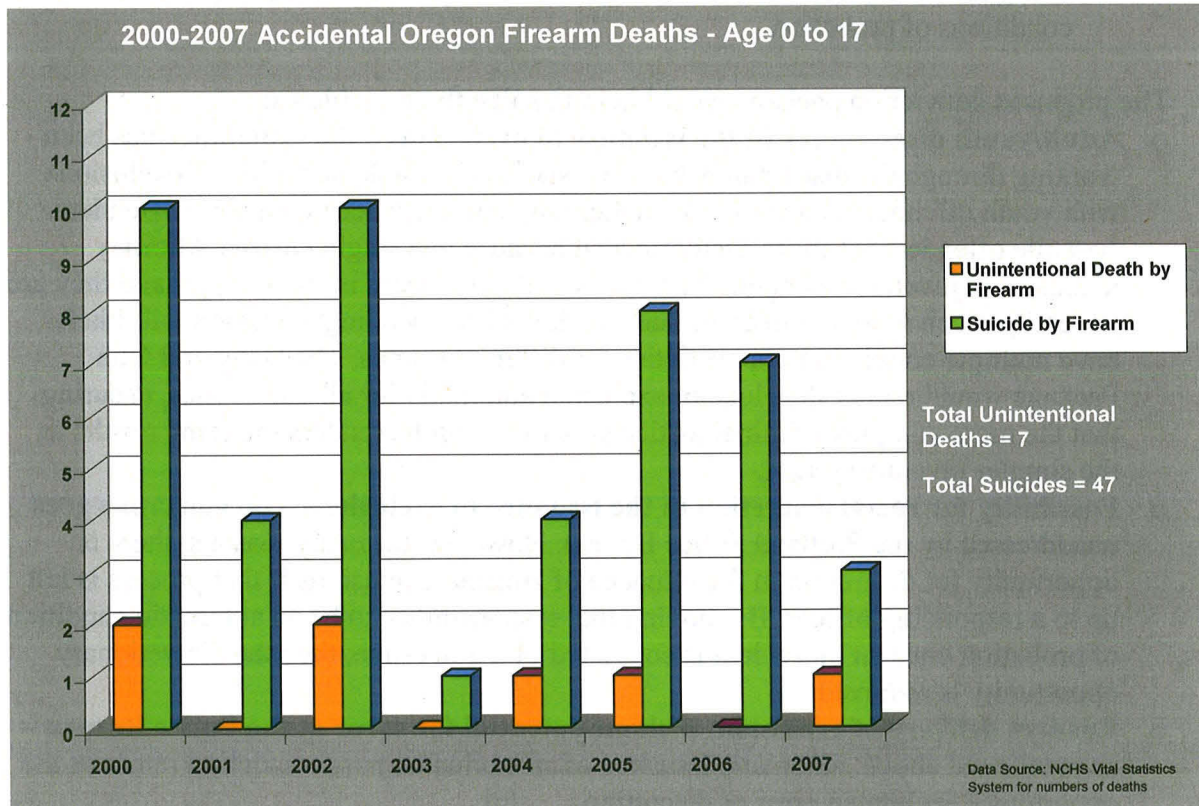
It is clear from the Committee's analysis that the population that GET works with is a significantly more racially diverse population than our city as a whole. While the Committee lauds the efforts of the Police Bureau to work toward a bureau that reflects the diversity within our community, the Committee feels very strongly that the Police Bureau should also work to ensure a diverse Gang Enforcement Team. If possible, greater effort should be made to ensure that divisions within the Police Bureau that specifically work with racially diverse communities should have higher diversity targets than the bureau as a whole.

#### **COMMITTEE RECOMMENDATION**

The Portland Police Bureau should ensure a gender and racially diverse Gang Enforcement Team. If possible, greater effort should be made to ensure that divisions within the Police Bureau that specifically work with racially or gender diverse communities should have higher diversity targets than the bureau as a whole.

## Endangering a Child by Allowing Access to a Firearm:

This legislation was enacted to prevent and hold adults accountable for accidental shootings of youth, including suicides. Thankfully, the Committee is not aware of any cases of accidental shootings of a minor in Portland since the Ordinance came to pass. However, national and local statistics about the tragic consequences of gun negligence continue to validate the need for this legislation in Portland's City Code.



This portion of the Ordinance holds adults accountable for the actions of juveniles within their care related to firearms. It is extremely difficult for Portland Police to identify adults responsible when juveniles are willingly seeking out or using firearms. In most cases that involve juveniles in possession of a firearm, the weapon does not belong to the juvenile's parent. Based on anecdotal evidence from the Police Bureau and street-level gang outreach, establishing reckless intent by a parent in this case is difficult:

- Parents or responsible adults claim that they never knew their child had a gun
- Youth charged with gun crimes do not tell officers where they acquired the gun
- Even if a juvenile claimed he or she acquired the gun from a specific adult, it is difficult to prove without the admission of the adult in question

### **COMMITTEE ASSESSMENT**

Therefore, as stated above, the importance of this legislation is to target accidental shootings and negligent gun storage. The committee concludes that this portion of the Ordinance acts as a deterrent for accidental gun injuries and deaths and supports its continued implementation.

## **Failure to Report Theft or Loss of a Firearm:**

Firearm registration laws vary from state to state across the country. Under Oregon law, when purchasing a gun from a dealer or at a gun show, dealers must do each of the following: 1. See identification; 2. Get a fingerprint; and, 3. Do a Criminal Background check. This information is only recorded for the first purchase of a firearm from a registered gun dealer. There is no waiting period to buy a gun in Oregon, no limit to the number of guns you can buy or own, and there is no gun registration. Once a firearm is privately owned, background checks are optional. Additionally, Oregon does not have Straw Purchase Laws, which prohibit a person from buying a gun for a felon. To address the problems associated with not being able to track guns in our community when they are stolen or lost and used in crimes, Portland City Council passed the Failure to Report Theft or Loss of a Firearm portion of the Illegal Gun Ordinance.

If a firearm gets into the wrong hands either through loss or theft, Oregon has no expectation of tracking that firearm through its continued existence. It is important for law enforcement to be able to identify the history of a gun once it is recovered from a criminal so that, 1. The firearm can be returned to its rightful owner; and, 2. PPB personnel can examine trends associated with firearms in our community.

The Failure to Report Theft or Loss of a Firearm portion of this Ordinance requires that a gun owner report to the Police Bureau when he has lost a firearm or has been the victim of a theft. In the report, the owner is required to supply the serial number of each stolen or lost firearm. There are fines associated with the failure to report a loss or theft as well as the failure to report the serial numbers. City Council passed this legislation with the expectation that gun owners should track the serial numbers of their firearms. To date, this legislation has yielded the following results:

**112** Guns were reported stolen or lost

**29** serial numbers were provided to the City for stolen or lost firearms

**41** individuals have failed to provide a serial number and have been fined for each associated firearm (83 total)

Of the 41 people fined for failure to report a serial number, 10 have paid fines on 13 guns, 15 have been sent notice of fines for 35 guns, and 26 have been referred to a collections agency for fines for 35 guns

The committee agrees with the intention of this legislation – we need a better tracking system for guns in our community. However, public education regarding this new requirement and the associated fines could be improved.

The Committee is aware of the release of information about this legislation to the public following the adoption of this ordinance in late 2010. However, the message about this specific requirement and the associated fines may have been lost in the broader message about new gun crime legislation in the city. Without a more thorough education campaign, Portlanders may feel that they have not been made fully aware of the consequences of not recording the serial numbers for their firearms.



A more comprehensive campaign would serve us all well. An effective education campaign would have some or all of the following elements:

- Public Service Announcement
- Announce through neighborhood association meetings and Office of Neighborhood Involvement networks
- Create a flyer for distribution – electronic and hard copies
  - Send it out with water bills
  - Distribute at shooting ranges, gun clubs, trade shows
  - Flyer in stores that sell guns (make sure Portland store managers know that the ordinance exists)
  - Educate insurance companies
  - National night out, schools, libraries

#### **COMMITTEE RECOMMENDATION**

For the successful implementation of the Failure to Report Theft of Loss of a Firearm portion of this Ordinance, citizens must know about the fines associated with the requirement within the legislation and associated penalties for violating this new City Code. City Council should, therefore, engage in a more comprehensive education campaign regarding the new requirements and fines associated with failing to adhere to City Code section 14A.60.050.

In discussing this issue, the Committee assessed the root problem at hand in order to assess other potential solutions. What our community really needs is a way to track guns back to their owners so that our public safety system can prosecute the people who burglarized community members even if the suspect is not caught for that specific burglary. The Committee explored the option of a voluntary registration for gun owners. While it is illegal in Oregon to force registration of firearm ownership, Portland City Council could provide a voluntary registry to community members who want to track serial numbers and other information about their firearms. The Committee will also continue to explore potential changes to state laws that prohibit a mandatory registration on every sale of a gun.

#### **COMMITTEE RECOMMENDATION**

The City of Portland should explore a voluntary registration for gun owners.

Additionally, Portland Police Officers have an opportunity to support the success of this legislation to a greater degree by investigating the origins of guns used in crimes that they respond to.

#### **COMMITTEE RECOMMENDATION**

Through bureau-wide implementation, PPB officers must be trained to always ask suspects involved in a gun crime about the gun in question.

### **Possession of a Loaded Firearm in a Public Place:**

The Police Bureau reports that the implementation of this additional charge in City Code is most helpful when police cannot establish other charges for an individual based on the evidence at hand but suspect him of greater crimes. The misdemeanor charge helps to build up a criminal history, demonstrating a person's course of conduct. This misdemeanor charge has also been used as leverage to ensure a plea deal on more serious charges, including felonies.

In the end, multiple misdemeanor convictions can demonstrate a pattern of criminal behavior that supports convictions of more serious crimes when committed.

### **COMMITTEE ASSESSMENT**

Based on this anecdotal evidence, the Committee assessed that this portion of the ordinance appears to be working as intended and helps to ensure that those intent on committing gun crimes are effectively criminalized for their behavior.

### **Additional Recommendations:**

The Committee was made aware of a potential opportunity to help prevent known felons who have access to weapons from committing gun crimes. Currently, the District Attorney does not allow Touch DNA evidence in criminal proceedings. Touch DNA has the potential for law enforcement to dust a gun possessed by an associate of a felon in order to see whether the felon has touched the gun. If the felon has touched the gun, the felon is in violation of his or her condition of probation and could be charge with the crime, "Felon in Possession of a Firearm." While the Committee recognizes that there are barriers to allowing this evidence, the DA's Office and PPB should work together to explore whether those barriers can be overcome.

#### **COMMITTEE RECOMMENDATION**

The Police Bureau and City Council should work with the District Attorney to overcome barriers to allowing Touch DNA as evidence in criminal proceedings.

The Gun Task Force and Gang Enforcement Team in the Portland Police Bureau are the divisions within the bureau that arguably have the highest impact on the most serious violent crime in our community. Much violent crime in Portland stems from gang-related shootings and stabbings, and the GTF and GET respond to those crimes specifically with partnered prevention, collaborative intervention, and targeted enforcement. The success of the Illegal Gun Ordinance as well as the City's efforts to make our city safer for all relies on the work of these divisions and their partners.

#### **COMMITTEE RECOMMENDATION**

City Council should commit to continued funding for the Portland Police Bureau's Gang Enforcement Team and Gun Task Force to ensure continued or improved implementation of this Ordinance.

The Committee attempted to file a Report to City Council earlier in 2012, six months following the 2011 Report, as charged by City Council in the adoption of the 2010 Ordinance. However, the Committee feels very strongly that annual reporting would better serve the community and City Council. Through annual reporting, the Committee will have the opportunity to assess data in a consistent way with previous reports. Additionally, the implementation of Police Bureau policies takes time due to annual in-service training and the collection and reporting of data.

#### **COMMITTEE RECOMMENDATION**

City Council should change the reporting requirement of the Illegal Gun Ordinance Oversight Committee to be annual instead of every six months. This should not preclude additional actions by the Committee in the interim, including direct reporting to members of City Council or the implementation of agreed upon recommendations.

**Conclusion:**


The Illegal Gun Ordinance Oversight Committee strongly recommends that the City of Portland and Portland Police Bureau continue to work toward the fair and equitable implementation and enforcement of the City of Portland 2010 Illegal Gun Ordinance, and will report back to City Council in 2013.

**EXHIBITS:**

- A. List of recommendations from this report
- B. 2010 Illegal Gun Ordinance
- C. 2011 amendment to 2010 Illegal Gun Ordinance
- D. Current and Prospective Illegal Firearm Use Hotspot Maps
- E. Demographics of offenders and victims involved in gun crimes
- F. Hotspot population demographics
- G. Portland Police Bureau Gang Designation Policy

Agenda No.  
**REPORT NO.**  
 Title

Accept Report from Illegal Gun Ordinance Oversight Committee (REPORT)

<p><b>INTRODUCED BY</b>                  Commissioner/Auditor:  <b>Mayor Sam Adams</b></p>	<p>CLERK USE: DATE FILED <u>JUL 13 2012</u></p>
<p><b>COMMISSIONER APPROVAL</b></p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p style="text-align: right;">LaVonne Griffin-Valade                  Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p><b>BUREAU APPROVAL</b></p> <p>Bureau: Office of the Mayor                  Bureau Head: Mayor Sam Adams</p>	<p><b>ACTION TAKEN:</b></p> <p><b>JUL 18 2012 ACCEPTED As Amended</b></p>
<p>Prepared by: Clay Neal                  Date Prepared: July 11, 2012</p>	
<p>Financial Impact &amp; Public Involvement Statement                  Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Council Meeting Date  <b>July 18, 2012</b></p>	
<p><b>City Attorney Approval:</b>                  required for contract, code, easement, franchise, charter, Comp Plan</p>	

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/>                  Start time: <u>9:30</u></p> <p><b>Total amount of time needed: 30 minutes</b>                  (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/>                  Total amount of time needed: _____                  (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	