

ILLEGAL GUN ORDINANCE OVERSIGHT COMMITTEE

2012 Recommendations for Improved Implementation

1. 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.
2. 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.
3. 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 convicted offender's conditions of probation.
4. 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.
5. For the successful implementation of the Failure to Report Theft or 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.
6. The City of Portland should explore a voluntary registration for gun owners.
7. Through bureau-wide implementation, PPB officers must be trained to always ask suspects involved in a gun crime about the gun in question.
8. The Police Bureau and City Council should work with the District Attorney to overcome barriers to allowing Touch DNA as evidence in criminal proceedings.
9. 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.
10. 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.

ORDINANCE No. 184274

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 4th highest ranking cause of death for ages 15-24 in the state of Oregon between 1999 and 2007. Homicide was also the 5th 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.

184274

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, 148th Avenue, SE Stark Street and 162nd Avenue.

Passed by the Council:

DEC 01 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By 

Commissioner: Mayor Adams

Prepared by: Kate Lieber

Date Prepared: November 10, 2010

Deputy

1512 1546

Agenda No. 1546
ORDINANCE NO. 184874

Title

Add new City Code provisions and amend existing City Code provisions to address illegal gun use and violent gang activity in the City of Portland (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.)

INTRODUCED BY
Commissioner/Auditor:
Mayor Sam Adams

COMMISSIONER APPROVAL *SC*

Mayor—Finance and Administration - Adams

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Leonard

BUREAU APPROVAL

Bureau: Mayor Sam Adams

Bureau Head: Mayor Sam Adams

Prepared by: K. Lieber
Date Prepared: 11/10/10

Financial Impact Statement
Completed ☐ Amends Budget ☐
Not Required ☒

Portland Policy Document
If "Yes" requires City Policy paragraph stated
in document.
Yes ☒ No ☐

Council Meeting Date
November 18, 2010

City Attorney Approval *David M. Lind*
for Linda Murray

CLERK USE: DATE FILED NOV 12 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By: *[Signature]*
Deputy

ACTION TAKEN:

NOV 18 2010 PASSED TO SECOND READING DEC 01 2010 9:30 A.M.

AGENDA

TIME CERTAIN ☒ (1 of 2)

Start time: 3:00 pm

Total amount of time needed: 2 hrs
(for presentation, testimony and discussion)

CONSENT ☐

REGULAR ☐

Total amount of time needed: _____
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA

COMMISSIONERS VOTED
AS FOLLOWS:

	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	

ORDINANCE No. 184836

* Revise ordinance on illegal gun use and violent gang activity to correct East Hot Spot designation (Ordinance; amend Ordinance No. 184274)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 184274 passed Council on December 1, 2010 added and amended existing City Code Provisions to address illegal gun use and violent gang activity in the City (amend Code Sections 14A.80.010 and 14A.60.010; add Code Sections 14A.60.050, 14A.60.060 and add Chapter 14A.90).
2. City Council amended City Code Chapter 14, by adding a new Chapter 14A.90 Illegal Firearm Use Hotspots.
3. City Council established a committee to monitor the implementation and enforcement of the new firearm use hotspots code for Council, and 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; and (3) has generated improper disparate treatment. The Committee was asked to report back to Council every six months.
4. The Committee, along with the Portland Police Bureau reported back to Council on August 10, 2011.
5. In the August 10, 2011 presentation, it was noted that that section (g) of Ordinance 184274 stated:

“Subject to revision by Council or its delegate, 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, 148th Avenue, SE Stark Street and 162nd Avenue.”

And that section (g)(3) required an amendment, due to the fact that it extended into the City of Gresham.

NOW, THEREFORE, The Council directs that:

- a. Ordinance No. 184274, Section (g)(3) of the Council directives is amended to read as follows:

“East Hotspot: The area encompassed by the centerlines of NE Glisan Street, 148th Avenue, SE Stark Street and 160th Avenue.”

- b. All other terms and provisions of Ordinance No. 184274 remain the same and are not affected by this amendment.

Section 2. The Council declares that an emergency exists because the East Precinct Illegal Firearm Use Hotspot boundaries must be changed to reflect the Portland Police Bureau's ability to effectively enforce the boundary; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: AUG 24 2011

Mayor Sam Adams

Prepared by: [Amreet Sandhu]

Date Prepared: [August 9, 2011]

Layonne Griffin-Valade

Auditor of the City of Portland

By

Sharon Fawcett
Deputy

897

Agenda No. **184836**
ORDINANCE NO. 184836

Title

* Revise ordinance on illegal gun use and violent gang activity to correct East Hot Spot designation
 (Ordinance; amend Ordinance No. 184274)

INTRODUCED BY
 Commissioner/Auditor:
Mayor Sam Adams

COMMISSIONER APPROVAL

Mayor—**Fransé and Administration - Adams**

Position 1/Uilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Leonard

BUREAU APPROVAL

Bureau:

Bureau Head:

Prepared by: Amreet Sandhu

Date Prepared: August 9, 2011

Financial Impact Statement

Completed ☒

Amends Budget ☐

Not Required ☐

Portland Policy Document

If "Yes" requires City Policy paragraph stated in document:

Yes ☒

No ☒

Council Meeting Date
August 24, 2011

City Attorney Approval

CLERK USE: DATE FILED **AUG 19 2011**

Layonne Griffin-Valade
 Auditor of the City of Portland

By:

Deputy

ACTION TAKEN:

AGENDA

TIME CERTAIN ☐

Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT ☒ *Passed*

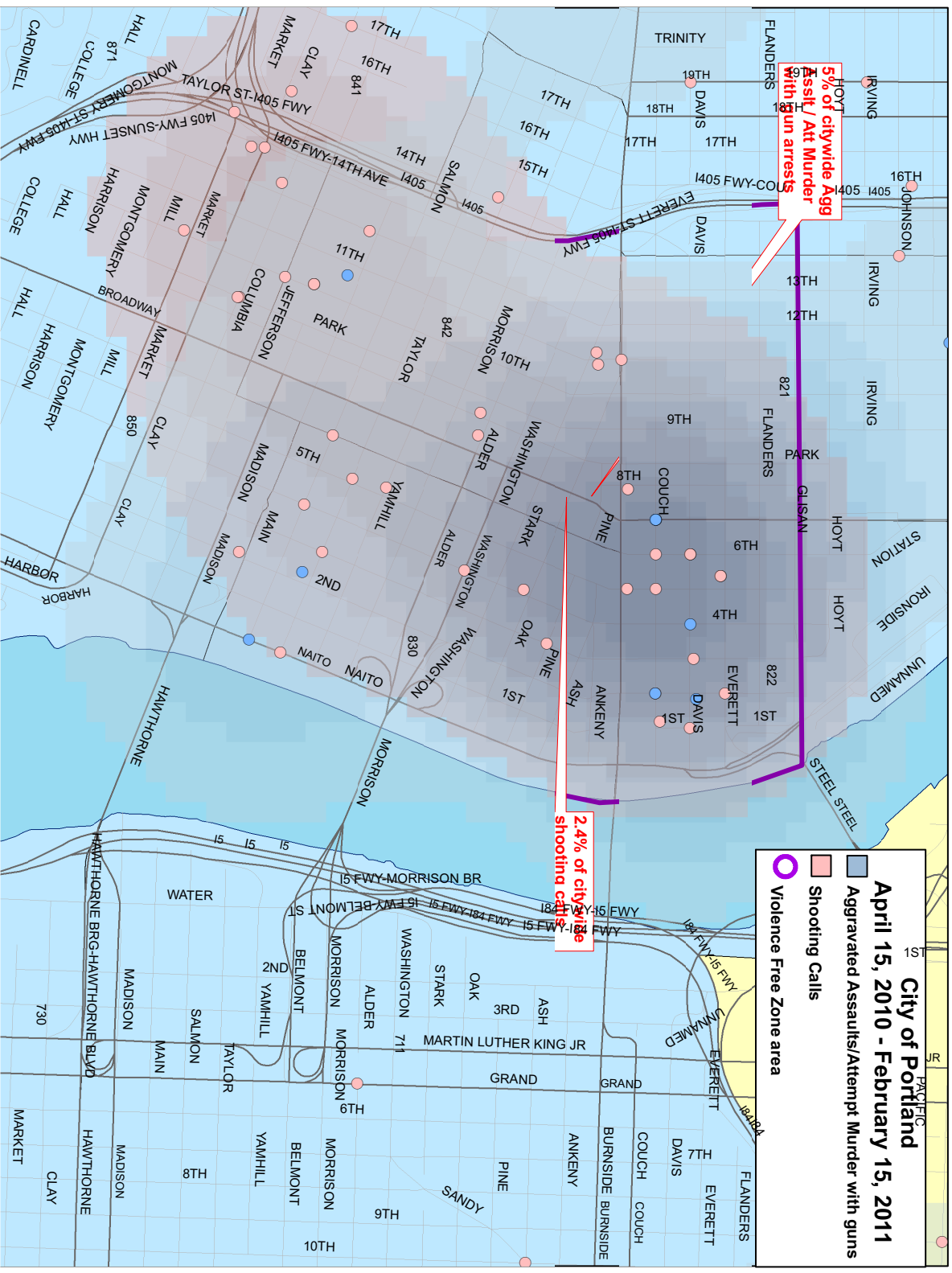
REGULAR ☐

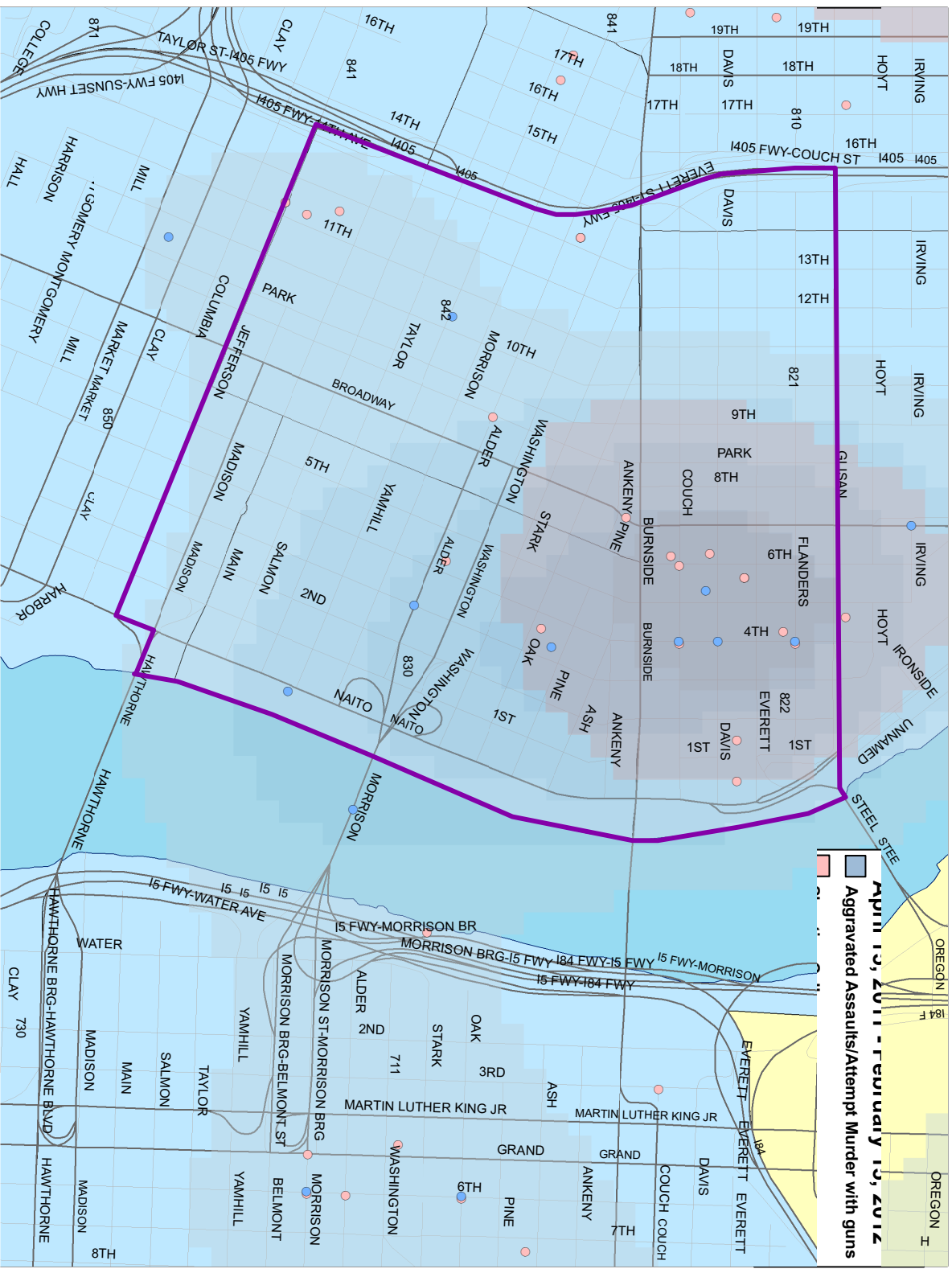
Total amount of time needed: _____
 (for presentation, testimony and discussion)

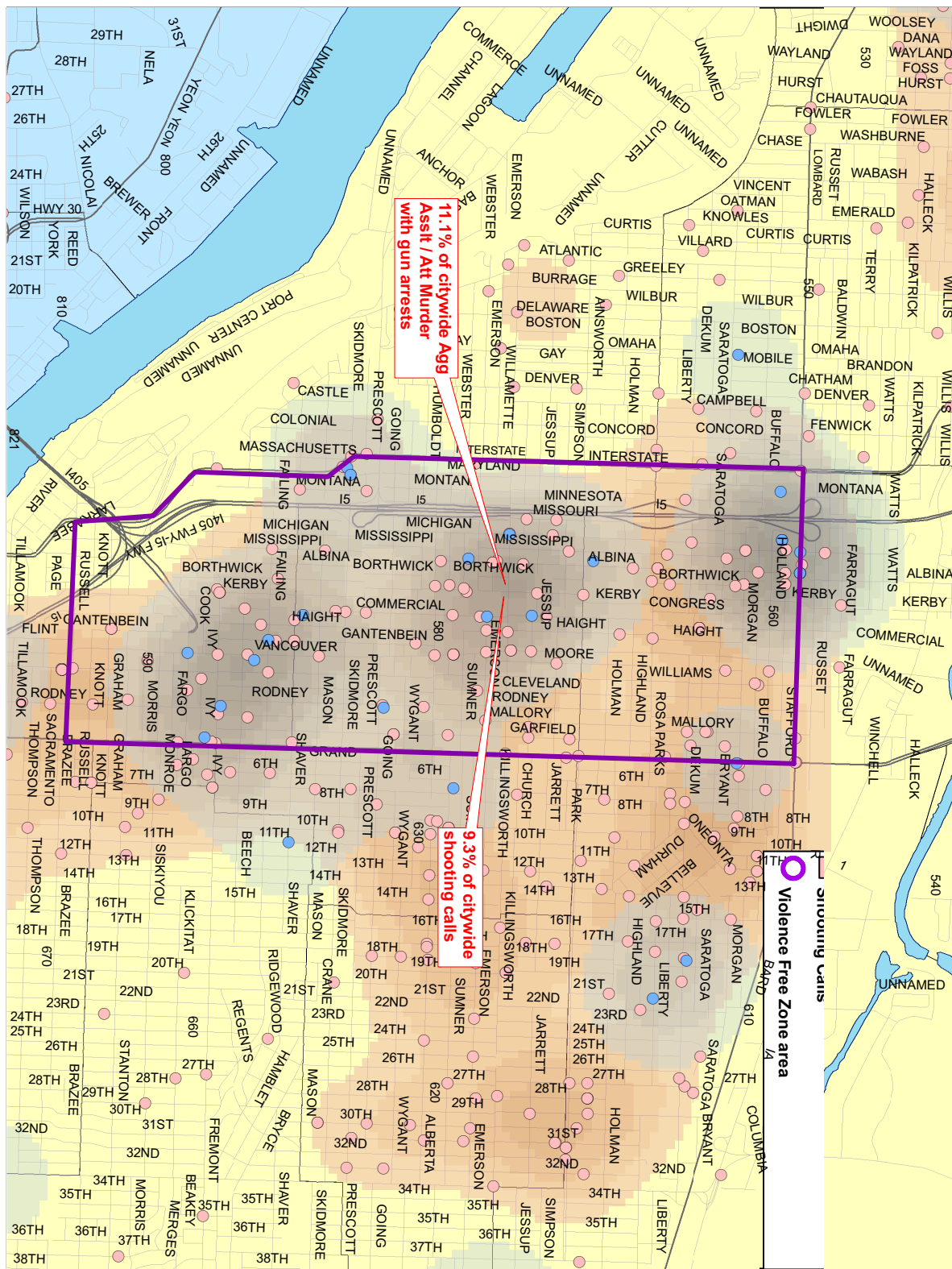
FOUR-FIFTHS AGENDA

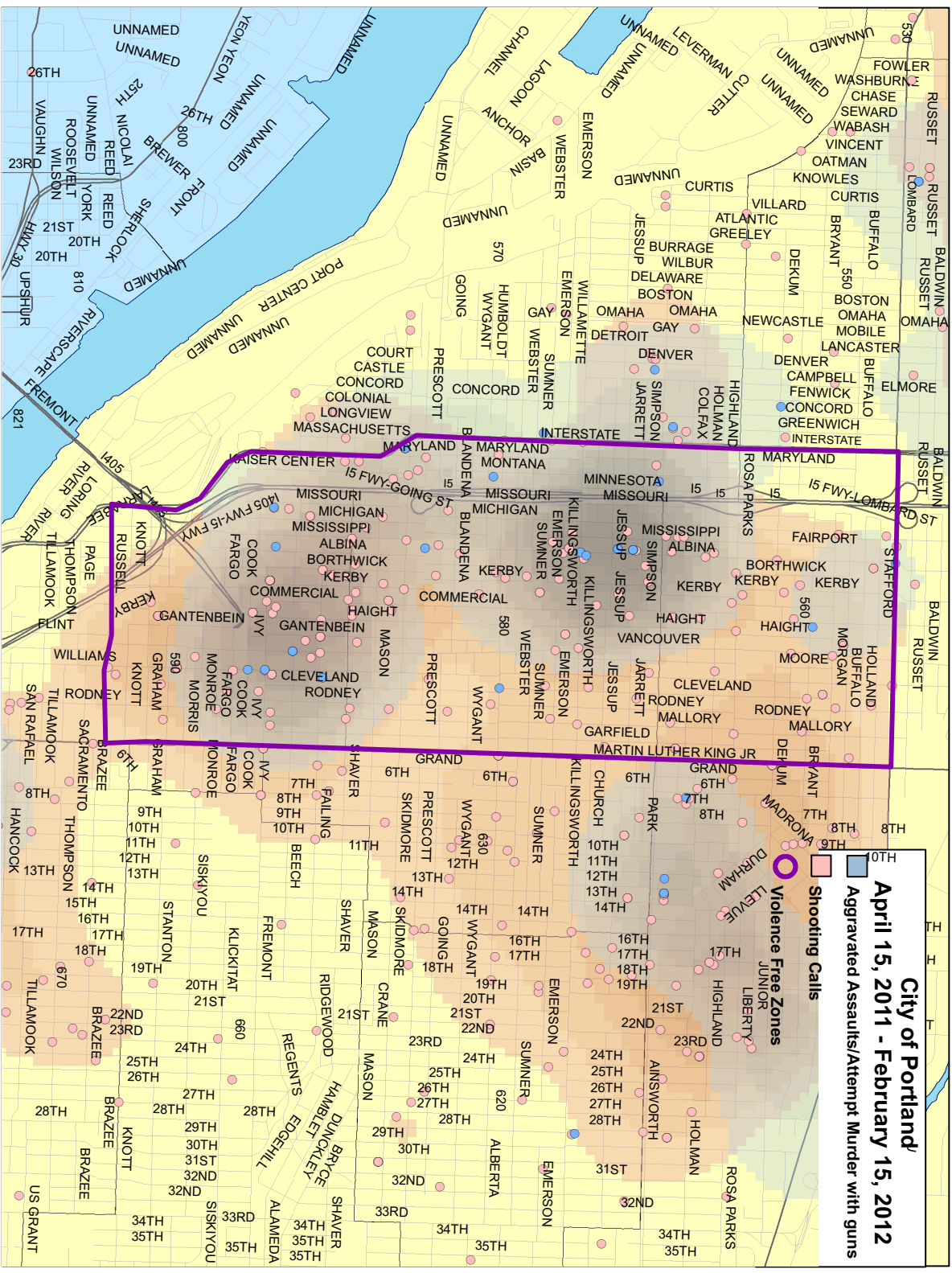
COMMISSIONERS VOTED
 AS FOLLOWS:

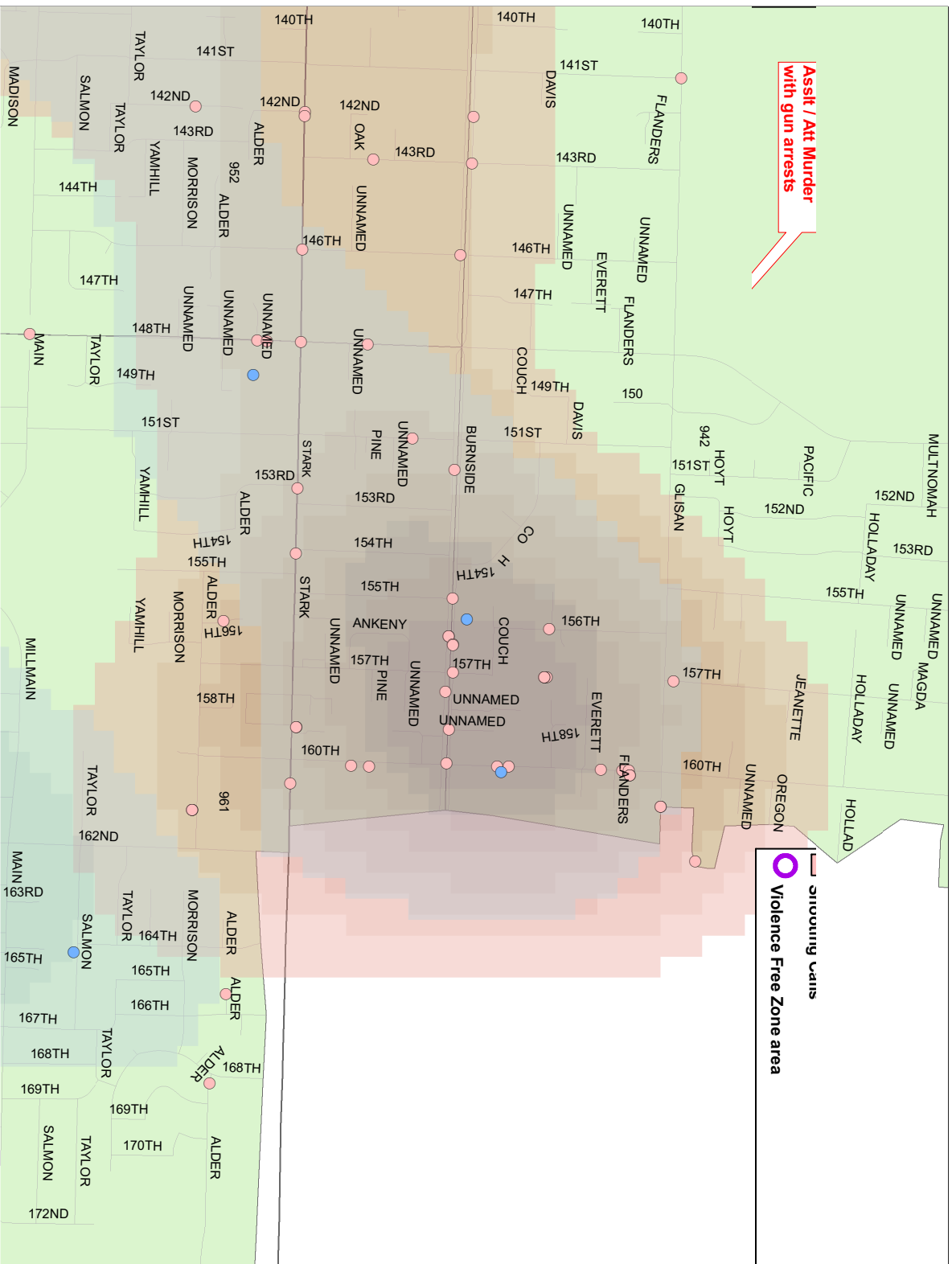
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	

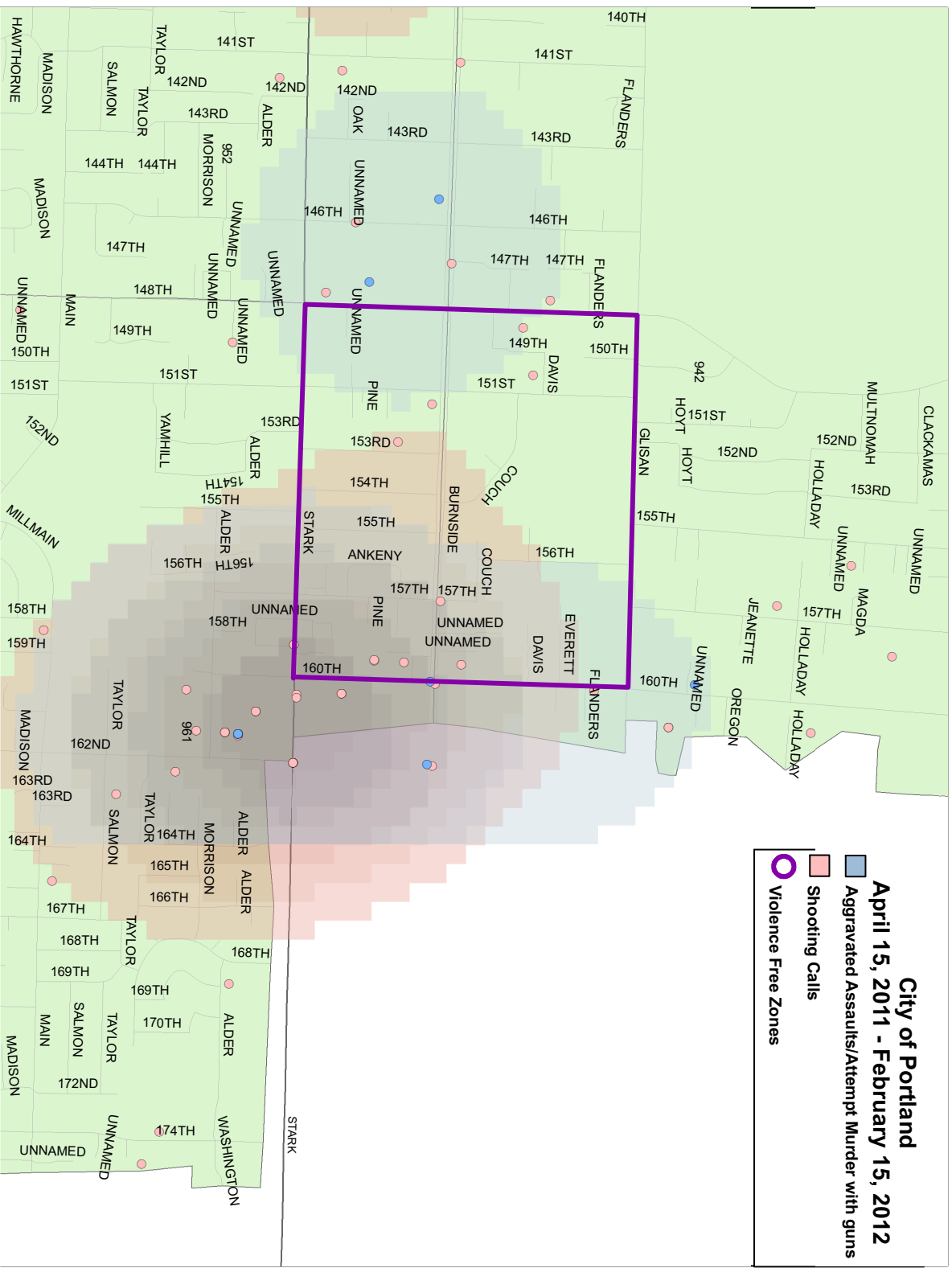


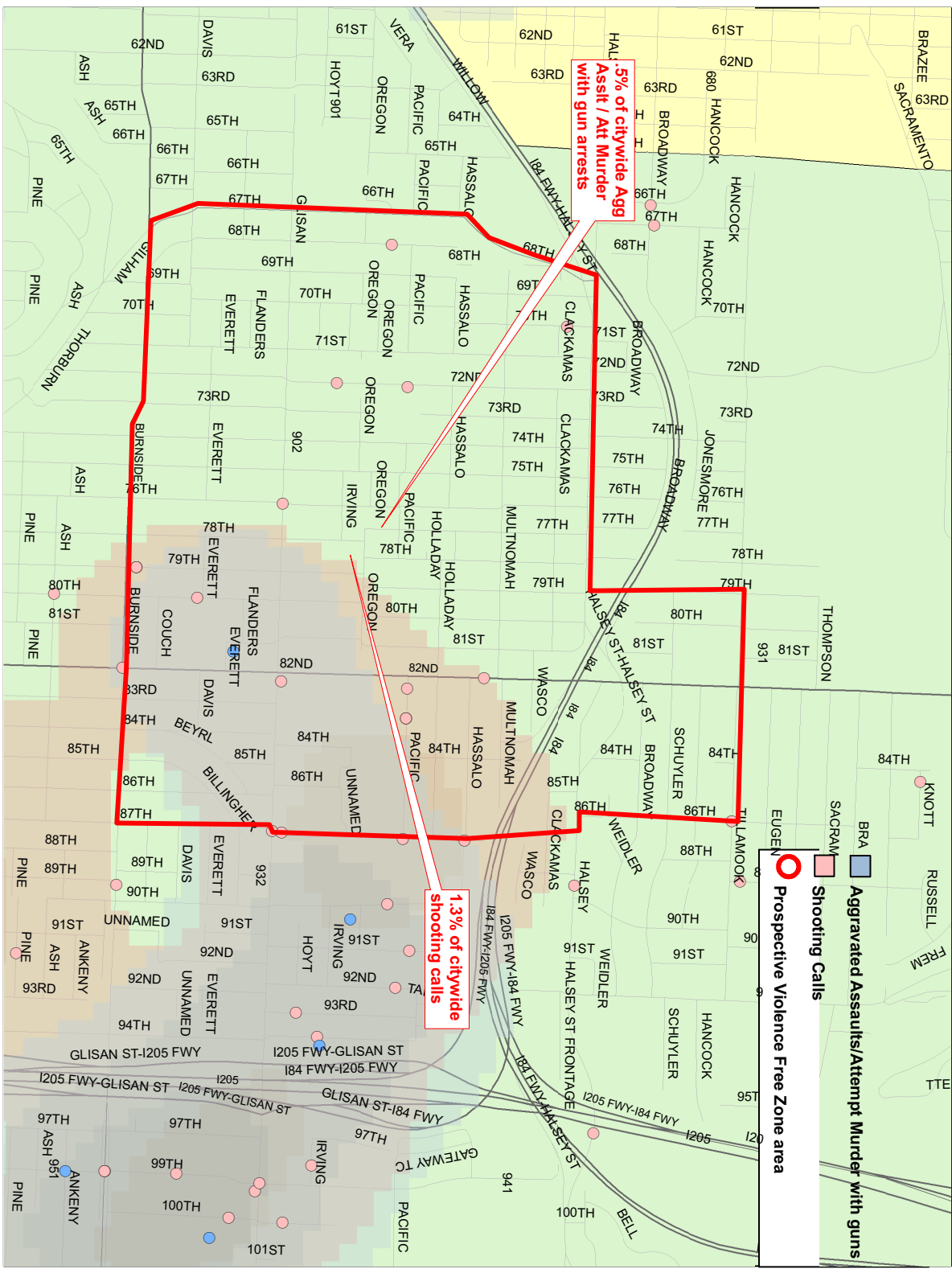


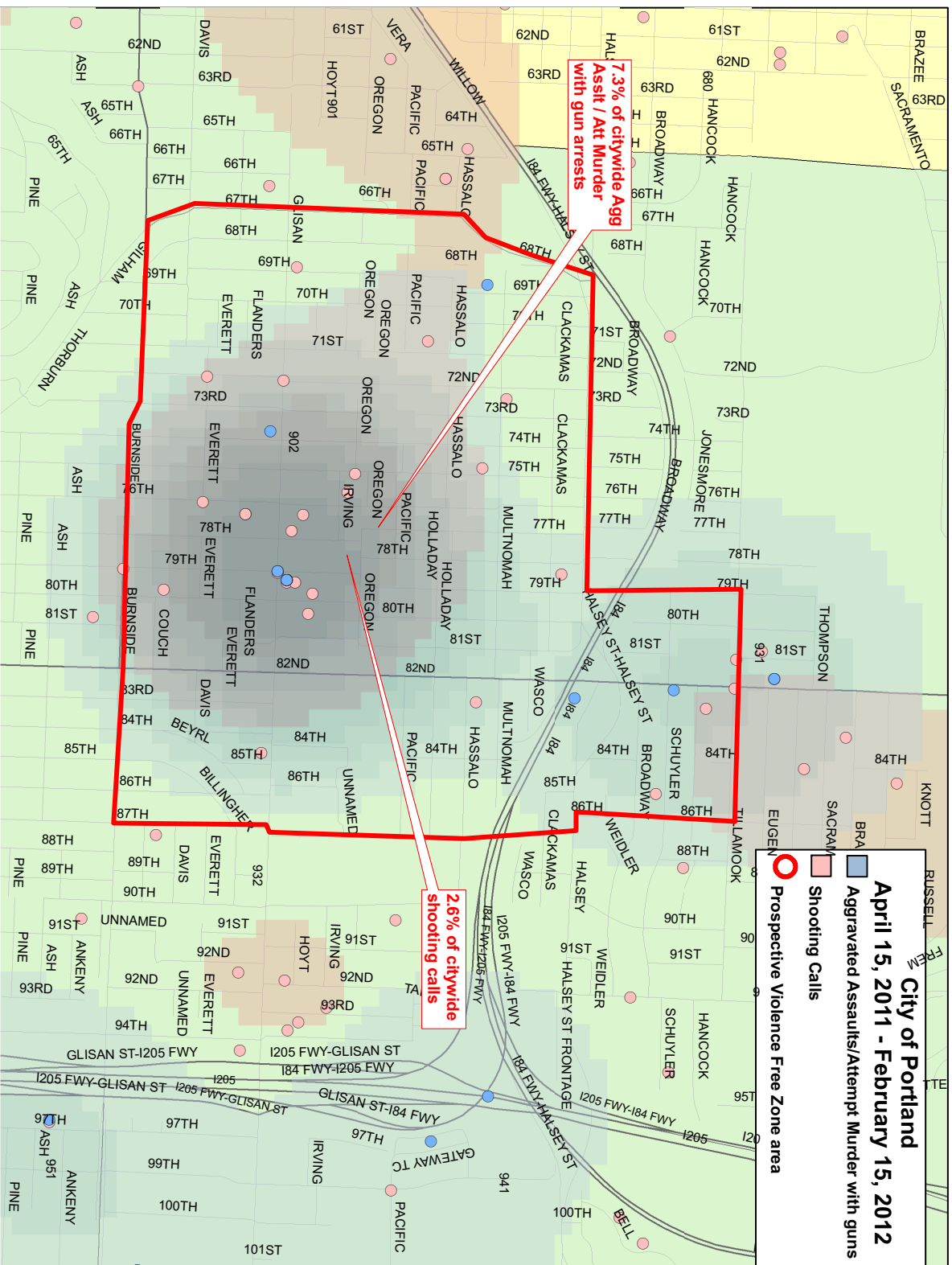


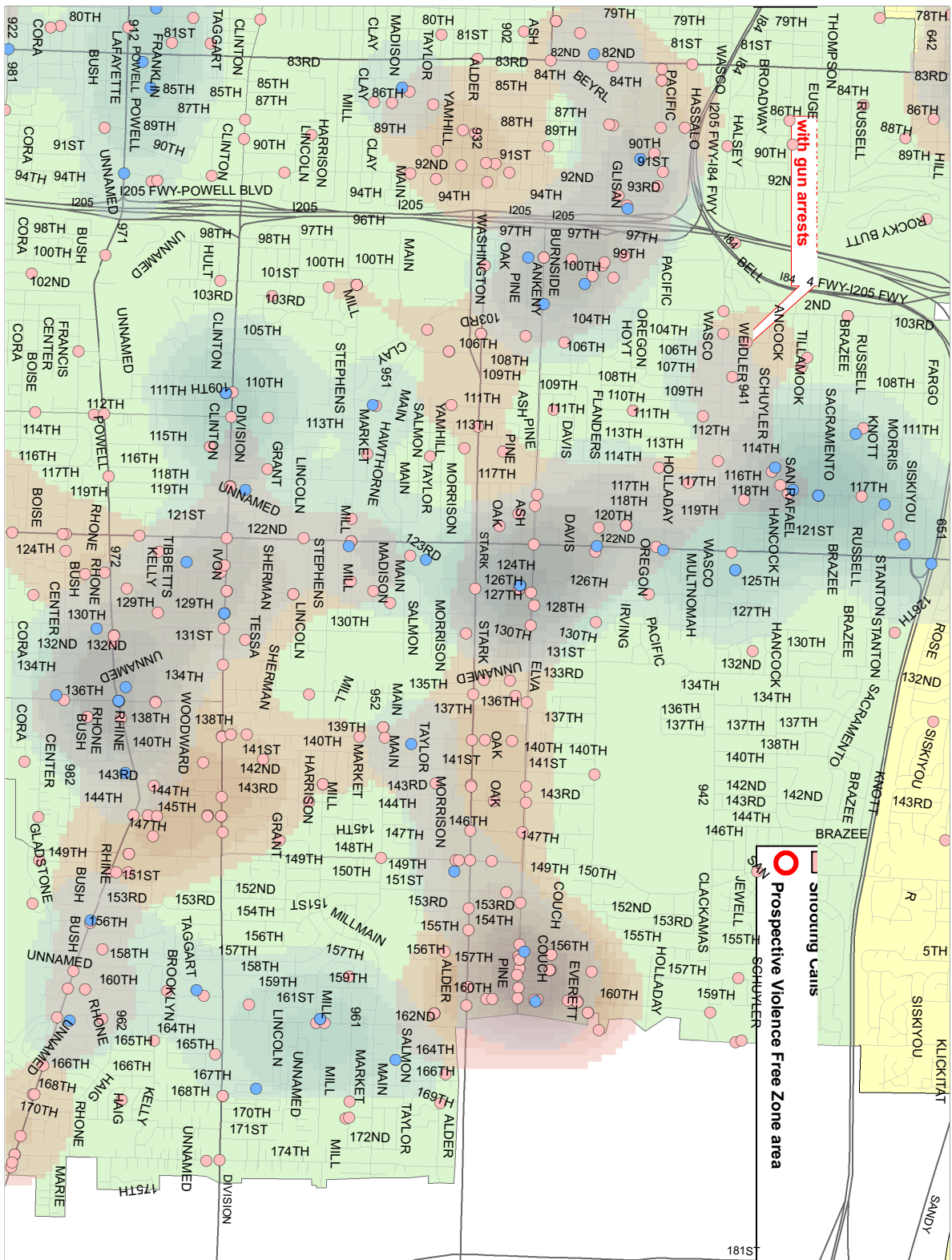


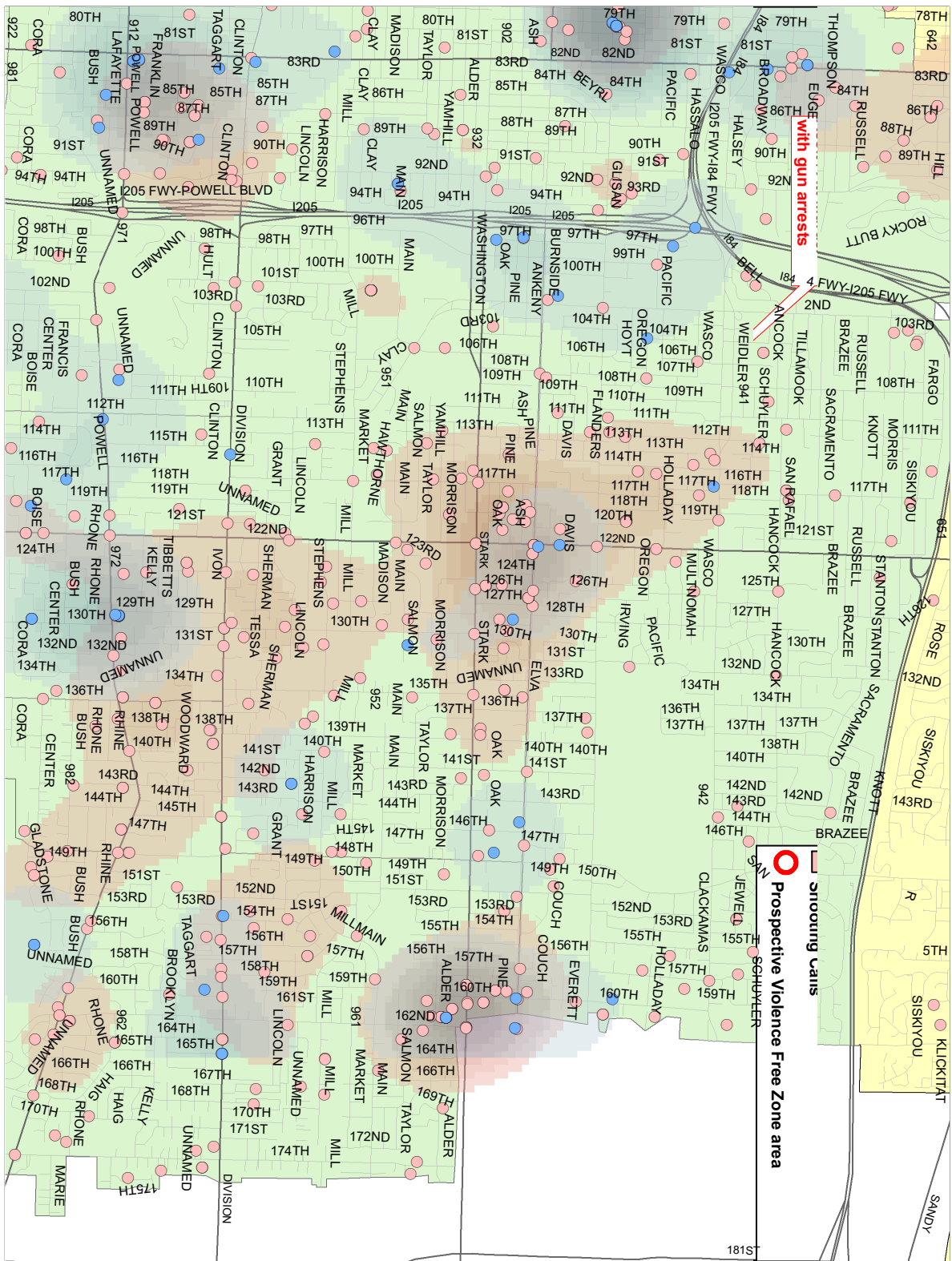


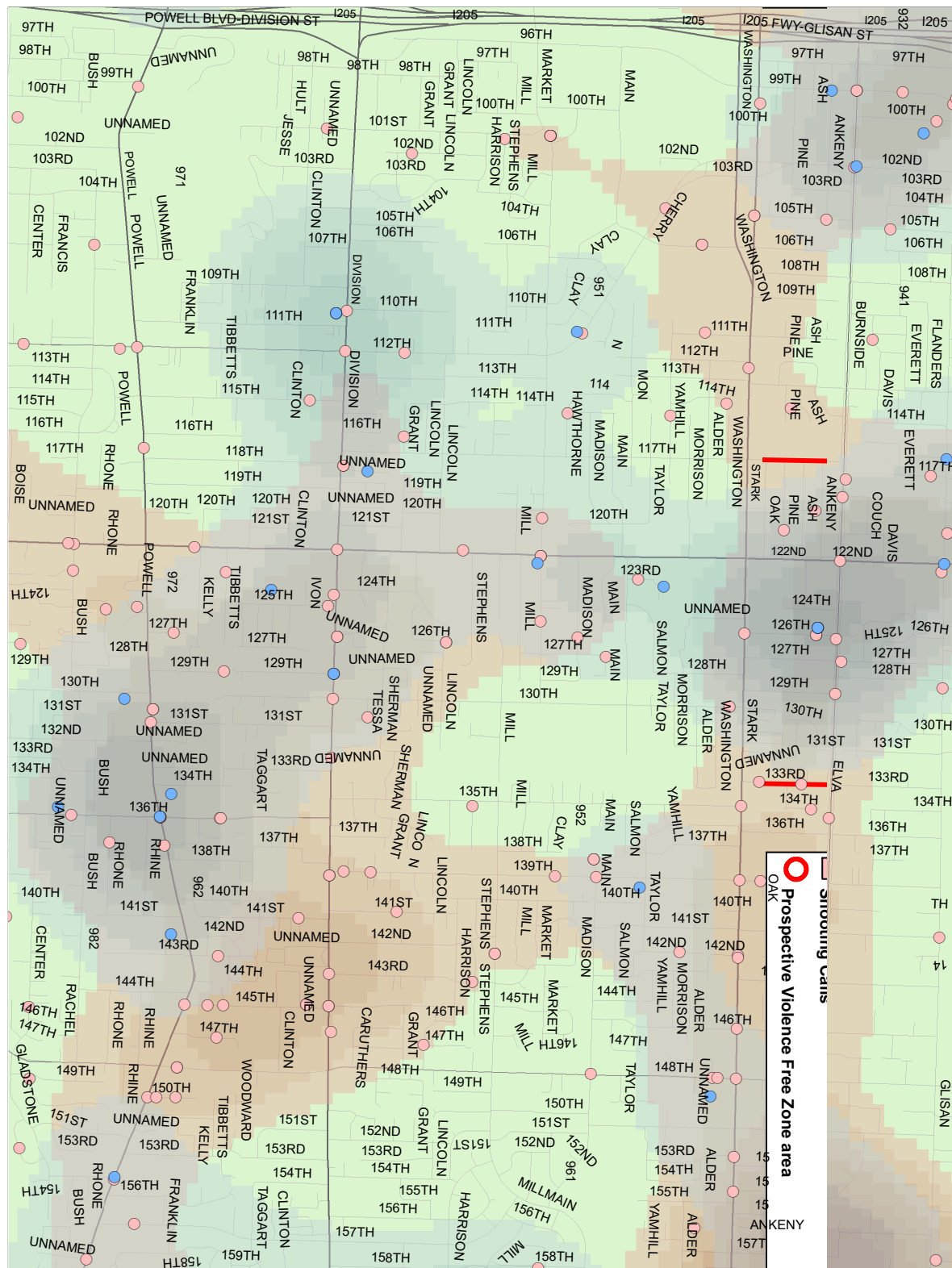


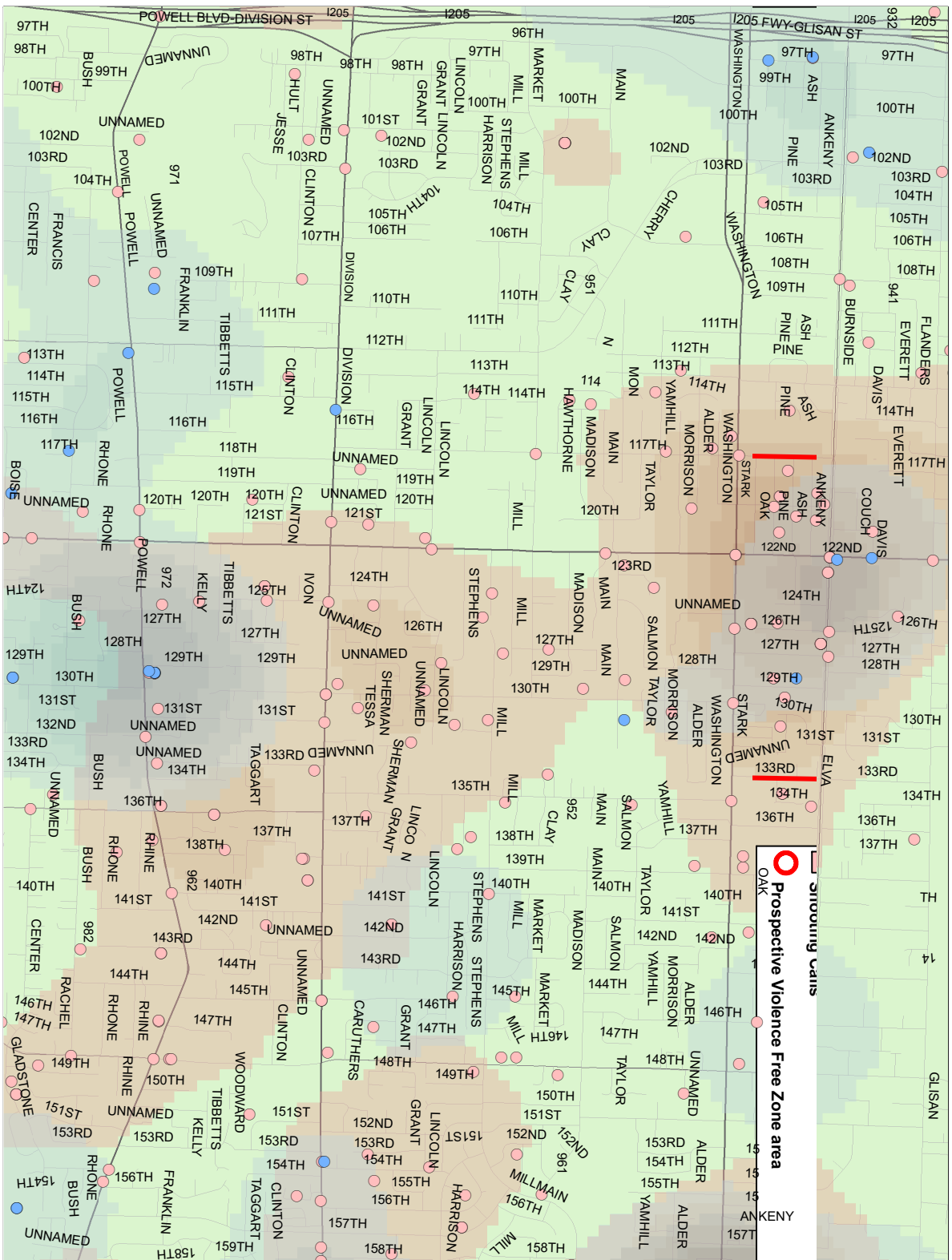












Portland Police Bureau Crime Analysis Unit



Race of Persons Charged in Cases Involving Aggravated Assault or attempted Murder with a gun

	African American	Asian	Hispanic	Native American	White	Total
2011	66	2	8	2	50	128
2012 YTD (1/1-4/15)	20	1	6	0	10	37
Total	86	3	14	2	60	165
	52.10%	1.80%	8.50%	1.20%	36.40%	

Race of Persons Victimized in Cases Involving Aggravated Assault or Attempted Murder with a Gun

	African American	Asian	Hispanic	Native American	White	Unknown Race	Total
2011	109	6	23	4	95	1	238
2012 YTD (1/1-4/15)	20	0	6	0	39	1	66
Total	129	6	29	4	134	2	304
	42.40%	1.97%	9.50%	1.30%	44.10%	0.70%	

Race of Persons Living in Area (2010 Census)

	African American	Asian/Hawaiian/Pacific Islander	Hispanic	Native American	White	Other/Two or More Races	Total
Total	35,462	44,313	54,840	4,381	421,773	23,007	583,776
Percent	6.10%	7.60%	9.40%	0.80%	72.20%	3.90%	100.00%

	Total Cases / 1,000 People	# Cases / 1,000 People
2011	360	0.06
2012 YTD (1/1 - 4/15)	103	0.02



Portland Police Bureau Crime Analysis Unit

MLK, Interstate, & Lombard Zone

Race of Persons Charged in Cases involving Aggravated Assault or attempted Murder with a gun

	African American	Asian	Hispanic	Native American	White	Total			
2011	20	0	0	0	3	23			
2012 YTD (1/1-4/15)	0	0	0	0	0	0			
Total	20	86.90%	0	0%	0	0%	3	13%	23

Race of Persons Victimized in Cases involving Aggravated Assault or Attempted Murder with a Gun

	African American	Asian	Hispanic	Native American	White	Unknown Race	Total		
2011	12	0	0	0	0	0	12		
2012 YTD (1/1-4/15)	10	0	1	0	1	0	12		
Total	22	92%	0	0%	1	4.20%	0	0	24

	Total Cases / 1,000 People	# Cases / 1,000 People
2011	35	.21
2012 YTD (1/1 - 4/15)	12	.07

FOR LAW ENFORCEMENT USE ONLY



Portland Police Bureau Crime Analysis Unit

Downtown Zone

Race of Persons Charged in Cases Involving Aggravated Assault or attempted Murder with a gun

	African American	Asian	Hispanic	Native American	White	Total
2011	4	0	0	0	3	7
2012 YTD (1/1-4/15)	0	0	0	0	0	0
Total	4	0	0	0	3	7
	57.10%	0%	0%	0%	42.90%	

Race of Persons Victimized in Cases Involving Aggravated Assault or Attempted Murder with a Gun

	African American	Asian	Hispanic	Native American	White	Unknown Race	Total
2011	4	0	0	0	11	0	15
2012 YTD (1/1-4/15)	2	0	0	0	0	0	2
Total	6	0	0	0	11	0	17
	35.20%	0%	0%	0%	64.70%	0%	

	Total Cases 1,000 People	# Cases / 1,000 People
2011	22	.6
2012 YTD (1/1 - 4/15)	2	.05

FOR LAW ENFORCEMENT USE ONLY



Portland Police Bureau Crime Analysis Unit

Stark, 160th Zone

Race of Persons Charged in Cases involving Aggravated Assault or attempted Murder with a gun

	African American	Asian	Hispanic	Native American	White	Total
2011	0	0	0	0	0	0
2012 YTD (1/1-4/15)	0	0	0	0	0	0
Total	0	0	0	0	0	0

Race of Persons Victimized in Cases involving Aggravated Assault or Attempted Murder with a Gun

	African American	Asian	Hispanic	Native American	White	Unknown Race	Total
2011	2	0	1	0	0	0	3
2012 YTD (1/1-4/15)	0	0	0	0	0	0	0
Total	2	0	1	0	0	0	3

	Total Cases 1,000 People	# Cases / 1,000 People
2011	3	.05
2012 YTD (1/1 - 4/15)	0	0

FOR LAW ENFORCEMENT USE ONLY

PORTLAND POLICE BUREAU

Victims of Aggravated Assault with a Firearm

06/01/2010 - 02/28/2011 and 06/01/2011 - 02/28/2012

06/01/2010 - 02/28/2011						
OFFENSE	African-American	Asian	Hispanic/Latino	White	Other	Unknown
AGGRAVATED ASSAULT WITH FIREARM	59	9	16	78	0	1
Percent	36%	6%	10%	48%	0%	1%
TOTAL	163					
TOTAL	100%					

06/01/2011 - 02/28/2012						
OFFENSE	African-American	Asian	Hispanic/Latino	White	Other	Unknown
AGGRAVATED ASSAULT WITH FIREARM	95	4	18	97	3	0
Percent	44%	2%	8%	45%	1%	0%
TOTAL	217					
TOTAL	100%					

Persons Charged in Aggravated Assault with a Firearm Cases 06/01/2010 - 02/28/2011 and 06/01/2011 - 02/28/2012

06/01/2010 - 02/28/2011						
OFFENSE	African-American	Asian	Hispanic/Latino	White	Other	Unknown
AGGRAVATED ASSAULT WITH FIREARM	30	6	8	34	0	0
Percent	38%	8%	10%	44%	0%	0%
TOTAL	78					
TOTAL	100%					

06/01/2011 - 02/28/2012						
OFFENSE	African-American	Asian	Hispanic/Latino	White	Other	Unknown
AGGRAVATED ASSAULT WITH FIREARM	57	2	5	41	1	0
Percent	54%	2%	5%	39%	1%	0%
TOTAL	106					
TOTAL	100%					

NOTE: Race/ethnicity was based on the officer identifying associated person(s) in the police report.
Time period was based on reported date.
SOURCE: Camin2 Prepared by: Strategic Services Division - April 2012

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PORTLAND POLICE BUREAU

Victims of Reported Part I Crimes for the Time Periods
06/01/2010 - 02/28/2011 and 06/01/2011 - 02/28/2012

06/01/2010 - 02/28/2011

OFFENSE TYPE	OFFENSE CATEGORY	African- American	Asian	Hispanic/ Latino	White	Other	Unknown	TOTAL
PERSON CRIMES	01 HOMICIDE	8	1		16	1		26
	02 RAPE	19	4	17	112	3		156
	03 ROBBERY	67	56	68	475	5		671
	04 AGGRAVATED ASSAULT	317	56	140	787	13		1,314
	PERSON CRIME TOTAL	411	117	225	1,390	22		2,167
	Percent	19%	5%	10%	64%	1%	<1%	100%

PROPERTY CRIMES

05 BURGLARY	162	112	98	2,008	8		8	2,396
06 LARCENY	645	549	557	9,729	63		164	11,707
07 MOTOR VEHICLE THEFT	191	147	293	1,765	15		12	2,423
09 ARSON	8	2	9	51			1	71
PROPERTY CRIME TOTAL	1,006	810	957	13,553	86		185	16,597
Percent	6%	5%	6%	82%	1%		1%	100%
TOTAL	1,417	927	1,182	14,943	108		187	18,764
Percent of Total Time Period	8%	5%	6%	80%	1%		1%	100%

06/01/2011 - 02/28/2012

OFFENSE TYPE	OFFENSE CATEGORY	African- American	Asian	Hispanic/ Latino	White	Other	Unknown	TOTAL
PERSON CRIMES	01 HOMICIDE	8	2	2	5			17
	02 RAPE	21	6	17	115	5		164
	03 ROBBERY	75	57	61	466	13		672
	04 AGGRAVATED ASSAULT	341	46	140	832	33		1,394
	PERSON CRIME TOTAL	445	111	220	1,418	51		2,247
	Percent	20%	5%	10%	63%	2%	<1%	100%

PROPERTY CRIMES

05 BURGLARY	189	222	128	2,477	10		12	3,038
06 LARCENY	743	774	615	11,225	82		321	13,760
07 MOTOR VEHICLE THEFT	177	152	309	1,700	16		18	2,372
09 ARSON	10	4	6	63				83
PROPERTY CRIME TOTAL	1,119	1,152	1,058	15,465	108		351	19,253
Percent	6%	6%	5%	80%	1%		2%	100%
TOTAL	1,564	1,263	1,278	16,883	159		353	21,500
Percent of Total Time Period	7%	6%	6%	79%	1%		2%	100%

NOTE: Victim was based on the officer identifying a victim (V) or victims in the police report. Reports received via the Citizen

Online Reporting System or taken by telephone may not include race/ethnicity information in some cases.

Time period was based on reported date. Most serious offense was counted per case.

SOURCE: Camin2. Prepared by: Strategic Services Division - April 2012

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DEMOGRAPHICS OF THE POPULATION INSIDE EACH OF THE ILLEGAL FIREARM USE HOTSPOTS:

Disclaimer: The numbers for these tables are based on 2010 Census Tracts (US Census Bureau). The census tracts do not line up with hot spot zones. Due to this, overlapping census tract information was used to gain estimations for these demographics.

Total population in census tract	Zone 1: MLK, INST, LMBD, RSSL	percentage
1511	Hispanic or Latino	4%
9654	Not Hispanic or Latino: Population of one race: White alone	29%
3853	Not Hispanic or Latino: Population of one race: Black or African American alone	11%
137	Not Hispanic or Latino: Population of one race: American Indian and Alaska Native alone	0.40%
392	Not Hispanic or Latino: Population of one race: Asian alone	1%
68	Not Hispanic or Latino: Population of one race: Native Hawaiian and Other Pacific Islander alone	0.20%
73	Not Hispanic or Latino: Population of one race: Some Other Race alone	0.20%
724	Not Hispanic or Latino: Population of two or more races	2%
10981	White alone or in combination with one or more other races	32%
4379	Black or African American alone or in combination with one or more other races	13%
543	American Indian and Alaska Native alone or in combination with one or more other races	2%
644	Asian alone or in combination with one or more other races	2%
138	Native Hawaiian and Other Pacific Islander alone or in combination with one or more other races	0.40%
775	Some Other Race alone or in combination with one or more other races	2%

Total population in census tract	Zone 2: DOWNTOWN	Percentage
251	Hispanic or Latino	4%
2513	Not Hispanic or Latino: Population of one race: White alone	36%
321	Not Hispanic or Latino: Population of one race: Black or African American alone	5%
71	Not Hispanic or Latino: Population of one race: American Indian and Alaska Native alone	1%
156	Not Hispanic or Latino: Population of one race: Asian alone	2%
6	Not Hispanic or Latino: Population of one race: Native Hawaiian and	0.10%

	Other Pacific Islander alone	
10	Not Hispanic or Latino: Population of one race: Some Other Race alone	0.10%
114	Not Hispanic or Latino: Population of two or more races	2%
2764	White alone or in combination with one or more other races	39%
373	Black or African American alone or in combination with one or more other races	5%
166	American Indian and Alaska Native alone or in combination with one or more other races	2%
190	Asian alone or in combination with one or more other races	3%
18	Native Hawaiian and Other Pacific Islander alone or in combination with one or more other races	0.30%
82	Some Other Race alone or in combination with one or more other races	1%

Total population in census tract	Zone 3: STARK GLISAN 148 160	Percentage
1610	Hispanic or Latino	12%
3200	Not Hispanic or Latino: Population of one race: White alone	26%
544	Not Hispanic or Latino: Population of one race: Black or African American alone	4%
84	Not Hispanic or Latino: Population of one race: American Indian and Alaska Native alone	0.70%
311	Not Hispanic or Latino: Population of one race: Asian alone	2%
40	Not Hispanic or Latino: Population of one race: Native Hawaiian and Other Pacific Islander alone	0.30%
19	Not Hispanic or Latino: Population of one race: Some Other Race alone	0.20%
227	Not Hispanic or Latino: Population of two or more races	2%
4037	White alone or in combination with one or more other races	32%
728	Black or African American alone or in combination with one or more other races	6%
242	American Indian and Alaska Native alone or in combination with one or more other races	2%
395	Asian alone or in combination with one or more other races	3%
76	Native Hawaiian and Other Pacific Islander alone or in combination with one or more other races	0.60%
979	Some Other Race alone or in combination with one or more other races	8%

POLICY AND PROCEDURE

640.05 GANG AFFILIATION DESIGNATION

Index: Title

Refer: Gang Affiliation Designation Report Form (GET)

Resource/Contact List (GET)

POLICY (640.05)

The Bureau recognizes that criminal gangs, by their very nature, pose a grave threat to the safety of police and citizens who encounter them. The Bureau must gather and organize information about participants in criminal gang activity in order to effectively address the law enforcement problem which criminal gangs present.

The Bureau also recognizes that it is not a crime to be affiliated with a gang. Therefore, it is the policy of the Bureau that the designation of a person as a criminal gang affiliate does not give any member the authority to take action against that affiliate which could not be lawfully taken against a person not designated as a gang affiliate.

In order to avoid mistakenly designating persons as criminal gang affiliates, it is the policy of the Bureau that the listing as a gang affiliate will follow the criteria listed under Procedure.

PROCEDURE (640.05)**Directive Specific Definitions**

A gang is an ongoing organization, association or group of three or more individuals who utilize both of the following:

- a. Use a gang name, common identifying sign or symbol, or acknowledge an identifiable leadership.
 - b. Have a high rate of interaction among themselves to the exclusion of other persons or gangs.
- A gang is criminal if individuals affiliated with it have committed two or more crimes, which involve any of the following:
- a. Benefit members of the group
 - b. Are committed as part of an initiation process or membership ritual
 - c. Are designed to announce the existence of the gang, its membership or its territorial claims
 - d. Are committed in response to the race, color, religion, sexual preference, national origin or gang association of the victim.
 - e. Are designed to intimidate a victim in the name of the gang.

A gang affiliate is a person who participates in either the criminal or non-criminal behavior of a criminal gang listed above, or who actively pursues membership in a criminal gang by performing criminal acts intended to gain the approval of the gang.

A person will be designated as an affiliate of a criminal gang only when there is

POLICY AND PROCEDURE

clear and convincing evidence that the person has been a criminal gang affiliate in the previous three years, and while a criminal gang affiliate, either one of the indicators on List A below was present, or two of the indicators of List B below were present.

a. List A

1. The person admits or asserts affiliation with a criminal gang to the police.
2. The person participates in a criminal gang initiation ritual or ceremony.
3. The person conspires to commit, or commits a crime:
 - a) Which is part of a pattern of street crimes facilitated by the efforts of other gang affiliates, which advance the interests of the person.
 - b) To attract the attention of the criminal gang or enhance the standing of the person with the criminal gang.
 - c) For the benefit of the gang.
 - d) To announce the existence of the gang, its membership or its territorial claims.
 - e) In response to the race, color, religion, sexual preference, national origin or gang association of the victim.

b. List B

1. The person displays knowledge of the gang's history, leadership, activities or rituals in a context that clearly indicates affiliation with the gang.
2. The person announces to the police that the person is willing to commit assaults, crimes, or make other sacrifices for the gang.
3. The person wears clothes or jewelry unique to a gang in a context that clearly indicates affiliation with a gang.
4. The person uses a hand sign or language which, due to content or context, clearly indicates affiliation with the gang.
5. The person's name appears on a criminal street gang document.
6. The person is in a photograph with other people who collectively display criminal gang signs or apparel to exhibit solidarity.
7. The person possesses a gang tattoo.

Responsibilities (640.05)

Member Creating Designation

Any member who believes it is appropriate to designate a person as a criminal gang affiliate must describe, in an official police report designed for that purpose, the specific conduct that corresponds to the gang affiliation indicators listed above. Any designation must contain a reference date which corresponds to the last incident of occurrence relied on for designation. This reference date will determine the purge date of the designation; therefore, all reports of conduct must document the date of the conduct. (Refer to Gang Designation Report Form). The report must be routed to GIET.

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Gang Enforcement Team (640.05)

Designation Requests

A GET supervisor or designee will review all requests for criminal gang affiliation designation, and will recommend whether or not the request should result in designation. The GET supervisor or designee may not recommend designation unless both of the following are met:

- a. There is clear and convincing evidence the person presents at least one of the indicators from List A, or two indicators from List B.
- b. There is clear and convincing evidence the person is a criminal gang affiliate.

If the documentation, which accompanies a request, does not support designation, then the GET supervisor will send a form indicating the deficiency to the requestor's RU manager.

If the GET supervisor recommends a person be designated as a gang affiliate, GET will send a notice of the recommendation to the last known address of the person. The Bureau will make a reasonable effort to determine the person's last known address, which may include a search of PPDs, Oregon DMV files and Oregon Parole and Probation records.

The notice will include a list of the indicator(s) relied on to recommend designation, and will state that the supporting police report may be reviewed in person, without charge, at the GET office. The notice will prominently announce that the recommendation will result in a designation of the person as a gang affiliate in 30 calendar days from the mailing of the notice, unless the person (or parent or legal guardian if the person is a minor or under a guardianship) requests a hearing in writing before that time at the GET office. The notice will describe the hearing and appeal process set out below.

GET will place letters, which are returned as undeliverable in the designation file, and designation will occur in accordance with this directive.

If the potential designee has been personally given notice of an impending designation, the member giving the notice will document this on the designation report.

A list of pending designations will be maintained at the Youth Gang Outreach Program (YGOP) and GET offices. Upon request, any person will be told whether he/she is on the list of pending designations, and parents or guardians will be told if their children or wards are on the list.

If a potential designee does not properly request a hearing, GET will send the recommendation for designation to the Records Division (Records) for review and entry of the designation.

All potential designees who properly request a hearing will be provided with one before any action is taken of designation. Parents and legal guardians may request hearings for minors and wards.

The hearings process consists of two hearing stages and a Manager's Review

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stage. The first hearing stage consists of a hearing before a GET supervisor. At the conclusion of this hearing, the potential designee will be advised to GET's recommendation on designation.

First Stage Hearing (640.05)

The first stage hearing will occur within 21 calendar days of receipt of a request for a hearing by GET unless the potential designee agrees to a hearing at a later date or the potential designee is incarcerated. Hearings will be provided to potential designees incarcerated in Oregon within 30 calendar days of receipt of a request for a hearing. Hearings for those individuals incarcerated may be conducted by correspondence or over the phone, at the discretion of GET.

At the hearing, a potential designee may present any information that bears on the applicability of the designation criteria, and will be asked for a correspondence address.

Second Stage Hearing (640.05)

If GET continues to recommend designation following the first stage hearing, the potential designee may request a second stage hearing before a panel comprised of representatives from diverse cultural groups, youth service agencies and neighborhood programs. A request for a second stage hearing must be made in writing and directed to the YGOP office within 10 business days following the first stage hearing. A second stage hearing will be conducted within 21 calendar days from receipt of the written request.

Manager's Review and Final Appeals Process (640.05)

Following the second stage hearing, recommendations concerning designation, from both hearings, will be submitted to the Tactical Operations Division (TOD) manager or designated command members for review within five business days of the completed second stage hearing.

The TOD manager will determine whether gang affiliation designation is supported by clear and convincing evidence and meets the stated criteria. The potential designee will be informed of the decision by letter mailed to the address provided at the first stage hearing by the potential designee. If the manager's decision is to designate, the decision will become effective after 10 business days unless the potential designee appeals the decision to a City Code Hearings Officer (CCHO). A notice of appeal to the CCHO must be submitted in writing within 10 business days of the date on the designation notice and must comply with requirements set by the Code Hearings Office. The designation notice will list the steps a potential designee must take to initiate an appeal hearing before the CCHO.

On receipt of a proper notice of appeal, the City Code Hearings Office will schedule an appeal hearing and notify GET and the potential designee of a hearing date. Following the hearing on the appeal, the City Code Hearings Office will

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notify both GET and the potential designee of its decision.

If the hearings office upholds the recommendation to designate, or if the potential designee fails to challenge the proposed designation by requesting a hearing or appeal within the applicable time guidelines, GET will forward the Gang Designation Report to Records for review and entry.

Records Division (640.05)

Records will review all requests for criminal gang affiliation designation received from GET to ensure the Bureau's criteria are met. If the documentation presented to Records supports designation, the record of the subject will be updated to reflect the gang affiliation.

Any designation must contain a reference date which corresponds to the last incident of occurrence relied on for designation. This reference date will determine the purge date of the designation.

If the documented conduct does not support designation the record of the person will not be updated and a form indicating the deficiency in the documentation will be sent to GET and the requestor's RU manager.

Appeals of Existing Designations (640.05)

Any person on the gang affiliates list will be provided a hearing to challenge the designation if:

- a. The person has not previously brought a challenge to the designation.
- b. The person submits clear and convincing evidence to GET that the person was not receiving mail from the address to which the designation notice was sent and did not have actual notice of the impending designation.

All challenges to existing designations will be routed to GET for processing. Upon receipt of a valid challenge to an existing designation, GET will provide a designated person with a hearing within 45 calendar days. The hearing and subsequent appeal procedure will be the same as that for potential designees. At the conclusion of the appeals process, in the event there is a change in the designation status, GET will forward a Special Report to Records to update the person's PPDS record.

Purge Process (640.05)

The designation will expire four years after the incident on which it is based. If during this four-year period the person engages in conduct or behavior that meets the designation criteria, the person may be re-designated by means of the initial gang designation process outlined in this directive.

The designation of "gang affiliate" is entered as a "flag" on a person's PPDS record. The "flag" will remain on the record until it is purged by Records four years from the date of the last incident of occurrence relied on for designation.

A designated person will not accumulate time toward the purge parameter if the

--- **POLICY AND PROCEDURE** ---

person is deceased, incarcerated, or on parole or probation for a felony or a weapons violation.

Each month the Data Processing Division (DPD) will publish and distribute a list of designated individuals subject to purging in six months time. Members having information that will support a re-designation must forward a Gang Affiliation Designation Report form containing supporting documentation to GETJ which will initiate a re-designation process.

Improper Designations (640.05)

In the event an individual is improperly designated as a gang affiliate, any member may submit a Special Report to GETJ requesting to rescind the designation. GETJ will review the information submitted and forward the Special Report, along with a request to have the designation removed, to Records. Records will be responsible for removing the designation, thereby updating the person's PPDS record.

640.10 CRIME SCENE PROCEDURES

Index: Title; Homicide Investigation

Refer: ORS 146.095 Responsibility for Investigation

DIR 612.10 Death Messages

DIR 631.10 Dead Body Procedure

Crime Scene Sign-in Sheet (Detectives)

PROCEDURE (640.10)

Directive Specific Definitions

A major crime is a crime that will require continued investigation.

Member Responsibilities (640.10)

The first member arriving at the scene of a crime will be in charge until the member receiving the call arrives, until relieved by his/her supervisor or until the Detective Division (Detectives) officially takes charge. At all times, a specific member will be in charge. It will be his/her duty to:

- a. Notify BOFEC of the type of incident and request additional members, if needed.
- b. Arrest the suspect, if present.
- c. Protect human life and property.
- d. Protect the crime scene by ensuring items within the scene are not disturbed. A supervisor may assign a specific scene security officer.
- e. Identify and isolate witness(es) with particular attention to information that witnesses may overhear from police members or the police radio. Obtain names and addresses of witnesses.
- f. Exclude all unauthorized persons (all persons who do not have an official