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SAN DIEGO COUNTY
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: June 14, 2022

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TO: Board of Supervisors

SUBJECT

**ACTIONS TO STEM THE TIDE OF GUN VIOLENCE IN OUR COMMUNITIES
(DISTRICTS: ALL)**

OVERVIEW

As our nation experiences collective grief and loss from one of deadliest racially-motivated gun massacres in recent American history and the deadliest school shooting in a decade, we are proposing that the Board of Supervisors authorize County legal counsel to undertake proactive legal actions that hold firearm manufacturers accountable.

Just as San Diego County has joined other cities and counties in California to hold opioid painkiller manufacturers and distributors accountable for deceptive marketing and for creating an epidemic of opioid abuse and addiction that killed thousands in San Diego alone, the County should hold gun manufacturers accountable for their role in the public health epidemic of gun violence.

Approval of the recommendations in this board letter will direct the Office of County Counsel to initiate, pursue, and/or join litigation on behalf of the County of San Diego to sue gun manufacturers for their role in deadly shootings that harm our community.

This is similar to steps other regions have taken to protect the public from gun violence. For example, citing the surge in deadly gun violence and the alarming number of untraceable guns recovered during police investigations, the Los Angeles City Attorney joined an expansive lawsuit against Nevada-based Polymer80 — purportedly one of the nation's largest sellers of "ghost guns" kits and component parts that enable buyers to build fully functional guns at home without complying with background checks or gun serialization requirements. Baltimore also recently joined several other cities by suing Polymer80 for its role in facilitating the market for kits and components of firearms over the internet.

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This action builds upon the Board's vote in October of 2021 to stem the tide of gun violence at the local level by directing County Counsel to draft an ordinance prohibiting "ghost guns" and creating safe firearm storage standards (citation).

The urgency of this vote is underscored by the fact that the U.S. Supreme Court is poised this summer potentially to weaken restrictions on concealed carry laws, the implications of which would reverberate through the country.

Today's actions request that we gather data related to weapon seizures from the Sheriff and other departments, to inform our response to community gun violence. Additionally, we ask for recommendations on ways to initiate litigation against gun manufacturers.

We should not accept that gun violence is part of our everyday life in this country, haunted by the fear that we or those we love will be at the wrong place at the wrong time. We should not fear sending our children to school or fear going to the grocery store or our place of worship. This action serves as a powerful tool to advance our commitment to gun violence reduction in San Diego County.

RECOMMENDATION(S)

SUPERVISOR TERRA LAWSON-REMER AND CHAIR NATHAN FLETCHER

1. Direct the Chief Administrative Officer (CAO) to develop recommendations, after consulting with the Sheriff and other relevant departments, regarding cooperation with other law enforcement agencies to receive copies of their reports related to weapon seizure.
2. Direct the County Counsel, in consultation with the CAO, to bring back recommendations to the Board regarding options for initiation of litigation against gun manufacturers, whether in Closed or Open Session, as appropriate.

EQUITY IMPACT STATEMENT

Gun violence and traditional responses to gun violence disproportionately have a negative impact on communities of color, often perpetuating harm and trauma that continues to cycle from generation to generation. This board action seeks to reduce the impact of gun violence across the County, especially within the communities that are most disproportionately impacted. Litigation against gun manufacturers will help address harm and trauma by creating accountability and disrupting cycles of violence and mass shootings that has historically disproportionately impacted communities of color.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendations. Any initiated future litigation may result in fiscal impacts that would be included in future year Operational Plans.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

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BACKGROUND

The U.S. continues to suffer from the plague of firearm violence and deaths. Among two-dozen high income, populous countries including Australia, France, Italy, Spain, and the United Kingdom, over 80 percent of firearm deaths occur in the U.S. Over 90 percent of children killed by firearms in this group were from the U.S.⁴ Each year, more than 39,000 people in the U.S. die as a result of gun violence, and tens of thousands more suffer non-fatal gun injuries.⁵

Preventing unintentional shootings, interrupting suicidal tendencies, reducing the risk of homicides, decreasing access to guns used in crimes, and shutting off the flow of untraceable "ghost guns" will help to reduce community violence.

California law generally requires an individual to apply to the California Department of Justice (DOJ) for a unique serial number or other mark of identification, and this identifying information must be engraved or permanently affixed to the firearm within 10 days of it being manufactured or assembled. (Cal. Penal Code Sec. 29180(b).) The serial number allows for law enforcement to assure that only those who may legally purchase and own a firearm are able to do so. As noted in a San Diego Police Department report, "Convicted felons, and others who are prohibited from possessing firearms, can avoid legal processes by purchasing firearms kits from manufacturers, secondary retailers, and internet websites. Once purchased and assembled, the legal process is circumvented further by selling the manufactured firearms without a background check being conducted on the purchaser or having a lawful transfer of the firearm conducted through a Federal Firearms Licensee (FFL)." (See Memorandum from San Diego Chief of Police to Councilmember Marni von Wilpert, June 11, 2021). One such situation occurred in June 2021 in Encinitas. Sheriff's Deputies encountered an individual who pulled out and aimed a ghost gun at the deputies.

In order to inform the County's response to gun violence, more data and information is needed. The Sheriff's Department, along with other law enforcement agencies, collect such data and reports. It would be helpful for policymakers to have greater access to this information, which could inform potential litigation to reduce community violence.

The County of San Diego has taken actions to curb illegal guns. An ordinance prohibiting ghost guns was passed this year by the Board of Supervisors. Today's proposed actions takes additional steps to ensure the County holds gun manufacturers accountable and reduce gun violence in our region.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Safe Communities Strategic Initiative within the County of San Diego's 2022 – 2027 Strategic Plan by making San Diego the safest and most resilient community in the nation, where youth and the community as a whole are protected from the trauma of gun violence.

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Respectfully submitted,



TERRA LAWSON-REMER
Supervisor, Third District



CHAIR NATHAN FLETCHER
Supervisor, Fourth District

ATTACHMENT(S)
N/A