Honorable Mayor and
Members of the City Council

Title: Presentation: Ammunition Sales Records Study

Location/Council District: Citywide

Recommendation: Receive a special presentation by the Sacramento Police Department on the outcomes associated with passage of a series of City Ordinances mandating ammunition sales logs.

Contacts: James Maccoun, 808-0417 Rick Braziel, 808-0800
Presenters: Rick Braziel, Chief of Police; James Maccoun, Police Captain
Department: Police
Division: Office of the Chief
Department ID: 11001021

Description/Analysis

Issue: This report provides information and the findings by the Sacramento Police Department approximately one year following the enactment of Chapter 5.66 of the City Code concerning firearm ammunition sales logs.

Policy Considerations: Chapter 5.64 of the City Code specifies local regulations concerning the sales of ammunition and/or firearms. This Chapter requires a special City license for such activities and mandates that both the proprietor and designated employees complete a background check.

The City Council enacted Chapter 5.66 of the City Code on August 9, 2007 and made its provisions effective on November 7, 2007. Among the key provisions of this Chapter are requirements that the positive identity of purchasers of firearms ammunition be recorded, paper records be retained by licensees for two years, and key information be forwarded to the Police Department electronically within 5 (five) days of the transaction.

Police Department staff created a secure, electronic method to obtain ammunition records from retailers and established a protocol to identify purchasers who are prohibited by section 12316 (b)(1) of the California Penal
Code from purchasing or possessing ammunition. The electronic reporting system had the added benefit of ensuring compliance with the employee background check requirements of Chapter 5.64 of the Sacramento City Code.

Detectives from the Sacramento Police Department have successfully utilized the information obtained to arrest numerous persons for firearms violations and seize dozens of illegally possessed weapons. Agents from the Federal Bureau of Alcohol, Tobacco, and Firearms have provided resources and assistance.

Both the Sacramento County District Attorney’s Office and the United States Attorney’s Office for the Eastern District of California have provided prosecutorial counsel. Both offices are actively prosecuting offenders identified through this program based on their respective authority.

Environmental Considerations:

California Environmental Quality Act (CEQA): This report concerns administrative activities that will not have any significant effect on the environment, and that do not constitute a "project" as defined by the California Environmental Quality Act (CEQA) [CEQA Guidelines Sections 15061(b)(3); 15378(b)(2)].

Sustainability Considerations: There is no sustainability considerations associated with this report.

Commission/Committee Action: Not Applicable

Rationale for Recommendation: Not Applicable

Financial Considerations: There are no General Fund impacts or financial considerations associated with this report.

Emerging Small Business Development (ESBD): This action is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a "project" as defined in section 15378 of the CEQA Guidelines, and is otherwise exempt pursuant to section 15061(b)(3) (no significant effect on the environment) of the CEQA Guidelines.
Respectfully Submitted by: James Maccoun, Police Captain

Approved by: Rick Braziel, Chief of Police

Recommendation Approved:

Ray Kerridge
City Manager

Ref: COP XXX

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Background

The City’s ammunition sales log ordinance does not prevent or delay a sale of ammunition at the point of sale. Instead, it mandates that the firearm dealers record the identity of the purchaser and details of the transaction and then forwards this data to the Sacramento Police Department. This data has allowed the Department to identify and investigate offenders involved in firearm-related crimes.

This ordinance requires that the following key bits of data be recorded on a form approved by the Chief of Police at the time of the ammunition purchase:

- name, address, and date of birth of transferee;
- the date of the sale;
- the transferee’s driver’s license number, state identification card number, passport number, or other valid government-issued photographic identification;
- the brand, type, and quantity of firearms ammunition transferred;
- the identity of the person transferring the firearms ammunition on behalf of the ammunition vendor;
- the transferee’s signature and right thumbprint.

The requirement that the right thumbprint of the transferee be included for the purpose of positive identification of offenders has proven to be essential for the successful prosecution of violators.

This ordinance also requires that vendors transmit to the Police Department electronically all of the identifying information. This requirement has allowed the Police Department to electronically check the legal firearms rights status of transferees. The system for the electronic transfer of purchaser information was operational on January 23, 2008 and has proven to be secure, effective and reliable. The Sacramento Police Department confirms the legal eligibility of all purchasers of firearms ammunition which is reported pursuant to this ordinance.

The cooperation, compliance, and assistance of all gun and ammunition dealers has been very good. Initially it was determined that not all dealers understood or were in complete compliance with the existing requirements for employee work permits. Because the ammunition log reporting system required that transactions be tracked by employee at the point of sale this situation was quickly and voluntarily corrected by those involved. On-site inspections and follow-up investigations have revealed no violations and responsible conduct by all licensees in the City of Sacramento.

The rate of detection of criminal violators has proven to be higher than originally expected. In order to be effective and to rapidly recover illegal weapons additional
investigative staff had to be assigned to assist in these investigations. The Police Department does not know at this time how long it can sustain such comprehensive follow-up investigation.

The ordinance and the enforcement program which has resulted from it, have proven to be effective tools for locating firearms violators. Staff believes that this is the only program in existence in the nation which electronically records all local purchases of firearms ammunition and checks the legal eligibility of every purchaser to possess firearms and ammunition.
Ammunition Ordinance

-2250 purchasers -

January 16th 2008 to June 29th 2008
City of Sacramento Ammunition Registration Form

Customer Information

- First Name: 
- Middle Initial: 
- Last Name: 

- Address 1: 
- Address 2: 
- City: 
- State: 
- Zip Code: 

- ID Number: 
- ID Type: State Military Passport Other 
- Specify: 

- Date of Birth: 
- POS Employee: John Doe 

Comments/Notes: 

- required field Continue Clear Form

2007, City of Sacramento. If you are having technical issues with the registration form or have a general question, please call (916) 898-0700 Monday through Friday 8 a.m. to 5 p.m.
Prohibited persons purchased ammunition:

- 74 prohibited people purchased ammunition
- 61 had felony convictions (84%)
- 12 had misdemeanor convictions (16%)
- Only 1 of the prohibited based on DV restraining order

Prohibited persons are 3.2% of purchasers.
Suspects with felony convictions

- 34% (21) prohibited because of a violent felony conviction
- 49% (30) prohibited because of non-violent felony conviction
- 16% (10) prohibited because of narcotic sales prior
Prohibited purchasers

- 5 were gang members
- 16 were on probation (no parolees)
- 3 had warrants (non-traffic)
- 11 were 2nd strikers
- 1 was a 3rd striker
Ammunition purchased

- 67% of the ammunition purchased would primarily be used in handguns
- 17% of the ammunition could be used in handguns or rifles
- 10% was rifle ammunition
- 6% was shotgun ammunition
Status of cases

- 51 people have been arrested
- 6 arrest warrants have been issued
- 15 cases currently under investigation
Charges filed by DA

- 53 people charged with a felony
- 1 person charged with a misdemeanor
- 1 case rejected by DA
Federal prosecutions

- 7 suspects have been indicted in federal court
Resolution of cases

- 11 have received felony convictions
- 8 have received misdemeanor convictions
- No federal cases adjudicated yet
Searches

- 28 search warrants have been executed
- 17 probation searches have been completed
- Firearms and/or ammunition were located 66% of the time
Evidence recovered

- 56 firearms seized
- 100 marijuana plants
- 30 doses of Ecstasy
- 1 Stolen laptop taken in residential burglary
- 3 Stolen firearms
Firearms seized

- 34% (19) were pistols
- 46% (26) were rifles
- 19% (11) were shotguns
- 7 were assault weapons
- 2 were Federal NFA violations
- 3 were stolen
NFA and AW seizure
Prohibited AW and receivers
All firearms to be traced
Resources

- 4 SPD Detectives, 1 ATF Agent, and 2 light duty Officers
- Search warrant service often requires assistance from SWAT teams
- These investigations require timely and diligent effort
Additional findings

- Good cooperation by firearm dealers
- Employee background checks maintained
- Inspections have been made and will continue
- SPD and allied agencies use information in criminal investigations regularly