



California POLICE CHIEFS Association Inc.

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April 3, 1997

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The Honorable James T. Beall, Jr.
District Four
Santa Clara County Board of Supervisors
County Government Center, 10th Floor, East Wing
70 West Hedding
San Jose, CA 95110

Dear Supervisor Beall:

The California Police Chiefs Association which represents over 450 Police Chiefs from throughout the State has reviewed the local ordinances proposed by the Santa Clara County Health Department and fully supports this effort. Our Association conducted an in-depth study of firearms violence and, in February 1995, adopted a bold position paper entitled: ***Confronting the American Tragedy, The Need To Better Regulate Firearms***. The proposed local ordinances are consistent with our position and represent sound public policy.

While we recognize that some members of our communities oppose any effort to regulate firearms, we also know that the vast majority of California citizens not only support, but increasingly are demanding, that our local elected representatives pass reasonable firearms regulations. The proposed ordinances simply impose basic product safety standards in the same way that safety standards are required for automobiles, toasters and baby rattles. And, they merely regulate where and how the business of selling firearms may be conducted in the same way that local government regulates virtually all other businesses. They do NOT ban the privilege to either own or sell firearms. We do not find product safety standards or locking devices on firearms any more restrictive than the minimum crash standards, seat belts and locking devices that are required of the automobiles we drive.

The California Police Chiefs Association strongly believes that local government has a responsibility to address the public health and public safety concerns associated with the misuse of firearms and urges the Santa Clara County Board of Supervisors to support the Health Department's efforts to bring all of the cities in the County together in adopting uniform standards.

Sincerely,

Larry J. Todd
Past President and Chair
of the Firearms Issues Committee
LJT/ea

cc: Dena Dickinson, Deputy Director
Santa Clara County Public Health Department



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CALIFORNIA POLICE CHIEFS ASSOCIATION

POSITION PAPER

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Rodney K. Pierini

95-1
Number

FEBRUARY 1995

Date

SUBJECT: CONFRONTING THE AMERICAN TRAGEDY
THE NEED TO BETTER REGULATE FIREARMS

INTRODUCTION

On February 2, 1995, the California Police Chiefs Association adopted a position paper concerning the need to address firearm violence, death, and injury.

As Chiefs of Police, we are responsible for public safety. That responsibility requires leadership. It is for these reasons that we are stepping forward.

We are under no illusion that our position will be universally accepted by others, nor do we expect that it will be literally translated into legislation. Nevertheless, our position paper represents our collective vision of the steps that should be taken to make all of our citizens safer.

The California Police Chiefs Association is not advocating a ban on the private ownership of firearms. By contrast, we believe our position paper fosters responsible firearm ownership.

BACKGROUND

The American historical legacy bears witness to the fact that the widespread personal possession and ownership of firearms is an ingrained part of our national heritage. The frontier ethic and the desire to remain free of undue governmental interference have in some form or another been intertwined with the ability of our citizenry to bear arms. Many Americans believe that the strength of our democracy is ensured only by the underlying strength of an armed civilian population.

Just as the widespread possession of firearms is an American fact today, so too is the widespread tragedy that has accompanied the misuse of firearms. No longer are disputes settled by civilized means; rather, it is the gun that too often becomes the arbiter of first and lasting choice. We as a society have for far too long treated the tragic consequences that result from an armed America as but a footnote to the long, but falsely held, notion that a highly armed populous is necessary for the preservation of our freedoms.

Just a brief look at the statistics of gun violence should convince the most dispassionate observer that the misuse and ready availability of firearms are taking control of our communities. For example, in 1993 alone close to 40,000 Americans were killed by the use of firearms of which more than 5,000 were Californians. In addition, the National Center for Disease Control estimates that for each firearm death, another ten people are shot yet survive.

Furthermore, while people are needlessly being shot, the sales of firearms soar to record levels. During 1993, Californians purchased approximately 650,000 firearms, and in 1994 even more may be sold. These numbers reflect the real fear and hopelessness many citizens feel as heinous acts of violence increasingly take a toll on society. We must address this environment of fear if we are to rein in what appears to be a ceaseless appetite for more and more guns. The premise that more guns in the hands of civilian population makes for a safer environment certainly appears not to be the case.

Most of the current debate about firearms violence focuses on criminal misconduct. We believe that present statutes prohibiting the use of firearms in the commission of any crime must be enforced strongly and swiftly. To do otherwise is unconscionable. However, we cannot escape the fact that many of the firearms-related deaths and injuries occur not as a result of intentional criminal misconduct, but because of accident, mistake and misfortune. Far too often gun violence occurs between family, friends, unintended victims and children; people whose lives are forever changed because a firearm was too readily available.

After long and thoughtful deliberation, the California Police Chiefs Association has concluded that the widespread and still largely unregulated individual ownership of firearms in our society must be re-evaluated. It is abundantly clear that the communities in which we are privileged to serve are under attack by a type and extent of violence not previously experienced. The weapons of that violence increasingly are firearms; firearms in the hands of drug dealers, robbers, mental incompetents, and in many cases, otherwise law-abiding citizens who are untrained or emotionally ill-equipped to safely use a gun. As a result, the widespread and ready availability of firearms threatens to undermine the foundation of our social order.

The California Police Chiefs Association recognizes its responsibility to provide decisive and common-sense leadership necessary to help address this critically important and emotionally charged issue. The lack of regulation over, and the misuse of, firearms is one of the most daunting issues we must face if we are ever to address the tragedy that threatens the viability of our society. For far too long, the law enforcement community has stood silent permitting other voices to speak for us. As a consequence, the misuse of firearms has been focused upon solely as a crime problem rather than as a social crisis that threatens us all.

This Association states as an unequivocal goal the saving of human lives through the substantive reduction in the misuse of firearms. We recognize the reality that large numbers of firearms will be a part of our lives for many years to come. We, therefore, believe that it is incumbent upon our association to articulate and support a specific legislative agenda that will reduce the opportunity for firearms to kill and injure innocent people.

As an initial step in what will undoubtedly be a long journey to reduce firearms violence, the California Police Chiefs Association adopts the following position with respect to firearms:

1. REGISTRATION

Firearms are used in hundreds of thousands of criminal incidents every year. A significant number of those crimes are committed with firearms that were stolen or inappropriately obtained. Absent a mandatory system whereby firearms are registered with a law enforcement authority, it is very difficult to trace gun ownership and resolve many firearms-related crimes. A mandatory registration system will assist law enforcement criminal apprehension efforts and results in no significant burden upon lawful firearm owners. Accordingly, we propose that all firearms be registered with an identified law enforcement authority by no later than three years after such legislation is adopted. Every time the firearm is subsequently sold or ownership transferred would require re-registration.

2. OWNERSHIP AND POSSESSION

Ownership and/or possession of firearms and ammunition should be limited to only those individuals at the age of 18 years or older who have been licensed by the state. License standards should include a background free from any significant criminal history, mental illness or emotional instability, and successful completion of a state approved training course. The cost of processing the license application should be paid by the applicant. Persons under the age of 18 may possess a firearm if they are under the immediate supervision of a parent, guardian, or other adult licensed to possess a firearm.

3. MAGAZINE CAPACITY

The existence of high-capacity magazines only serves the purpose of enhancing the killing and injuring potential of a firearm. Recent history is replete with the horrors of persons using weapons with high-capacity magazines to kill and maim numbers of innocent victims. There is no articulable reason why such capacity exists for sporting reasons. Federal law, for example, limits the number of shotgun shells to three that may be carried in a shotgun while hunting waterfowl. Recognizing that a justifiable reason may exist for limited magazine capacity, we propose that no firearm magazine be lawfully possessed if it has a capacity of more than six bullets. Exceptions should be considered for military or law enforcement use only.

4. STORAGE

Firearms not adequately secured are easily subject to theft or misuse. In California, over 100,000 firearms are reported stolen annually. Many of these firearms are currently in circulation. Guns left lying about the home unsecured kill or injure thousands of people a year. Responsible gun ownership demands that no firearm ever be left unattended and in such condition that it can be readily used or stolen. We propose that legislation mandate

in such condition that it can be readily used or stolen. We propose that legislation mandate that all firearms not under the immediate control of a responsible adult be required to be locked, stored, and unloaded. Also, all firearms at the time of sale must be sold with a separate locking device that would render a firearm incapable of immediate use.

5. SAFETY STANDARDS

Firearms come in many sizes, shapes, and capabilities. A gun is a product not unlike a car, chain saw, or lawn mower in that it is capable of being designed and manufactured in such a manner as to render it less likely to be misused or cause unintended injury to the operator. We propose that all firearms manufactured domestically or imported be subject to consumer product safety standards that will be designed to maximize a weapon's safety. Firearms manufactured prior to adoption and implementation of consumer product safety standards may only be sold to other family members for a period of ten years after adoption of said standards if the firearm does not meet those standards. Weapons defined as antiques should be exempted.

6. CONCEALED WEAPONS

The issuance and possession of a permit to carry a concealed weapon is, and should continue to be, a privilege that is granted to few persons and under circumstances where protection with a lethal weapon is justifiably necessary. We propose that the authority to issue a concealed weapon permit stay at the local level where there is a greater likelihood that accountability for permit use and abuse will be had. We do, however, strongly believe that uniform articulative standards and qualifications for permit application and issuance should be adopted. The qualifications should require an applicant be free of any significant criminal history, mental illness, incident(s) of violent behavior, and substance abuse. The process standards should include a definition of good cause to issue a defined background procedure, a psychological and medical examination, a training requirement, and liability insurance coverage, should it be available.

7. ASSAULT WEAPONS

Military-style assault weapons serve no valid sporting purpose nor are they necessary for the protection of the home. These weapons have proven incredibly destructive in the hands of the criminal and mentally ill person. We propose that these weapons be clearly defined and identified as serving no recognized civilian purpose and, accordingly, be prohibited from ownership, possession, or sale.

8. UNLAWFUL POSSESSION

There is currently a wide array of legislative mandates governing the control of firearms in our society. As an attempt to speak to the seriousness with which we view the damage occasioned by firearms abuse, we propose legislation that would make the unlawful purchase, sale, possession, or use of a firearm, chargeable as a felony and accompanied by a lifetime prohibition of firearms possession after conviction.

9. MANDATORY DESTRUCTION

Until there are sufficient safeguards to reduce the easy availability and misuse of firearms, we propose that any firearms which come into the possession of a law enforcement agency, which are unregistered, found or unclaimed property, used in the commission of any crime, surrendered voluntarily by any citizen, purchased for use by that agency, or by any other means, shall, once they have served any evidentiary purpose, be destroyed in such a fashion as to render them permanently unusable as firearms. All other such weapons shall not be sold, traded, nor redistributed, other than for some legitimate law enforcement use where the agency maintains ownership and control, or donated to museums for historical purpose.