




MEMORANDUM

TO: Mayor and Council Members

FROM: Chief Joseph Chacon, Austin Police Department 

THROUGH: Chief Bruce Mills, Interim Assistant City Manager

DATE: May 9, 2023

SUBJECT: Gun Violence Prevention (Resolution 20220616-086)

Council Resolution No. [20220616-086](#) established City Council support to approve a resolution urging the Biden Administration, Congress, and the State of Texas to take action to reduce gun violence. This resolution also directs the City Manager to provide a status report of previous gun-violence prevention initiatives and to explore immediate actions and long-term strategies to further protect public safety and reduce gun violence.

The Austin Police Department (APD) is committed to addressing gun violence and promoting effective violence prevention strategies. APD works closely with Austin Public Health's Office of Violence Prevention to better examine the root causes of what is causing and driving violent crime across the city.

Action Item #1- Identify funding to continue the safe storage education and gun lock distribution campaign.

Currently the City of Austin provides safe storage education and gun lock distribution campaigns through two departments: APD and Austin Public Health's Office of Violence Prevention (OVP).

The existing budget for APD adequately covers the safe storage education and gun lock distribution campaign. APD District Representatives are responsible for the distribution of free gun locks and the safe storage education campaign. While there is no specific line item in the APD budget for this work, APD promotes responsible gun ownership through the following means, and expects to continue to do so in FY23:

- Safety instruction during District Representative "personal safety" education series
- Voluntary gun surrender programs
- Community panel discussions concerning gun violence and responsible gun ownership
- PSA on gun storage and safety shared on various media platforms
- Providing gun locks to community members upon request and at community events

- While there has been a reduction in gun lock distribution due to the impacts of the COVID-19 pandemic, free guns locks are still available to members of the community at all police stations.

As part of its overall prevention and education efforts, APD hosted a community-wide firearm surrender program in October 2022. This is a program APD sponsored prior to the beginning of the COVID-19 pandemic and subsequently needed to put on hiatus. The program allows for any community member to bring in a firearm they no longer want and surrender it to APD with no questions asked. The goal of the program is to provide people with a safe way to dispose of a firearm and to help keep it off of the streets. This program complements APD education efforts for safe storage of firearms by ensuring these unwanted firearms are not left unsecured in a home.

APH Office of Violence Prevention's Safe Gun Storage Saves Lives campaign will continue to educate residents about the importance of safely storing firearms and provide free gun locks through community engagement. This includes funding Lock Arms for Life, a local nonprofit, to provide community outreach, education, and gun lock distribution in Austin/Travis County through FY23. OVP has more than one thousand gun locks in stock to distribute at community engagement events in the coming year. To date, OVP and Lock Arms for Life distributed more than 2,000 gun locks through the campaign.

Action Item #2- Prepare funding to implement the gun violence prevention strategies identified, including, but not limited to, expanding the number of FTEs allocated to the Office of Violence Prevention.

The existing budget coupled with grant and one-time funding, has allowed OVP to expand staff capacity to implement the current gun violence prevention strategies identified. Additional resources, including staff, may be required once the Gun Violence Problem Analysis is completed and recommendations are developed.

Action Item #3- Explore the feasibility of collecting local data relating to the purchase of ammunition and comparing this information to a database of convicted felons or others belonging to a federally prohibited category.

Currently, there is not a system in place that would capture identifying information of individuals purchasing ammunition (there is neither a state nor federal requirement for this). The City would have to find a formal way to require every merchant selling ammunition within the city limits to keep a registry of each person purchasing ammunition. Presently, individuals purchasing ammunition are asked to present a photo ID, but this is only to confirm that they meet the minimum age requirement for the purchase. Their information is not captured or stored by the merchant at the time of sale. It should also be noted that ammunition can be purchased online for direct delivery.

If the buyer's information was captured at the time of sale, a system would need to be in place that would determine the reporting requirements (how often the registry would need to be reported, a time frame for the completion of background checks, etc.). The potential delay between capturing the data and running the background checks may be prohibitive in terms of successfully preventing crime. The amount of public safety partners that would be involved in the process and the possibility of delayed results would further complicate matters. For example, in addition to a criminal history check, it would need to be determined that the purchaser does not have an active protective order against them, they are not under felony indictment, have not been deemed mentally incompetent by a judge, are not

under indictment for violent crime or family violence and if so, what stipulations a judge might have ordered to prevent them from purchasing or owning firearms and ammunition. Though arrests would show up on a person's criminal history, further research would have to be completed in most cases to determine the result of the charge and/or what stipulations are in place as a result of a conviction. The amount of time required to conduct this research may not allow for expedient action to be taken to prevent crime following an ammunition purchase. Lastly, as with firearms, persons prohibited from purchasing firearms and ammunition would likely find other means to make these purchases to avoid detection by law enforcement.

Action Item #4- Support data sharing across the City to inform the Office of Violence Prevention in identifying and tracking the causes, impacts, and intervention of community violence as it relates to populations most impacted by gun violence.

In an effort to combat a rise in violent crime, Austin Police Department (APD) launched a Violence Intervention Program in 2021 aimed at preventing gun crime through a collaboration of APD's Organized and Violent Crimes Divisions, Travis County District Attorney's Office and state and federal partner organizations. The goal of the program was to improve the safety of the Austin community through a series of proactive measures and to target top repeat violent offenders. APD reviews and refers cases through the program to the appropriate partner agencies for prosecution and investigation. Crime analysis is conducted to continually track violent gun crime trends and apply the data to inform and direct overall efforts.

The Violence Intervention Program was evaluated after 6 months of work, and APD realized that more targeted measures were necessary. APD began to focus on its partnerships with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF Task Force) and the Federal Bureau of Investigations (FBI Safe Streets). These partnerships are crucial to a strategic approach to gun violence prevention and intervention. This new effort focuses more intently on targeting prolific offenders who are committing crimes using firearms, ensuring we can stop their violent offenses.

At the Community Gun Violence Summit in June 2022 local leaders and representatives from the National Institute for Criminal Justice Reform (NICJR) and Cities United spoke about the importance of completing a Gun Violence Problem Analysis that would inform Gun Violence Reduction Strategy Recommendations. The cost for this work is included in a contract that OVP holds with NICJR. In October 2022, APD, OVP, and NICJR developed a data sharing agreement to ensure the implementation of the analysis and recommendations, which should both be completed in 2023.

Action Item #5- Support and encourage efforts by the Offices of the City, Travis County, Travis County District Attorney, Travis County Attorney, and the Travis County Sheriff to collaborate in targeted efforts to reduce gun violence.

In June 2022, APD and the City of Austin participated in the first Community Gun Violence Summit with a multitude of community, county, and government leaders to discuss strategic ways they could work together to reduce gun violence. To best determine effective prevention and intervention strategies it is critical that partner agencies understand the problems and have the capacity to work together to analyze the data on gun violence. The second half of the summit included in-depth conversations with community members, including those directly impacted by gun violence.

As referenced above, APD, OVP and NICJR are working toward developing the Gun Violence Problem Analysis and Gun Violence Reduction Strategy Recommendations that will inform how City, County, and community organizations can partner for a safer Austin/Travis County.

Through Council Resolution No. [20220616-086](#), the City Council reinforced its support for further action by state and federal officials. The Intergovernmental Relations Office (IGRO) provided a copy of this resolution and supporting statements to the following entities: the City of Austin Congressional delegation, the Biden Administration, the Governor of Texas, and the City of Austin State Legislative delegation.

Per the resolution, the following language has been added to the State Legislative Agenda in addition to the gun violence related language already present:

- “Raise the minimum age of purchase from 18 to 21 for semi-automatic, assault style rifles;
- Allow local jurisdictions to regulate the sale or public carry of semi-automatic, assault style rifles;
- Prohibit the sale or possession of ammunition magazines capable of carrying more than 10 rounds; and
- Increase penalties for illegally allowing minors unsupervised access to firearms.”

Per the resolution, the following language has been added to the Federal Legislative Agenda in addition to the gun violence related language already present:

“The City further calls on Congress to further reduce gun violence by enacting the current Administration’s proposals to perform the following actions:

- Renew the Assault Weapons Ban, which expired in 2004, and which included a ban on the sale or possession of ammunition magazines containing more than ten rounds;
- Increase the allowed age of purchase from 18 to 21 for all semi-automatic assault style rifles;
- Increase funding for CDC to conduct comprehensive research to identify the underlying causes that lead to gun violence and mass shootings in communities;
- Support a federal extreme risk protection order (‘red flag law’) that would allow judges to temporarily restrict access to guns for individuals at an elevated risk of harming themselves or others;
- Repeal liability shields for gun manufacturers; and
- Ban the manufacture of ‘ghost guns,’ including un-serialized assembly kits that can be purchased online or at a store without a background check.

The City calls on Congress and the current Administration to take immediate steps to expand and assist the movement to end gun violence that do the following:

- Create a Federal Office of Gun Violence Prevention within the White House;
- Establish a coordinator within the Department of Justice, dedicated to the goal of ending gun violence;
- Prioritize funding for states to enforce their existing and potential extreme risk protective orders, also known as red flag laws;
- Expand funding for violence prevention programs in collaboration with local offices of violence prevention; and
- Direct the Department of Justice to clarify those ‘engaged in the business’ of dealing firearms to also include people selling guns at gun shows or online marketplaces.”

IGRO will continue monitoring legislative and executive developments or initiatives related to ending gun violence.

cc: Jesus Garza, Interim City Manager