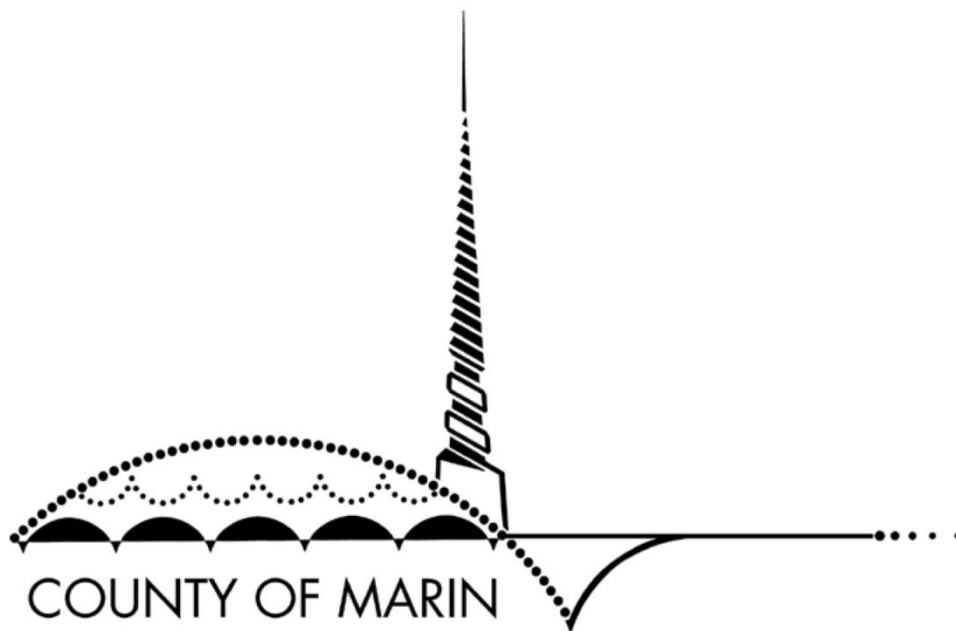


2019–2020 MARIN COUNTY CIVIL GRAND JURY

The Gun Next Door: Firearm Safety in Marin County

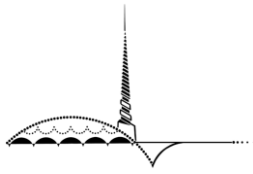
October 30, 2020



A Note about the Coronavirus Pandemic

The 2019–2020 Marin County Civil Grand Jury is issuing its reports during the unprecedented conditions of the COVID-19 pandemic. We are well aware that Marin County is in crisis and that critical public health concerns, operational difficulties, and financial challenges throughout the county have a greater claim to government attention right now than the important issues raised by this Grand Jury.

We are confident that, in due course, Marin will come through this crisis as strong as ever.



The Gun Next Door: Firearm Safety in Marin County

SUMMARY

While the number of firearms in American homes has been increasing every year for many years, a record number of gun purchases were made in the first half of 2020, with June 2020 recording the highest single month on record. Many of these purchases were made by first-time gun owners, most of whom cited self-protection as the reason for their purchase.

Studies indicate that the presence of guns in our homes poses an increased risk of suicide, not only for the gun owner, but for all others living in the home. Although the increased threat of suicide from owning a gun is not a new phenomenon, we are living in times of extraordinary stress and tension, both of which are risk factors for suicide.

Marin County is not a magic kingdom immune to trends in the rest of society. The spring and summer of 2020 brought fundamental change to the way we live our daily lives. COVID-19 shuttered our schools and left our children and grandchildren at home much of every day. Marin County shed jobs, and many of us are unemployed, at home, and worried.

Although it is impossible to know exactly how many firearms are in Marin, there are conservative estimates that there could be 100,000 weapons in our homes, offices, and cars. California surveys suggest that about 18,000 of those guns are stored unlocked and loaded, accessible to anyone in the home.

These unprecedented times amplify the importance of how we secure the guns in our midst. It is more important than ever that firearms be handled safely and stored according to law and common sense. Marin County law enforcement, educational institutions, and public health agencies have done some messaging in the gun safety arena, but more needs to be done to educate the public about responsible gun ownership.

This Grand Jury report is focused on what Marin's elected officials and public administrators can do to encourage safe storage and handling of guns. It recommends that the district attorney work with law enforcement across the county to prepare and conduct a comprehensive public awareness campaign on firearm safety, including safe handling of guns, the availability of gun violence restraining orders, and the continued use of gun buybacks.

BACKGROUND

It is difficult to obtain accurate information on the number of weapons in any county in America—and this holds true for Marin County as well. In California, the Department of Justice collects information on gun purchases per county. However, the last time these numbers were published was in 2015. At that time, the department reported that 46,300 guns had been purchased in Marin since 2001.¹ This number, however, includes only guns that were purchased

¹ Gary Klein, "In Peace Loving Marin, No Shortage of Guns," *Marin Independent Journal*, March 11, 2018, <https://www.marinij.com/2018/03/11/in-peace-loving-marin-no-shortage-of-guns>.

in Marin. It does not include guns bought before 2001 or guns acquired outside the county and brought into Marin.

The California Department of Justice did not respond to several Grand Jury requests for current information regarding the number of gun purchases in Marin. Additionally, the Grand Jury was not able to find any local law enforcement agency or any other Marin County governmental source that provides this information. The current number of firearms in Marin can therefore only be extrapolated from published statistics, academic research, and other indirect sources.

Credible estimates of the number of civilian firearms in the United States in 2018 began at 265 million and ran as high as 393 million.² The FBI reported there were more than 27 million new requests for background checks to purchase firearms in 2019 alone.³ Even the lowest estimate indicated that there was well over one firearm for every adult in the country.

According to a 2017 Pew Research Center survey of U.S. adults, “about four-in-ten adults (42%) report that there is a gun in their household, with three-in-ten saying they personally own a gun and 11% saying they don’t own a gun but someone else in their household does.”⁴ Since 2018, however, the number of requests to purchase guns has skyrocketed to record highs.⁵

Firearm ownership, however, is not distributed evenly across the nation. The per capita rate of gun ownership in California is far lower than in many other states. Even so, there were an estimated 19.9 million guns in California in 2017, before a recent surge in gun purchases.⁶

The COVID-19 pandemic set off massive increases in the sale of guns and ammunition across the country, including a surge in first-time gun purchases.⁷ There were over 17.3 million requests for background checks to purchase firearms from March through July of 2020. Nationally, more guns were bought and permits issued in both June and July 2020 than in any other months since

² Christopher Ingraham, “There are more guns than people in the United States, according to a new study of global firearm ownership,” *The Washington Post*, June 19, 2018, <https://www.washingtonpost.com/news/wonk/wp/2018/06/19/there-are-more-guns-than-people-in-the-united-states-according-to-a-new-study-of-global-firearm-ownership/>.

³ FBI Documents, “NICS Firearm Background Checks,” June 30, 2020, https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view.

⁴ Kim Parker, Juliana Menasce Horowitz, Ruth Igielnik, J. Baxter Oliphant, and Anna Brown, “The Demographics of Gun Ownership,” Pew Research Center, June 22, 2017, <https://www.pewsocialtrends.org/2017/06/22/the-demographics-of-gun-ownership/>.

⁵ Chauncey Alcorn, “Guns and Ammunition Sales Soar as Defund-the-Police Movement Grows,” CNN Business, June 24, 2020, <https://www.cnn.com/2020/06/24/business/gun-sales-spike/index.html>.

⁶ Andrew Sheeler, “Gun control isn’t stopping Californians from owning firearms, new study says,” *The Sacramento Bee*, December 6, 2019, <https://www.sacbee.com/news/california/article238113499.html>.

⁷ N. Kravitz-Wirtz., R. Pallin., M. Miller., et al, “Firearm Ownership and Acquisition in California: Findings from the 2018 California Safety and Well-being Survey,” *Injury Prevention*, December 5, 2019, <https://injuryprevention.bmj.com/content/early/2019/10/25/injuryprev-2019-043372.citation-tools>; Taryn Hoffman, “Background Checks on Buyers Can’t Keep Up With Surge in Gun Sales,” *Who.What.Why.*, June 11, 2020, <https://whowhatwhy.org/2020/06/11/background-checks-on-buyers-cant-keep-up-with-surge-in-gun-sales/>; Jason Fagone, Matthias Gafni, Taiana Sanchez, and Nanette Asimov, “Gun Sales Surge amid Coronavirus Fears,” *San Francisco Chronicle*, March 17, 2020, <https://www.sfchronicle.com/bayarea/article/Gun-sales-surge-amid-coronavirus-fears-and-15138650.php>.

records have been kept, with almost four million background checks conducted in June 2020 alone.⁸

Marin County has approximately 259,000 people in 105,000 households.⁹ Gun ownership is not spread evenly among Marin residents. Some owners may have only one firearm, and some may have many. Therefore, the most useful measure of the distribution of firearms in a community is the number of households with a firearm. As noted above, surveys indicate that in 2017, 42 percent of U.S. households reported having a gun in the home. If gun ownership in Marin County is in line with the national average, there could be 44,000 armed households in Marin. Even if Marin has just *half* the guns as the rest of the country, there could be over 22,000 homes in Marin with at least one firearm.

APPROACH

The Grand Jury conducted independent research into the legal and public policy issues addressed in this report. The jury interviewed county, city, town, school, and law enforcement officials, as well as experts in gun violence and gun safety.

DISCUSSION

The COVID-19 pandemic has led to a national surge in the purchase of firearms. According to the National Shooting Sports Foundation, a firearms industry trade association, the surge is being fueled by first-time buyers who are purchasing weapons for “personal protection.” The foundation reports that retailers estimated that 40 percent of these purchases were by first-time buyers—compared with an annual average of 24 percent before the pandemic.¹⁰ More guns in American homes, especially homes with buyers who have not previously owned a firearm, means a greater risk of suicide.¹¹

Marin County is not immune to the forces at play in the nation and the Bay Area.¹² COVID-19 has led to increased unemployment in Marin—the highest in recent history.¹³ The virus has shuttered our schools and led to children and teens spending more time than ever at home. Travel and socializing restrictions have affected everyone in Marin, not just children and teens. It is therefore essential that everything possible be done to ensure that Marin County remains safe. It is more important than ever to educate the citizens of Marin about the safe handling and storage of firearms.

⁸ FBI Documents, “NICS Firearm Background Checks,” accessed August 12, 2020, https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view.

⁹ World Population Review, “Marin County, California Population 2020,” accessed August 15, 2020, <https://worldpopulationreview.com/us-counties/ca/marin-county-population/>.

¹⁰ Jim Curcuruto, “Millions of First Time Gun Buyers during COVID-19,” NSSF, June 1, 2020, <https://www.nssf.org/millions-of-first-time-gun-buyers-during-covid-19/>.

¹¹ Benedict Carey, “First Time Gun Owners at Risk for Suicide, Major Study Confirms,” *The New York Times*, June 3, 2020, <https://www.nytimes.com/2020/06/03/health/suicide-guns-firearms.html>.

¹² Fagone, Gafni, Sanchez, and Asimov, “Gun Sales Surge Amid Coronavirus Fears,” <https://www.sfchronicle.com/bayarea/article/Gun-sales-surge-amid-coronavirus-fears-and-15138650.php>.

¹³ Federal Reserve Economic Data, “Unemployment Rate in Marin County,” June 2020, <https://fred.stlouisfed.org/series/CAMARI5URN>.

Marin County’s elected officials have done some messaging in the past regarding gun safety. The county superintendent of schools, the sheriff, and the district attorney joined together to encourage gun safety in the homes of school children. Their gun safety message included a request that parents ask other parents whether any unlocked guns are present in the home before sending a child on a playdate.¹⁴

In 2019, the district attorney sponsored a training on the use of gun violence restraining orders, a relatively new type of civil restraining order designed to ensure that people who are a risk to themselves or others are not armed.¹⁵ The previous district attorney organized gun buyback programs in cooperation with law enforcement in 2013 and 2016.¹⁶ In 2019, the Tiburon town manager sent an email to residents reminding them of the need to handle weapons safely. The Central Marin Police Authority partnered with the National Shooting Sports Foundation to offer free gun locks at its stations.¹⁷ These are all models of good leadership. Yet more can be done—more needs to be done to protect our communities from the “gun next door.”

Storage and Handling of Firearms

Almost 18 percent of gun owners in California store their guns loaded and unlocked.

California is one of several states with strong laws prohibiting “criminal storage” of firearms. The state imposes criminal liability on adults whose firearms are stored negligently where a child or a person prohibited from possessing a firearm can gain access.¹⁸

A University of California, Davis, survey reveals that these gun safety laws are responsible for Californians being more likely than the rest of the country to store their guns safely. Yet, more than 65 percent of California gun owners do not store their guns in the safest manner, both locked and unloaded. Almost 18 percent of gun owners in the state store their guns in the most unsafe way possible, unlocked and loaded.¹⁹

Unsecured weapons are a major concern. The Centers for Disease Control and Prevention reports that guns are the second highest cause of death for children and teens in America, following only

¹⁴ Lori Frugoli, Robert Doyle, and Mary Jane Burke, letter to parents/guardians of Marin County students, Marin County Office of Education, February 2019, <https://www.marinschools.org/cms/lib/CA01001323/Centricity/Domain/1249/Feb%202019%20Gun%20Safety-English.pdf>.

¹⁵ Marin County News Release, “DA Offers Gun Violence Restraining Order Training,” July 8, 2019, <https://www.marincounty.org/main/county-press-releases/press-releases/2019/da-gunviolencetraining-070819>.

¹⁶ Stephanie Weldy, “Marin Gun Buyback Purchases \$80,000 in Firearms,” *Marin Independent Journal*, September 13, 2016, <https://www.marinij.com/2016/09/13/marin-gun-buyback-purchases-80000-in-firearms/>.

¹⁷ Central Marin Police Authority, “Project Childsafe—Gun Locks,” accessed August 14, 2020, <http://centralmarinpolice.org/145/Project-Childsafe---Gun-Locks>.

¹⁸ California Penal Code §§ 25100-25140, accessed August 14, 2020, https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=25100.

¹⁹ Kravitz-Wirtz, Pallin, and Miller, “Firearm Ownership and Acquisition in California,” <https://injuryprevention.bmj.com/content/early/2019/10/25/injuryprev-2019-043372>.

automobile accidents.²⁰ Furthermore, a study of the last three decades of American mass school shootings revealed that 75 percent of guns used in school shootings by minors came from the home of a parent or relative. According to the U.S. Secret Service, in half of the cases the firearm was either readily accessible or was not secured in a meaningful way.²¹

Securing Firearms

“Own it? Respect it. Secure it.”

Gun locks and gun safes are effective ways of storing guns and reducing gun-related tragedies.²² For more than a decade, California has required that any sale of a firearm, whether by dealer or private sale, be accompanied by a gun lock if a gun safe is not available.²³ However, many guns have been handed down through families or purchased from individuals, and a gun lock may not have been provided.

The Central Marin Police Authority partnered with the National Shooting Sports Foundation to offer 1,100 firearm safety kits to residents of Corte Madera, Larkspur, and San Anselmo. The kits are available free of charge and include a safety curriculum and a cable-style gun lock. The police website states, “We encourage residents to pick up a Project Childsafe kit so that they can securely store their firearm.”²⁴ The Project Childsafe organization emphasizes safe handling with its motto, “Own it? Respect it. Secure it.”²⁵



Cable gun lock on left and trigger gun lock on right. (Photo courtesy of U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Enforcement, Programs and Services)

²⁰ Rebecca M. Cunningham, M.D., Maureen A. Walton, M.P.H., Ph.D., and Patrick M. Carter, M.D., “The Major Causes of Death in Children and Adolescents in the United States,” *The New England Journal of Medicine*, December 20, 2018, <https://www.nejm.org/doi/full/10.1056/NEJMSr1804754>.

²¹ National Threat Assessment Center, *Protecting America’s Schools: A U.S. Secret Service Analysis of Targeted School Violence*, U.S. Secret Service, Department of Homeland Security, November 2019, <https://www.secretservice.gov/data/protection/ntac/ussr-analysis-of-targeted-school-violence.pdf>.

²² Michael Monuteaux, Deborah Azrael, and Matthew Miller, “Association of Increased Safe Household Firearm Storage with Firearm Suicide and Unintentional Death among US Youths,” *JAMA Pediatrics*, May 13, 2019, <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2733158>.

²³ California Penal Code § 23635, accessed August 14, 2020, http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=23635.

²⁴ Central Marin Police Authority, “Project Childsafe—Gun Locks,” accessed August 15, 2020, <http://centralmarinpolice.org/145/Project-Childsafe---Gun-Locks>.

²⁵ Project Childsafe, “Parents & Gun Owners,” 2018, <https://projectchildsafe.org/parents-and-gun-owners>.

Because of the potential for the mishandling of firearms, it is important that all local law enforcement agencies reach out to Marin gun owners to remind them of the legal requirements and safety considerations surrounding safe storage and handling of firearms. These agencies should also develop procedures for residents to drop off unwanted guns at their police stations and inform residents of these procedures. Law enforcement should also provide free gun locks and encourage residents to pick up a lock if they do not have one.

Stolen Guns

A firearm is stolen every 2 minutes in the United States.

Law enforcement officials, both in Marin and nationally, report that guns are a prime target in home and automobile burglaries. One study concluded, “The number of stolen guns in the United States is staggering. Whether taken from gun stores or from individual gun owners, a firearm is stolen every 2 minutes. These stolen guns are often diverted directly into illegal trafficking networks and end up being used in the commission of violent crimes.”²⁶ A study by the United States Department of Justice in 2016 estimated that more than 50 percent of guns used in crimes were either stolen or obtained through an illegal trafficking network.²⁷ In California, more than 132,000 guns were reported stolen from individual owners from 2012 through 2015.²⁸

The California Department of Justice maintains a database of crimes and clearances by county. These incidents are reported to the state Department of Justice, but not published anywhere locally. The Grand Jury’s analysis of this data determined that there were 265 armed robberies and 180 armed assaults reported in Marin in the ten years ending in 2019.²⁹ The Jury could find no Marin-specific statistics on stolen guns used in such crimes.

To help prevent guns from ending up in the hands of criminals, local law enforcement should remind gun owners that their firearms must be secured with a firearm locking device in a locked location, like a safe or lock box.³⁰ The best way to keep guns out of the hands of criminals is to lock them in a bolted-down safe.³¹ Gun owners should also be reminded to never leave a gun in plain sight in an automobile or leave it there overnight. A gun in a car should be locked in a safe

²⁶ Chelsea Parsons and Eugenio Weigend Vargas, “Stolen Guns in America,” Center for American Progress, July 25, 2017, <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>.

²⁷ Mariel Alper, Ph.D., and Lauren Glaze, “Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016,” U.S. Department of Justice, Bureau of Justice Statistics, Special Report, January 2019, p. 1, <https://www.bjs.gov/content/pub/pdf/suficspi16.pdf>.

²⁸ Parsons and Weigend, “Stolen Guns in America,” <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>.

²⁹ California Department of Justice, “Crimes and Clearances,” OpenJustice database, accessed August 12, 2020, <https://openjustice.doj.ca.gov/exploration/crime-statistics/crimes-clearances>.

³⁰ Everytown for Gun Safety Support Fund, “Unload, Lock, and Separate: Secure Storage Practices to Reduce Gun Violence,” September 3, 2019, <https://everytownresearch.org/secure-storage/>.

³¹ Gun News Daily, “Gun Safes: Here Are the Very Best You Can Get,” *The National Interest*, December 24, 2019, <https://nationalinterest.org/blog/gun-safes-here-are-very-best-you-can-get-108051>.

that is secured to the vehicle either permanently or with a cable lock with a high-quality padlock.³² These locking devices will deter all but the most dedicated thieves.

Suicide by Gun

“Whether a suicide attempt is fatal depends heavily on the lethality of the method used, and firearms are extremely lethal.”

There were 83 suicides by gun in Marin between 2013 and 2019.³³ Any gun in the household increases the risk of suicide.³⁴ About six in ten gun deaths in the United States each year are suicides.³⁵ According to the results of a recent study published in the *New England Journal of Medicine*, gun owners in California were nearly four times as likely to die by suicide than people without guns, even when controlling for gender, age, race, and neighborhood. The journal reported, “Suicide attempts are often impulsive acts, driven by transient life crises. Most attempts are not fatal, and most people who attempt suicide do not go on to die in a future suicide. Whether a suicide attempt is fatal depends heavily on the lethality of the method used, and firearms are extremely lethal.”³⁶

According to research presented in the *Annals of Internal Medicine*, the elevated risk of suicide applies to everyone in the household, not just the owner of the gun.³⁷ The Children’s Hospital of Philadelphia Research Institute notes that “more than 80 percent of guns used by youth in suicide attempts were kept in the home of the victim, a relative, or a friend.”³⁸

The Marin County Health and Human Services Department recently published its *Suicide Prevention Strategic Plan*. That plan cites the Harvard T.H. Chan School of Public Health’s *Means Matter* campaign which emphasizes the direct connection between the ready availability of firearms and suicide. The campaign notes six key points of understanding:

- **Many suicide attempts occur with little planning during a short-term crisis.** While some suicides are the result of deliberate planning, many people who attempt or die by

³² Spencer Blue, “Gun Theft Happens: How to Reduce Your Risk,” *Lucky Gunner*, February 1, 2018, <https://www.luckygunner.com/lounge/how-to-prevent-gun-theft/>.

³³ Marin County Sheriff’s Office, “Coroner Division Annual Report,” 2019, <https://www.marinsheriff.org/assets/downloads/2019-Coroner-Division-Annual-Report.pdf>.

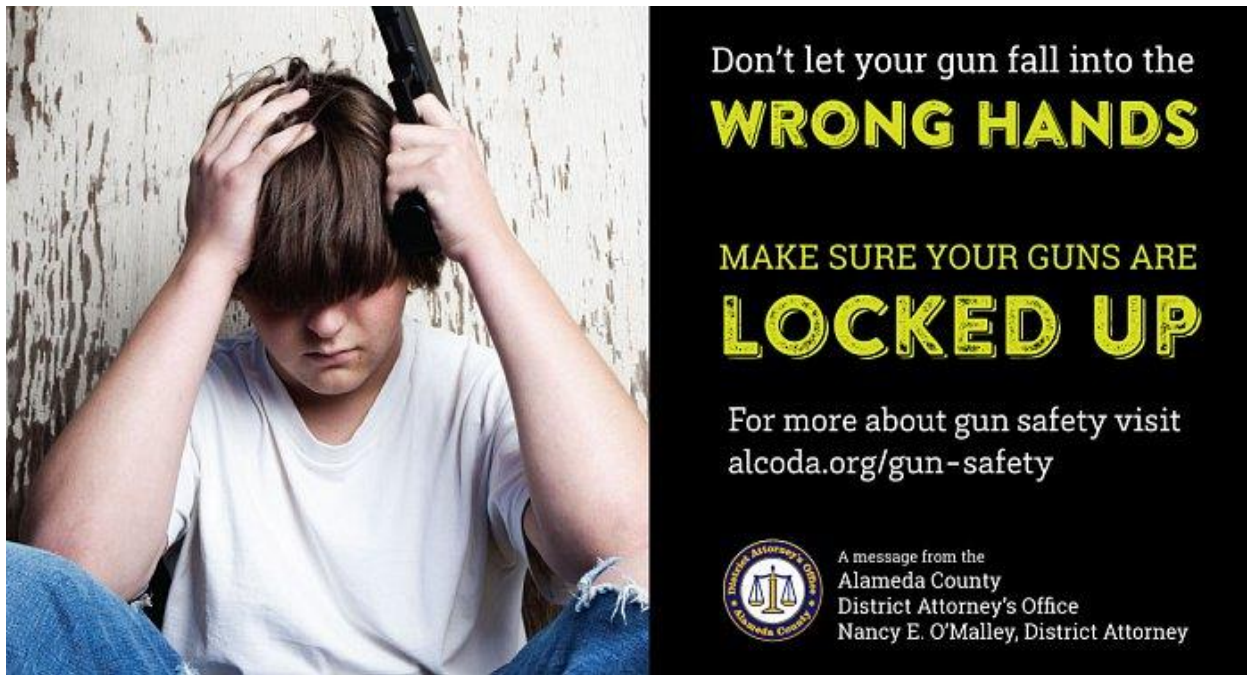
³⁴ Andrew Anglemeyer, Tara Horvath, and George Rutherford, “The Accessibility of Firearms and Risk for Suicide and Homicide Victimization among Household Members,” *Annals of Internal Medicine*, January 21, 2014, <https://annals.org/aim/fullarticle/1814426/accessibility-firearms-risk-suicide-homicide-victimization-among-household-members-systematic>.

³⁵ Terry L. Schell, Matthew Cefalu, Beth Ann Griffin, Rosanna Smart, Andrew R. Morral, “Changes in Firearm Mortality Following the Implementation of State Laws Regulating Firearm Access and Use,” *Proceedings of the National Academy of Science*, June 15, 2020, <https://www.pnas.org/content/117/26/14906>.

³⁶ David Studdert, Yifan Zhang, et al., “Handgun Ownership and Suicide in California,” *The New England Journal of Medicine*, June 4, 2020, <https://www.nejm.org/doi/full/10.1056/NEJMs1916744>.

³⁷ Anglemeyer, Horvath, and Rutherford, “The Accessibility of Firearms and Risk for Suicide and Homicide Victimization among Household Members,” <https://annals.org/aim/fullarticle/1814426/accessibility-firearms-risk-suicide-homicide-victimization-among-household-members-systematic>.

³⁸ Children’s Hospital of Philadelphia Research Institute, “Gun Violence: Facts and Statistics,” May 2018, <https://injury.research.chop.edu/violence-prevention-initiative/types-violence-involving-youth/gun-violence/gun-violence-facts-and#.Xnwi7pNKhQJ>.



Poster used in Alameda County's gun safety public service campaign.

- suicide decide to do so in an hour or less of consideration. Reducing access to common lethal means can deter some individuals from impulsive suicidal self-directed violence.
- **Intent alone does not determine whether or not an attempt will be lethal; means also matter.** Reducing easy access to highly lethal methods of suicide can save lives, especially among individuals with a high intent to die by suicide during brief episodes.
 - **90% of people who make a suicide attempt will not go on to die by suicide in their lifetime.** The high rate of long-term survival among survivors of a suicide attempt support the understanding that many suicidal crises are short-lived, even if there are underlying, longer-term factors behind shorter-term crises.
 - **Access to firearms is a risk factor for suicide.** Scientifically validated studies have unilaterally demonstrated that access to firearms is associated with increased suicide risk in the United States.
 - **Firearms used in youth suicide usually belong to a parent.** Failure to engage in safe storage practices for firearms in the household can have devastating repercussions for families.
 - **Reducing access to lethal means saves lives.** Research demonstrates the effectiveness of efforts in lethal means reduction, in the United States and internationally. Combined with practices that reduce the likelihood that individuals experience mental health crises, lethal means reduction is critical to preventing suicide.³⁹

³⁹ Roberta Chambers, David Klauber, Ryan Fukumori, *Marin County Suicide Prevention Strategic Plan*, Behavioral Health and Recovery Services, January 2020, pp. 93–94, https://www.marinhhs.org/sites/default/files/files/servicepages/2020_01/marin_county_suicide_prevention_strategic_plan-final-jan_2020.pdf.

What Can Be Done?

Public Awareness Campaigns

“If you have a firearm at home, please take a moment to ask yourself if it is being stored properly. Hiding a firearm in a closet or drawer is not safe storage.”

Public awareness campaigns involve efforts to build broad public recognition of a problem through media, messaging, and an organized set of communication tactics. A gun safety campaign in Marin may reduce the risks from the unsafe storage and handling of guns.

In recent years, violence prevention associations, public health advocacy groups, law enforcement agencies, and gun rights organizations across the country have attempted to curb gun violence and encourage safe storage and handling of guns through public awareness campaigns.⁴⁰

While there is no direct evidence that public education campaigns successfully promote safe firearm storage, there is evidence that both short-term and long-term behavioral changes have occurred following similar public health campaigns.⁴¹ The National Cancer Institute, for example, has determined that its messaging contributed to a substantial decline in smoking since the 1960s.⁴² Analyses of media campaigns designed to affect several behavioral changes—including those relating to condom use, binge drinking, alcohol sales to minors, mammography screening, dental visits, bike helmets, and the use of seat belts—reveal some success.⁴³

Some government agencies and public interest groups in Marin have participated in formal efforts to stress the importance of safe and proper firearm storage. The county superintendent of schools, together with the district attorney and sheriff, has undertaken efforts to educate parents and guardians about the safe storage of firearms. In February 2020, the Office of Education provided letters to school districts for distribution to parents and guardians, informing them that California law requires safe storage of firearms.⁴⁴ In these materials, parents and guardians were

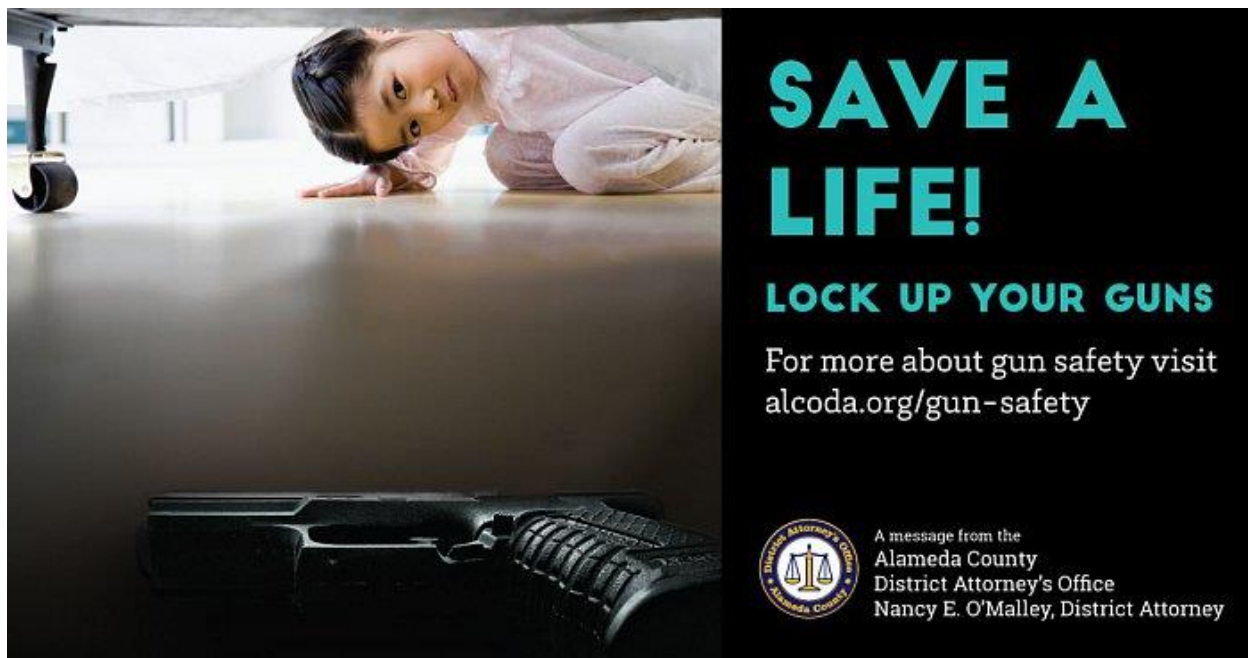
⁴⁰ National Crime Prevention, “Share the Campaign,” accessed August 27, 2020, <https://www.safefirearmsstorage.org/share-the-campaign/campaign-background/>; Office of the Alameda County District Attorney, “DA O’Malley Announces Public Awareness Campaign Promoting Gun Safety,” Oct. 25, 2017, https://www.alcoda.org/newsroom/2017/oct/gun_safety_awareness_campaign; Texas Dept. of Public Safety, “Statewide Safe Public Storage Campaign,” June 24, 2020, <https://www.dps.texas.gov/ETR/SGSC/index.htm>; Brady, “Brady Campaign to Prevent Gun Violence,” accessed August 27, 2020, <https://www.bradyunited.org/search?q=brady+campaign+to+prevent+gun+violence>; National Shooting Sports Foundation, “Project ChildSafe,” accessed August 27, 2020, <http://www.projectchildsafefoundation.org/>.

⁴¹ The Rand Corp., “Education Campaigns and Clinical Interventions for Promoting Safe Storage,” Mar. 12, 2018, <https://www.rand.org/research/gun-policy/analysis/essays/safe-storage.html>.

⁴² U.S. Department of Health and Human Services, *The Role of the Media in Promoting and Reducing Tobacco Use*, pp. 20-21, accessed August 14, 2020, https://cancercontrol.cancer.gov/brp/tcrb/monographs/19/m19_complete.pdf.

⁴³ L. B. Snyder and M. A. Hamilton, “A Meta-Analysis of U.S. Health Campaign Effects on Behavior: Emphasize Enforcement, Exposure, and New Information, and Beware the Secular Trend,” *National Institute for Health Research*, August 31, 2004, <https://www.crd.york.ac.uk/CRDWeb/ShowRecord.asp?ID=12002006127&ID=12002006127>.

⁴⁴ Frugoli, Doyle, and Burke, letter to parents/guardians of Marin County students.



Poster used in Alameda County's gun safety public service campaign

advised to ask about the presence of unsecured guns in the homes of neighbors when planning playdates. However, approximately 70 percent of households in Marin do not have children.⁴⁵ The safe storage and handling message needs to reach all homes in Marin County—not just those with children.

For instance, the Tiburon town manager sent an email to town residents urging gun safety: “If you have a firearm at home, please take a moment to ask yourself if it is being stored properly. Hiding a firearm in a closet or drawer is not safe storage.”⁴⁶ In that email, Tiburon’s police chief also offered to accept any firearms the town’s residents wanted removed from their homes. Other towns and cities in Marin should consider sending a similar message.

Furthermore, the Grand Jury believes that Marin County should develop a formal countywide public awareness campaign on gun safety. Such a campaign is more important now than ever given the recent national surge in gun purchases. In 2017, the Alameda County District Attorney, in partnership with Clear Channel Outdoor, conducted a public awareness campaign focused on gun violence and the safe storage of firearms. The message “Save a Life! Lock Up Your Guns” was posted on billboards and bus shelters throughout the county. This campaign aimed to inform all gun owners in the county of their legal responsibility to ensure that no child could access a firearm. The district attorney stated, “If there are children living in or visiting your home, your gun must be secured and locked in a place that no child can access. This is the law in our state. When gun owners follow this law, lives are saved and tragedies are prevented.”⁴⁷

⁴⁵ Kidsdata.org, “Households with and without Children,” 2017, <https://www.kidsdata.org/topic/40/households-with-children250/table#fmt=462&loc=217&tf=95&ch=89,90&sortColumnId=0&sortType=asc>.

⁴⁶ Greg Chanis, “Free Gun Locks and Firearm Disposal,” email sent to Tiburon residents, October 2019.

⁴⁷ Office of the Alameda County District Attorney, “DA O’Malley Announces Public Awareness Campaign Promoting Gun Safety,” press release, October 25, 2017. https://www.alcoda.org/newsroom/2017/oct/gun_safety_awareness_campaign.

The Alameda County District Attorney's office created the posters used in the campaign, and Clear Channel Outdoor donated its services and advertising space. Alameda County's expenses included only the price of copying the posters used in the campaign. The Alameda District Attorney's office has indicated it would make its materials available free of charge to Marin County for use in a similar campaign.

There have been earlier public awareness campaigns on topics of importance to Marin, such as human trafficking and bullying.⁴⁸ The Grand Jury believes that Marin's district attorney, as the chief law enforcement officer in the county, is in an ideal position to lead a campaign on gun safety in Marin County.

The campaign should include traditional approaches to a public awareness campaign such as signage, print media, radio, television, and community presentations. However, in order to ensure the campaign reaches as many Marin County residents as possible, the information in the campaign should be included on public bulletin boards and social media platforms, including Nextdoor, Twitter, Facebook, and Instagram, and prominently displayed on the websites of all law enforcement agencies in the county. This effort should be an ongoing program and not just a one-time effort.

Gun Buyback Programs

A gun removed from a home during a buyback is no longer available to a child or mentally unstable person living in that home.

Gun buyback programs are not new. They have taken place in many communities across California, including Marin County. These programs have successfully removed thousands of guns, but are criticized by some who contend that criminals are unlikely to turn in their guns. Nevertheless, any gun turned in and destroyed is a gun that will never be used to harm anyone.

Studies have shown that guns stored in homes are often the target of thieves.⁴⁹ Guns collected during buyback programs are no longer available for theft. More important, a gun removed from a home during a buyback is no longer available to a child or mentally unstable person living in that home, or to any person who might be contemplating suicide. In fact, Marin County's new *Suicide Prevention Strategic Plan* specifically recommends that a suicide prevention group be formed to collaborate with a number of stakeholders, including the district attorney's office, to

⁴⁸ Marin County DA, "Join Us and Hundreds of Individuals in the Fight to End Human Trafficking!" January 23, 2020, <https://www.marincountyda.org/news/press/join-us-and-hundreds-of-individuals-in-the-fight-to-end-human-trafficking-take-a-pledge>; Marin County DA, "DA's Office Strengthens Stand Against Bullying," February 1, 2018, <https://www.marincounty.org/main/county-press-releases/press-releases/2018/da-niot-020118>.

⁴⁹ Chelsea Parsons and Eugenio Weigend Vargas, "Stolen Guns in America," Center for American Progress, July 25, 2017, <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>.



Marin police officers examining guns during a gun buyback program.
(Photo courtesy of City of Mill Valley)

conduct gun buyback events.⁵⁰ Advocates of gun buyback programs say these programs may also raise awareness regarding the issue of gun safety and gun violence.⁵¹ Gun buyback programs can contribute to a safer Marin by spreading the message that gun safety is an important issue.

Marin County has conducted two gun buyback programs within the last ten years. The 2013 gun buyback program in Marin was financed with a \$10,000 donation from the Marin Community Foundation and about \$5,000 from private donors.⁵² The Grand Jury supports the idea that gun buyback events, financed with community foundation and private donations, as well as with other available grants, may play a role in a larger strategy to reduce the threat of gun deaths and injuries in Marin.

⁵⁰ Chambers, Klauber, Fukumori, *Marin County Suicide Prevention Strategic Plan*, pp. 93, 95, https://www.marinhhs.org/sites/default/files/files/servicepages/2020_01/marin_county_suicide_prevention_strategic_plan-final-jan_2020.pdf.

⁵¹ American Trauma Society, "National Trauma Awareness Month 2019 Resources," accessed August 27, 2020, <https://www.amtrauma.org/page/NTAM2019Resources>.

⁵² Nels Johnson, "\$15,000 Collected as Marin Embraces Gun Buyback Plan," *Marin Independent Journal*, July 19, 2012, <https://www.marinij.com/2012/12/29/15000-collected-as-marin-embraces-gun-buyback-plan/?clearUserState=true>.

Gun Violence Restraining Orders

“America’s recent experiences with mass shootings have demonstrated the urgent need for gun violence protective orders. In many of these incidents, community members noted warning signs beforehand, but there was nothing they could do to remove the shooter’s access to guns before the tragedy.”

A gun violence restraining order (GVRO) is a civil court order created in California by legislation effective January 1, 2016.⁵³ This legislation, sometimes referred to as a “red flag” law, allows a court to order a person to surrender all guns and ammunition if there is reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to self or others, even if a crime has not yet been committed. For example, in 2014, a college student in Santa Barbara killed 6 people and injured 14. Despite his parents’ earlier pleas for help, law enforcement had no legal means to remove this young man’s weapons at that time.⁵⁴

At its April 2020 meeting, the American Bar Association considered and passed a resolution that stated in part: “America’s recent experiences with mass shootings have demonstrated the urgent need for gun violence protective orders. In many of these incidents, community members noted warning signs beforehand, but there was nothing they could do to remove the shooter’s access to guns before the tragedy.”⁵⁵

A GVRO may be requested from the court by a law enforcement officer; a member of the person’s immediate family or household; the person’s employer, coworkers, or employees; or the person’s secondary and post-secondary teachers.⁵⁶ The court may issue an initial 21-day order without the person or a representative in attendance. After notice and a second hearing, the order may be extended for up to five years.

The Grand Jury believes that GVROs can fill an important gap in the legal framework by providing a mechanism for a court to order the surrender of guns before a crime has been committed, thereby preventing injury or death. The Grand Jury further believes it is important that Marin residents become aware of the availability and the procedure for obtaining a GVRO, and that this information should be included in any public awareness campaign regarding gun safety.

⁵³ California AB-1014, Gun Violence Restraining Orders, September 30, 2014,

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1014.

⁵⁴ Amanda Covarrubias, Kate Mather, and Matt Stevens, “The Isla Vista Shooting Suspect Targeted Sororities, Neighbors, Strangers,” *Los Angeles Times*, May 24, 2014, <https://www.latimes.com/local/lanow/la-me-ln-isla-vista-shooting-witnesses-describe-gunman-20140524-story.html>.

⁵⁵ David W. Clark, Chair, Standing Committee on Gun Violence, American Bar Association, Resolution 17A118B, August 2017, https://www.americanbar.org/groups/public_interest/gun_violence/policy/17a118b/.

⁵⁶ California AB-61, Gun Violence Restraining Orders, October 14, 2019, https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201920200AB61.

FINDINGS

- F1. A comprehensive public awareness campaign that reaches all Marin residents would be effective in reducing the risk from unsafely handled and stored guns.
- F2. Marin residents should be reminded that firearms stored unsafely increase the potential for accidental injury or death.
- F3. Firearms that are not stored in a gun safe pose an unacceptable risk of being stolen or used in crime.
- F4. Marin residents should be reminded that a gun in a home increases the risk of suicide for all members of the household.
- F5. Gun buyback programs reduce the availability of lethal weapons to suicidal individuals, the risk of accidental injury or death, and the possibility that a gun will be stolen.
- F6. Gun violence restraining orders can play an important role in keeping guns away from those who should not have them.

RECOMMENDATIONS

- R1. The Marin County district attorney should begin work, within six months from the date of this report, on a comprehensive, multimedia (including social media) public awareness campaign that includes information regarding the safe handling and storage of firearms, and the availability of gun violence restraining orders.
- R2. Each town, city, police authority, as well as the sheriff, should, at least annually, beginning in fiscal year 2020–21, send reminders to its residents regarding the need for safe handling and storage of firearms, and this reminder should be posted on official websites and social media platforms.
- R3. Each town, city, police authority, as well as the sheriff should, within six months of the date of this report, offer free gun locks and publicize a procedure for residents to turn in unwanted weapons. This message should also be posted on official websites and social media platforms.
- R4. The Marin County district attorney should work with other law enforcement agencies to continue to offer gun buyback programs, funded by public donations or grants.

REQUEST FOR RESPONSES

According to the California Penal Code, agencies required to respond to Grand Jury reports generally have no more than 90 days to issue a response. It is not within the Grand Jury's power to waive or extend these deadlines, and to the Grand Jury's knowledge, the Judicial Council of California has not done so. But we recognize that the deadlines may be burdensome given current conditions caused by the COVID-19 pandemic.

Whether the deadlines are extended or not, it is our expectation that Marin's public agencies will eventually be able to return to normal operations and will respond to this report. In the meantime,

however, public health and safety issues are of paramount importance and other matters might need to wait.

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as shown below. Where a recommendation is addressed to multiple respondents, each respondent should respond solely on its own behalf without regard to how other respondents may respond.

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the following governing bodies:

- City of Belvedere (F1–F6, R2–R4)
- City of Larkspur (F1–F6, R2, R3)
- City of Mill Valley (F1–F6, R2–R4)
- City of Novato (F1–F6, R2–R4)
- City of San Rafael (F1–F6, R2–R4)
- City of Sausalito (F1–F6, R2–R4)
- Town of Corte Madera (F1–F6, R2, R3)
- Town of Fairfax (F1–F6, R2–R4)
- Town of Ross (F1–F6, R2–R4)
- Town of San Anselmo (F1–F6, R2, R3)
- Town of Tiburon (F1–F6, R2–R4)
- Central Marin Police Authority Police Council (F1–F6, R2–R4)
- Marin County Sheriff (F1–F6, R2–R4)
- Marin County District Attorney (F1–F6, R1–R4)

Note: At the time this report was prepared information was available at the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.