



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: June 11, 2021

TO: Councilmember Marni von Wilpert, District 5

FROM: David Nisleit, Chief of Police, San Diego Police Department

SUBJECT: Response to Request for Report on the Proliferation of Personally Manufactured Firearms "Ghost Guns" in San Diego

A ghost gun is a term for a homemade, personally manufactured, firearm that lacks commercial serial numbers and can easily become untraceable due to the lack of identifying markings. Handguns and semi-automatic ArmaLite (AR) style rifles are commonly assembled from kits that can be purchased from various manufacturers or secondary retailers including internet websites. They contain the components of a nearly complete firearm and can be assembled at home, in minutes, into a fully functional weapon. There are numerous websites and videos online that show how to complete the assembly process with minimal effort.

Federal law generally governs all firearms, but does not specifically regulate or prohibit ghost guns because they do not meet the federal definition of a firearm. However, California law does require a person to pass a formal background check before manufacturing or assembling a firearm (including ghost guns). Furthermore, they must 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 29180).

California has additional gun control laws that are being bypassed. 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).

The vast majority of ghost guns recovered by the San Diego Police Department (SDPD) are seized from people who cannot pass state or federal background checks because of a criminal conviction involving a felony or violent misdemeanor, and from persons prohibited from possessing firearms due to mental illness. This includes domestic violence offenses that prohibit persons from owning a firearm and for the sake of public safety. The consensus among investigators in the Department's Special Operations Unit (SOU), which focuses on investigating violent crimes, is that 90% of the ghost guns recovered by SDPD are

manufactured/assembled by a small group of people that sell these firearms through various social media platforms. The ghost guns are then used in shootings throughout our City.

The San Diego Police Department has executed several search warrants during the last year related to the manufacture and sale of these personally manufactured firearms. One such search warrant was executed in September 2020. San Diego Police detectives, in collaboration with ATF and DEA, obtained information that a suspect, and his brother, were manufacturing and selling handguns and (AR) style rifles. Over the course of the investigation, undercover agents purchased eight firearms without a background check or lawful transfer being made. The Department has reason to believe these brothers sold dozens, if not hundreds, of firearms before the execution of the search warrant. The following are a few examples where ghost guns were used:

On May 15, 2021, Mid City patrol officers responded to a report of a male shot at 4100 Dwight Avenue. Officers found the victim had sustained a non-life threatening gunshot wound to his arm and torso. Officers recovered a loaded 9mm ghost gun in a yard at 3400 Marlborough Avenue related to the shooting. The suspect was arrested when he tried to drive away from the scene. The suspect was linked to the recovered ghost gun and is prohibited from possessing a firearm due to his criminal history.

On April 22, 2021, the San Diego Police Communications Center received numerous calls reporting that a shooting had occurred at 500 J Street in the Gaslamp District. Officers from Central Division arrived at 500 J Street and found a male down on the sidewalk with at least one apparent gunshot wound to his upper body. Officers began providing medical aid, but the male was pronounced deceased at the scene.

Homicide detectives learned the victim was standing on the sidewalk at 500 J Street when he was confronted by the suspect. Without provocation, the suspect shot the victim from close range. The suspect began to walk away, but quickly turned and fired again at the victim. The suspect then walked northbound on 5th Avenue, where he confronted a group of males at 500 5th Avenue. The suspect again produced a handgun and fired at the group, striking 4 of them. The suspect continued walking northbound, but was followed by citizens who attempted to detain him as officers arrived at that location. The suspect was ultimately arrested in possession of a ghost gun. The suspect was prohibited from lawfully possessing a firearm due to his criminal history.

On February 24, 2021, Southeastern Division officers responded to a ShotSpotter call at the Meadowbrook Apartments, located at 7800 Paradise Valley Road. When officers arrived they heard 20 gunshots and saw a gray BMW drive away from the complex at a high rate of speed. Officers tried to stop the car and a pursuit ensued that ended when the suspects crashed. The suspects fled on foot, but were ultimately arrested. Officers recovered a 9mm ghost gun from the BMW and the car was linked to a homicide being investigated by the San Diego Sheriff's Department.

During this incident, officers recovered approximately 60 shell casings from the parking lot area of the Meadowbrook Apartments. Several buildings were struck and one of the rounds went through the window of a child's bedroom. The child was asleep in her bed and was fortunately not struck by the gunfire. The suspects in this

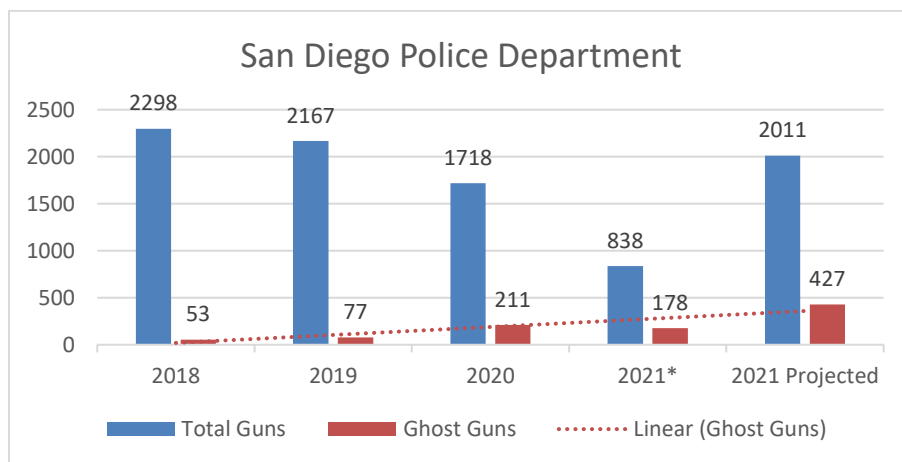
case were linked to the recovered ghost gun. The suspects were prohibited from possessing firearms due of their criminal history.

On October 24, 2020, officers responded to a shooting at 4000 Boston Avenue. Officers found a victim with a gunshot wound to his face. The victim was transported to a hospital and listed in serious, but stable condition. The investigation revealed this was a gang-related shooting where a ghost gun was used. The shooter was prohibited from possessing a firearm due to his criminal history.

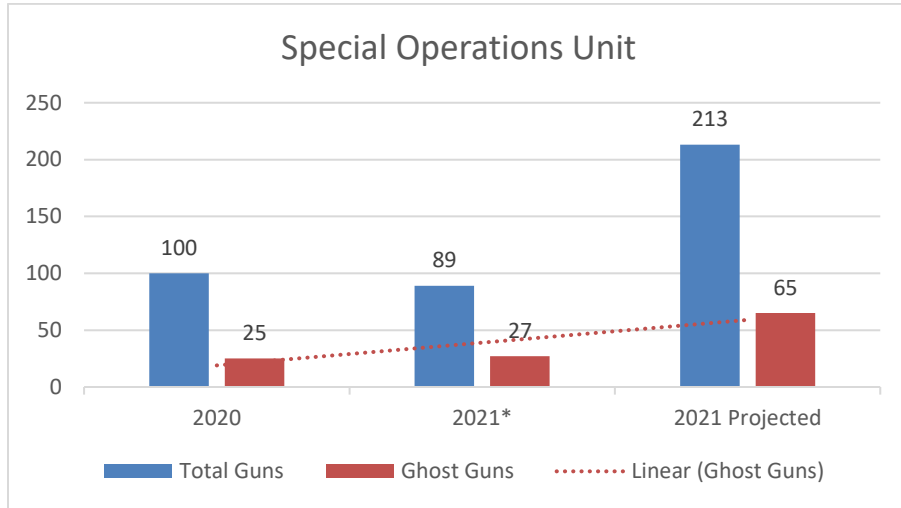
On June 23, 2018, San Diego Police Officers responded to a radio call of a violent disturbance in the 4800 block of Rolando Court. Officers attempted to contact the subject at his apartment. As the officers were at the front door, they could smell something burning coming from inside the location. Firefighters were called to the location to evaluate for a fire.

After getting no response at the front door, officers and firefighters made entry to the apartment to check for a possible fire. Once the front door opened, the officers and firefighters were met with gunfire. Two San Diego Police officers were shot and transported to local hospitals. SWAT personnel arrived at the scene. Eventually, they made entry into the apartment and located the suspect inside deceased. The suspect was armed with a semi-automatic AR rifle style ghost gun and prohibited from possessing a firearm due to his criminal history. He was also the subject of a civil harassment order.

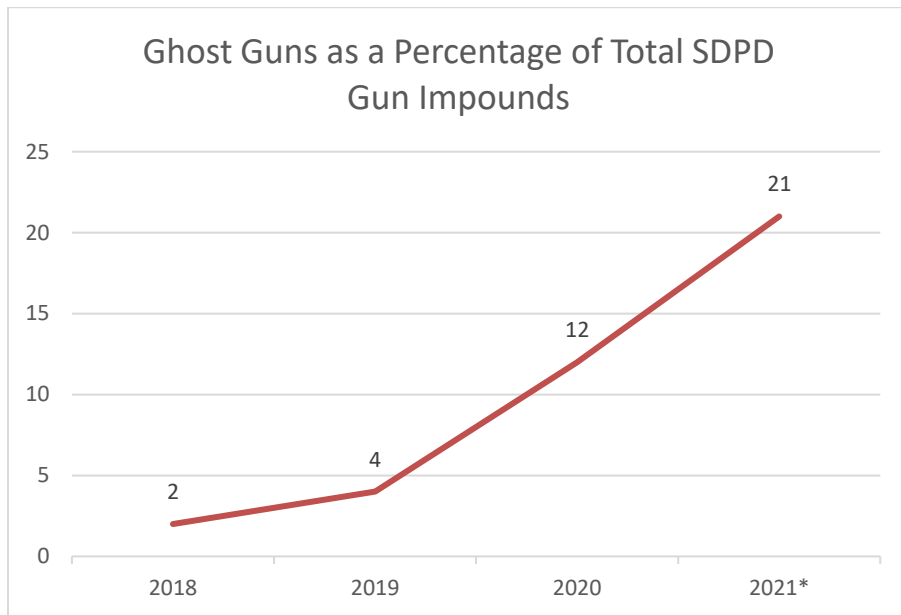
The San Diego Police Department and Special Operations Unit tracks data for the number of ghost guns seized. The Department started collecting this data in the summer of 2018, and SOU’s data collection began in January 1, 2020.



* As of May 31, 2021



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The number of ghost guns recovered by SDPD and SOU is increasing. The Special Operations Unit averaged 2.08 ghost gun recoveries per month in 2020 and 5.4 ghost guns per month in 2021. The Department as a whole averaged 17.6 ghost guns per month in 2020 and 35.6 per month in 2021.

It is believed these numbers will continue to rise unless new legislation is enacted to address loopholes in the purchase, manufacture and assembly of ghost guns. This new legislation must regulate the possession, sale, transfer, and manufacture of unfinished firearm parts,

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including frames and receivers, unless the person holds a federal firearms importer or
manufacture license.

Respectfully,

A handwritten signature in blue ink, appearing to read 'DN', is positioned below the word 'Respectfully,'.

David Nisleit, Chief of Police
San Diego Police Department

CC: Mara Elliott, San Diego City Attorney
Todd Gloria, Mayor of San Diego