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## The Supply and Demand for Guns to Juveniles: Oakland's Gun Tracing Project

Deane Calhoun, Andrea Craig Dodge, Coraline S. Journal,  
and Elaine Zahnd

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**ABSTRACT** *In response to Oakland, California's high level of gun violence affecting young people, the East Oakland Partnership to Reduce Juvenile Gun Violence, a city-wide collaboration, was formed in 1997. In 1999, the Partnership established the Oakland Gun Tracing Project to develop evidence-based policy recommendations aimed at reducing the supply of and demand for gun acquisition among urban youth. The advocacy project involved gathering, analyzing, and using police record and gun sale/registration data to inform policy and practice. Such data were collected for all gun crimes committed in Oakland, California between 1998 and 1999 in which a juvenile was either the suspect or the victim. The 213 cases involved 263 juveniles of which 170 were suspects/perpetrators and 93 were victims. Suspects as well as victims were predominantly male and African American. The 213 cases involved 132 recovered guns. Only 55% of the cases were traced to a federally licensed dealer. Three-quarters of the guns were purchased near Oakland, California. Successful traces, defined as the ability to identify federally licensed dealers and initial purchasers, were completed on only 52 of the 132 guns, demonstrating systemic tracing difficulties. Data gathered for the project was used to advocate for numerous policy changes. Recommended policy strategies include initiating a comprehensive gun tracing program so police can track all secondary sales, new laws requiring federal handgun registration which would track ownership changes, required reporting of stolen firearms, and providing effective intervention services to all juveniles the first time they enter the criminal justice system.*

**KEYWORDS** *Adolescence, Firearms, Guns, Violence, Youth.*

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*Why is it that we can walk to get any kind of gun, drug or alcohol that we want, but we have to take the bus to get school supplies? (Art, 16 years old, Oakland, California, 1999)*

### INTRODUCTION

The harsh reality underlying Art's question provoked a public/private collaborative in Oakland, California, with three goals: (1) determine the sources of guns flowing into the hands of Oakland youth (supply side), (2) identify factors that place Oakland

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Ms. Calhoun is with Youth ALIVE!, Oakland and Los Angeles, California; Ms. Dodge and Ms. Journal were with Youth ALIVE!, Oakland, California; Dr. Zahnd is with the Public Health Institute, Oakland, California.

Correspondence: Deane Calhoun, MA, Executive Director, Youth ALIVE!, 3300 Elm Street, Oakland, CA 94609 (E-mail: dcalhoun@youthalive.org)

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youth at risk for gun violence (demand side), and (3) develop data-supported policy recommendations to reduce both the supply and demand of juvenile gun acquisition. Violence is the leading cause of death for 15–24 year olds in California<sup>1</sup>; easy access to guns increases the lethality of such violence.

In response to Oakland's high level of gun violence affecting young people, the East Oakland Partnership to Reduce Juvenile Gun Violence was formed citywide in 1997. This Partnership was led by Youth ALIVE!, a nonprofit public health agency dedicated to preventing youth violence. The Partnership was committed to a comprehensive public health approach to reducing youth gun violence. Supported by a U.S. Department of Justice grant, members of the Partnership formed the Oakland Gun Tracing Project in 1999 to find out more about how juveniles involved in gun crimes obtained their guns and to explore some demographic and other factors that may place youth at risk for gun violence.\* Despite over 200 juvenile gun crimes in Oakland that year, the Oakland Police Department (OPD) initiated federal traces on only two juvenile crime guns in 1999. According to the OPD, at that time, adult gun crimes were prioritized when it came to tracing weapons.<sup>2</sup>

### **YOUTH GUN VIOLENCE: AN EPIDEMIC WITH PUBLIC HEALTH AND CRIMINAL JUSTICE RAMIFICATIONS**

Guns are involved in a substantial proportion of injuries, deaths, and arrests among young people. Nationwide, guns are the second leading cause of injury death among children and adolescents age 19 and under.<sup>3</sup> In California, guns were the second leading cause of injury death among children and adolescents in 2003, with 579 deaths caused by firearms.<sup>4</sup> Guns were the *leading* cause of death among youth in Alameda County in 2003, which includes the city of Oakland.<sup>5</sup> In Alameda County, 26 youth ages 20 and under died as a result of a firearm in 2003, versus 20 in 2002. Of these 26, 81% were homicides. At Highland Hospital, the major trauma center for Oakland, 80 gun injuries were treated among youth ages 12–20 in 2004, but the number will almost certainly be higher for 2005, with 65 gun injuries treated from January to mid-August of this year. (Nic Bekaert, MSW, personal communication August 11, 2005).

Although it is illegal for youth under 18 to own rifles or shotguns and for those under 21 to own handguns, young people who want to obtain guns illegally often report little difficulty in doing so. In a nationwide survey, released in June 2002, over a third (36.2%) of the 1000 youth respondents replied affirmatively to the statement, "If I really wanted to, I could get a handgun."<sup>6</sup> Such findings have provoked public health and criminal justice advocates and professionals to look at ways to decrease the flow of guns to youth.

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## WHAT IS GUN TRACING AND HOW DOES IT RELATE TO VIOLENCE PREVENTION?

Gun tracing is a law enforcement tool that, among other things, can enable communities to better understand the local illegal firearms market supplying our children with guns; this understanding is the first critical step in shutting down the movement of crime guns into our neighborhoods. Gun tracing has been defined as “...the ‘systematic tracking of firearms from manufacturer to purchaser for the purpose of aiding law enforcement officials in identifying suspects involved in criminal violations, establishing stolen status, and proving ownership.’”<sup>7</sup> In 1998, Assembly Bill 2011 (AB 2011, Hertzberg, chapter 911) helped move forward the effort to make crime gun tracing a priority in California.

AB 2011 requires that local law enforcement agencies provide information about all recovered crime guns to the California State Department of Justice (DOJ) for tracing; the state DOJ recently created an electronic link between the two firearm tracing systems that California’s law enforcement agencies access.<sup>†</sup> The first system is the Automated Firearm System (AFS), which is maintained by the DOJ. AFS stores data about California’s legal gun sales and about guns that local law enforcement determines should be classified as crime guns (e.g., illegally possessed, used in a crime, or suspected of being used in a crime).<sup>‡</sup>

The second local law enforcement resource is the National Tracing Center—the division of the Bureau of Alcohol, Tobacco and Firearms (ATF) that is responsible for tracing crime guns. Due to the lack of a federal law requiring a national system of firearm registration, the National Tracing Center employs a complex crime gun tracing approach. Using Federal Firearms License- (FFL) related record information, the National Tracing Center contacts gun manufacturers by phone to request the name of the wholesale/retail distributor and the date of transfer; this tracing process is then followed as far as possible to obtain information on the initial retail purchaser.<sup>§</sup> Of note, national current gun sale/registration/purchase data *only* allows tracing to the initial retail purchaser.

Once the National Tracing Center initiates a crime gun trace, the information obtained through the process is entered into ATF’s automated illegal firearms trafficking database that assembles data gathered from crime gun traces and multiple sale reports. Law enforcement uses this system to analyze recurring patterns that point to illegal firearm suppliers both in and outside the United States, in order to identify potential criminal activity and to make arrests to reduce trafficking and associated violent crime.<sup>8</sup>

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<sup>†</sup>AB 2011 (Hertzberg, September 1998, chapter 911) became effective in January 2002. The electronic system linking AFS with the ATF’s National Tracing Center allows local law enforcement agencies to enter crime gun information into one database rather than two separate systems.

<sup>‡</sup>AB 2001 (Chapter 911, September 1998) became Penal Code 11108.3, the law that defined a “crime gun.”

<sup>§</sup>The foundation of NTC’s research system—the Federal Firearms License information—is not required to be kept electronically, thereby significantly slowing the tracing process and increasing the number of records unavailable over time due to damage, loss, and/or theft. Federal law does not require maintaining FFL records for more than 20 years. Further, although California State law regulates firearm sales by private parties, requiring proper documentation through a licensed dealer, Federal law does not regulate such sales, exempting them from background checks and documentation.

## THE OAKLAND GUN TRACING PROJECT—A LOCAL SNAPSHOT

The Oakland Gun Tracing Project relied upon gun tracing data (supply-side analysis) and victim and offender demographics (demand-side analysis) to provide a glimpse into the local juvenile gun market. Using police records, an Oakland Police Department (OPD) committee member initially screened all violent gun crimes committed between 1998 and 1999 in Oakland. Those cases were further reviewed at the City's Attorney's Office to identify all cases that involved a suspect or victim age 17 or younger. This effort resulted in a total of 213 gun crime cases (Table).

For the demand-side analysis, Memoranda of Understanding were developed and agreed upon with the Alameda County Probation Department and the Oakland Police Department to gain access to police record and probation file data. Two hundred and sixty-three juveniles were involved in the 213 gun crime cases, including 170 juvenile suspects/perpetrators and 93 juvenile victims.\*\* Of the juvenile suspects, the vast majority (93%) was male and close to three-quarters (74%) were African American. Almost three-quarters (71%) of both victims and offenders had at least one probation violation before or after the crime was committed; the average was five. Data was available on family stability for 172 (65%) of the juvenile suspects or victims. The majority, 131 juveniles (76%), did not reside with both parents.

Turning to the supply-side analysis, in order to request a gun trace, a gun must be physically recovered and have a readable serial number. The OPD has direct access to the AFS, a database which can include data on purchasers from

**TABLE. Gun tracing data**

Oakland youth gun crimes, 1998–1999, gun tracing	N (%)
Number of youth gun crimes, 1998–1999	213 (100)
Number of guns physically recovered by police	132 (100)
Number of guns traced to a federally licensed dealer	72 (55)
Number of guns unable to be traced to a federally licensed dealer	60 (45)
Number of guns traced to dealer for initial purchase and location	72 (100)
Purchased at an out-of-state dealer	18 (25)
Purchased in California	54 (75)
Purchased in San Francisco Bay Area*	43 (60)
Purchased in Oakland	10 (14)
Total guns resulting in full successful traces‡	52 (39)

\*Totals do not add to 100%, because categories are not mutually exclusive. Guns purchased in San Francisco or Oakland were also purchased in California. The number of guns traced to dealer location (n = 72) is used as the denominator.

‡A "full successful trace" was defined as identifying the manufacturer, dealer, and initial purchaser's name/address.

\*\*Although all of the crimes involved juvenile suspects or victims, many of them *also* involved adults. There were 70 adult suspects and 118 adult victims involved in these gun crimes.

the initial purchaser through *all subsequent documented* purchasers. Information is only available, however, if the gun was last *legally* sold within California, and if the dealer filed a Dealer's Record of Sale with the DOJ. Naturally, not all recovered crime guns fit that description.<sup>††</sup> Cases for which gun tracing data were not available in AFS were subsequently submitted to the National Tracing Center.

Of the 213 criminal gun-related cases, police were only able to physically recover 132 guns (62%). Gun type was obtained for 130 guns; 107 (81%) were handguns, reflecting similar national and statewide patterns.<sup>9</sup> Federal law prohibits ownership of any type of gun by youth under age 18, which means that the 170 juvenile suspects involved in gun crimes must have obtained their weapons through illegal transfers (which may involve corrupt retailers, straw purchasing and other illegal transactions or gifts, or theft).<sup>10</sup> Thirteen guns were confirmed by law enforcement as stolen or lost and thus could not be traced; of note, only five had been officially reported stolen or lost by the owner. Another 17 guns were untraceable due to an obliterated or invalid serial number. Seventy-two guns (55%) were traced to a federally licensed dealer. Most (75%) of the 72 guns traced back to an initial purchaser had been legally purchased in the area immediately surrounding Oakland. Overall, only 24 guns could be successfully traced through AFS and only 28 guns could be successfully traced through the ATF. Thus, successful traces, defined as the ability to identify the manufacturer, federally licensed dealer and initial purchaser, were completed on only 52 (39%) of the 132 guns, demonstrating systemic tracing difficulties.

In attempting to trace juvenile crime guns, what the project was *unable to find* is striking. In fact, more was revealed about the systemic gaps in gun tracing than about where the guns actually came from. A major barrier is the lack of a national database listing comprehensive gun ownership and firearm information, including initial as well as secondary gun sales. The ATF is prohibited from compiling a national list of comprehensive gun ownership. Furthermore, ATF can only access data regarding the *initial* purchaser, not subsequent legal (and possibly illegal) sales where a retailer may be involved. AFS only provides information on legal gun sales that take place in California. Because the database does not include information on guns bought outside the state, barriers to effective tracing exist. Overall, the lack of key personnel responsible for local gun tracing coupled with the need for coordinating information sharing and communication between local, state, and national agencies means that barriers to successful gun tracing remain.

Based on the project, the Oakland Gun Tracing Committee made the following data-supported policy recommendations to the Oakland City Council. All recommendations for local action have been implemented:

1. Establish a comprehensive gun tracing program within the Oakland Police Department. Due to the project, the OPD now traces all guns confiscated in crimes in which a juvenile was involved and provides regular City Council reports which document the department's gun tracing efforts. OPD has

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<sup>††</sup>The AFS system links to the National Crime Intelligence Coordination database, which captures voluntary reports of stolen guns. While an additional resource, because of the voluntary nature of the reports, poorer data quality results, with many missing cases.

obtained full-time support from ATF for comprehensive gun tracing and analysis.

2. Initiate a stolen/lost gun-reporting city ordinance. In July 2002, the Oakland City Council passed the Stolen Gun Reporting Ordinance, which requires gun owners to report their gun as lost or stolen within a 48-hour period. This measure holds gun owners more accountable for their weapons, reduces the incidence of false stolen gun claims, and provides law enforcement with more accurate information regarding the use of stolen firearms in crimes.
3. Provide effective intervention services to juveniles the first time they enter the criminal justice system. Multiple programs serve this population, including Youth ALIVE!. A recently developed program (Pathways to Change) is specifically designed to provide intervention services to youth upon first contact with the criminal justice system.<sup>††</sup>
4. Recommendations for regional and state action. Project participants recommended formation of regional task forces and a statewide oversight committee to improve policies related to tracing and to advocate for tracing-related legislation that could curb the availability of guns among youth statewide. Recommended improvements included new gun licensing and registration laws, structured like automobile licensing and registration, to assist in tracking legal purchases and discouraging illegal sales. Legal handgun owners would have licenses that would have identifying information about the owners and be linked to a list of handguns registered to the owners. All guns legally sold would have to be registered in a public record. The passage and implementation of these laws, with dedicated enforcement, in addition to combining all crime gun data into a single database, would provide a more comprehensive system for determining the ways in which the crime guns move from the legal to the illegal market, as well as the number of times they change hands between the last documented legal purchase and use in juvenile-related crimes.

## **HOW THE PROJECT INFLUENCED POLICY—A REGIONAL SNAPSHOT**

Youth ALIVE! staff on the Gun Tracing Committee were interested in assessing if the problems of determining the sources of guns illegally supplied to youth were common regionally. Staff conducted a follow-up regional survey of 36 law enforcement agencies in Alameda County and in adjacent Contra Costa County, in collaboration with a regional violence prevention project, the East Bay Public Safety Corridor Partnership. Twenty law enforcement agencies responded. The object was to determine the degree to which law enforcement agencies were tracing guns. On average, only 51% of the crime guns recovered by each agency in 2000 were entered into AFS, while only five of the 20 responding agencies noted that they

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<sup>††</sup>This recommendation and the programs mentioned here are based on the positive findings of several compatible comprehensive approaches to youth violence prevention and intervention, specifically, Functional Family Therapy, Multisystemic Prevention, and Social Development Strategy. Functional Family Therapy, with the primary intervention focus being the family, reflects an understanding that positive and negative behaviors both influence and are influenced by multiple interpersonal relational systems. Multisystemic Prevention focuses the intervention on the multiple domains and systems within which adolescents and their families live. Social Development Strategy emphasizes the importance of strengthening protective factors in youth and emphasizing positive social norms.<sup>11,12,13</sup>

attempted to trace crime guns through ATF. The OPD was the only agency that centralized their stored crime gun information for easy retrieval for analyzing aggregate data to determine potential trends and patterns. The OPD also reported that *now* it traced all juvenile crime guns. Most agencies indicated that they did not have the ability to conduct effective gun tracing based on their current data management systems. The follow-up survey demonstrated the successful impact of using evidence-based data in instituting new local policies and procedures in one major city. It also indicated a need for influencing other cities to adopt similar policies and for expanding efforts to improve gun tracing policies to regional and statewide levels.

### **HOW THE PROJECT INFLUENCED POLICY—A STATE SNAPSHOT**

On October 5, 2004, Don Perata, Office of California Senate President pro Tempore Elect, called the first of several meetings focused on using Youth ALIVE!'s Gun Tracing Project data to improve tracing efforts to help reduce illegal gun trafficking and prevent gun-related violence. The meeting sought to improve the efficacy of federal and state tracing systems and to facilitate ongoing gun tracing by local law enforcement agencies. Specific goals were to

1. increase communication among local, state and federal officials;
2. increase coordination within agencies and between agencies; and
3. implement project recommendations to address systems' gaps.

Representatives of local law enforcement, the California Attorney General's office, the Bureau of Alcohol, Tobacco and Firearms, gun violence prevention policy and research organizations, and Youth ALIVE! attended the meetings. Results to date include a new interface between the California's DOJ and ATF databases with single entry for local law enforcement, faster response time between AFS, ATF, and local law enforcement data sharing, and increased training opportunities for local law enforcement, including a telecourse, in how to use state and federal updated tracing software.

### **CONCLUSION**

Beyond spurring policy changes, this project sparked collaborative efforts to assess the mechanisms and communications that law enforcement agencies use to store, track, and analyze crime gun data. Comprehensive gun tracing is an important tool for creating data-supported policies to reduce youth gun violence. Clearly, both juvenile suspects and victims of gun-related crimes are at risk of subsequent violence. The construction of prompt, effective coordinated services that are administered to young people upon their initial and also subsequent contacts with the criminal justice system is warranted, as are increased efforts to curtail the supply of guns to youth. The efforts described in this article stand as a model to other communities to create a comprehensive violence prevention strategy, addressing supply- and demand-side issues to reduce youth gun violence.

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