



# BOSTON CITY COUNCIL

Committee on Government Operations

Ricardo Arroyo, Chair

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## REPORT OF COMMITTEE CHAIR

November 15, 2023

Dear Councilors:

***Docket #0455, Ordinance amending the City of Boston code relating to the study and report on the trafficking of illegal firearms***, was referred to the Committee on March 1, 2023, and sponsored by Councilors Ed Flynn and Brian Worrell. The Committee held a hearing on September 18, 2023 where public comment was taken and a working session on November 9, 2023.

### **Summary of Legislation As Filed:**

Docket #0455 would amend the City of Boston Code, Ordinances, by adding a new section that would require the Boston Police Department to annually study and create a report on the trafficking of illegal firearms into the City of Boston. The study and report would review data on the flow of firearms and review ways that illegal firearms are transported into the City in order to help law enforcement and policymakers determine action to decrease and end the flow of illegal firearms. The ordinance requires the Boston Police Department to coordinate with law enforcement and other municipal entities and submit the report to the City Council. The ordinance identifies certain information to be collected and included in the report and also includes provisions on limitations of disclosure to protect the public and police officers.

### **Information Gathered at the September 18, 2023 Hearing:**

Councilors provided opening remarks discussing the impact of gun violence and its causes and the fact that most of the firearms used in crimes in Boston are coming from outside of Massachusetts. The Committee reviewed the provisions of the legislation and discussed that the proposal will provide an opportunity to identify where firearms are coming from and to develop policy to reduce illegal gun trafficking. The following individuals participated on behalf of the Administration: Superintendent Felipe Colon, Boston Police Department (“BPD”), Chief of the Bureau of Investigative Services; Ryan Walsh, Acting Director of the Boston Regional Intelligence Center; and, Superintendent Luis Cruz, BPD.

The Committee discussed the importance of having data of where the firearms are coming from as well as data on trauma response and contributing causes of violence. The Committee discussed the importance of addressing gun violence on all fronts and developing a partnership with BPD and discussed BPD’s partnerships with universities and hospitals.

The BPD stated that firearms continue to be a serious issue. BPD reviewed statistics and explained that shooting incidents have decreased from last year but there are still a large number

of firearms on the streets. The BPD explained that 25% more crime guns have been recovered and that most of those were stolen firearms. The BPD discussed the impact of ghost guns and the increase of these guns. The BPD explained that these types of firearms pose a unique challenge to investigators and puts the community at risk. The BPD discussed modifications after manufacturing. The BPD reviewed their current process for tracking and gathering information explaining that it starts with data, civilian analysts with BRIC, and eight new public dashboards.

Councilors discussed community safety, gun buyback programs, and current City policies and procedures. Councilors discussed the impact of ghost guns, open gun cases, tracking ability when alterations are made to firearms. The Committee also discussed the City's Gun Violence Reduction Management Team.

Regarding the language of the ordinance, the BPD had a question about the time frame. BPD also stated that under Section 2, Reporting, they may be restricted from sharing certain information because of federal partnerships. The BPD stated that the following provisions could be a challenge: in Section 2, Reporting, subsection 1(b), subsection 1(h) and Subsection 2. The BPD stated that most of this information is collected already and that the information is shared with the BRIC, internally, and federal partners, including the FBI and Homeland Security. Councilor Worrell asked if the BPD shares information with other institutions. BPD explained that they have worked with research entities, public records requests, the Boston Medical Center Trauma Team, Boston University, and Northeastern.

#### **Information Gathered at the November 9, 2023 Working Session:**

The Chair provided opening remarks, reviewed the provisions of the ordinance and explained that the Committee will review language changes.. The Committee discussed the need to address gun violence on multiple fronts and the importance of having data to develop policy, allocate resources, and to examine causes. The Committee discussed concerns raised by the BPD at the hearing regarding reporting information that may not be readily available. The following individuals from the BPD participated: Gerald Cahill, Bureau of Intelligence & Analysis; Paul McLaughlin, Deputy Superintendent, Bureau/Investigative Services; Ryan Walsh, Acting Director, Boston Regional Intelligence Center (BRIC).

The Committee reviewed the language of the docket by section. There are no changes to the Purpose clause. In Section 2, Reporting, subsection (b) the words "when available" will be added in order to address the fact that certain information may not be shared because of federal partnerships. In Section 2, Reporting, Councilor Worrell asked if age could also be included in subsection (d). The BPD explained that age would only be available if covered under an arrest. The Committee and BPD agreed that age would be added when available. Councilor Worrell asked if information on open gun cases could be included. The BPD explained that the District Attorney's Office would be the source of that information. Councilor Worrell asked about straw purchase information and how much can be provided and how much does the BRIC collect. BPD explained that they rely on the ATF for subsection (b) and (f) and expressed concern about the ability to provide individual firearm level but may be able to provide in the aggregate. Councilor Louijeune asked about the inclusion of policy recommendations in the report. The Committee and BPD agreed to add a new subsection (g) to include that the BPD make policy recommendations. Councilor Worrell asked about making the report into a dashboard for public facing. BPD stated that in the future they could work on a dataset. Chair Arroyo asked if BPD could provide a link to the report on its website.

In Section 2, Reporting, subsection 2, BPD asked if the Councilors could elaborate on intent because ways can be difficult to track. Councilor Flynn suggested changing the term “ways” to “trends” on how firearms are illegally transported. The Chair asked how often is BPD able to determine how firearms are transported. BPD stated that it is difficult to provide reliable data but explained that if there is an arrest the information would be part of the investigative process. BPD explained that because of the difficulty to provide reliable data concerning ways that firearms are transported the term “trends” will be easier to compile. BPD also discussed ghost guns and explained that the parts are sent through the mail and that all of the details will not always be available. BPD explained that the information in Subsection 1 (b) and (f) is from the ATF.

Councilor Flaherty asked about open gun cases and stated that there are 400 cases in Dorchester District Court. Councilor Flaherty stated that tracking open gun cases is critical and emphasized the importance of partnering with the Suffolk County District Attorney’s Office. BPD explained that the information in (h) could be challenging. The Committee and BPD agreed to add the words “when available.” Councilor Worrell asked about including language for a public awareness campaign regarding gun buyback programs and educating parents. Councilor Flynn suggested urging the Boston Public Health Commission to declare gun violence a public health emergency. Councilor Worrell asked if the report could be sent to the Boston Public Health Commission in addition to the Mayor and the City Council. The Committee and BPD agreed to add the Boston Public Health Commission in the first paragraph in Section 2 after Boston City Council. The Implementation section will stay the same and the Severability clause will remain the same. BPD explained that they collect a lot of the information already but that the language changes reflect the limitations of the data that BPD does not have or cannot be shared.

### **Summary of Amendments:**

Based upon information gathered at the hearing and working session, the following changes have been made to the docket:

- the words “when available” are added in order to address the concern that certain information may not be shared or not available;
- in Section 2, subsection (d) a new provisions is added as follows to include age when available: provide the age of the person with the gun when available;
- in Section 2, Reporting, subsection 2, the word “ways” is removed and replaced with the word “trends” in order to have more reliable data;
- add the Boston Public Health Commission in the first paragraph in Section 2 after Boston City Council so that they will also receive the report from BPD;
- in Section 2, Reporting, a new subsection 4 is added to provide that the BPD include policy recommendations in the report; subsection 4 reads as follows: The Boston Police Department shall also include key takeaways from the information provided in their report and any policy recommendations they have related to that information and that they believe can serve to address gun trafficking.

### **Rationale and Recommended Action:**

Passage of this ordinance in its amended draft will provide data and information to help law enforcement and policy makers develop solutions and recommendations to reduce and prevent illegal gun trafficking as well as recommendation to combat gun violence in the City. The changes to the docket from its initial filing clarifies terms so that the data is more reliable and the BPD is able to track. The language changes also recognize that some data may not be available

to BPD or cannot be shared. Passage of this docket in its amended draft will provide an important tool to measure and improve the effectiveness of current City policies and to develop and establish additional policies to ensure that the City is addressing gun trafficking and gun violence on all fronts including public safety and public health and using all available resources.

By the Chair of the Committee on Government Operations, to which the following was referred:

***Docket #0455, Ordinance amending the City of Boston code relating to the study and report on the trafficking of illegal firearms,***

submits a report recommending that this docket **ought to pass in a new draft.**

For the Chair:

A handwritten signature in blue ink, appearing to read "Ra", followed by a horizontal line.

Ricardo Arroyo, Chair  
Committee on Government Operations