

April 20, 2018

Taking aim at gun violence

Local governments seek to learn how to curb mass shootings

by Sue Dremann

Nasim Aghdam had been sleeping in her car in the Walmart parking lot in Mountain View during the early morning of April 3. She was calm and cooperative when police awoke her, according to body-camera video footage of the encounter

released by Mountain View police. Peering from under the hood of a pink sweatshirt, the slender woman with large eyes said she did not want to be in touch with her family. She didn't get along with them and she had left home in San Diego County on March 31 after an argument with

her father. She had abandoned her cell phone so that no one could contact her, and she didn't tell anyone — not even friends — that she was leaving, she told officers.

She wanted to start life over again. To be “somewhere new, new. To have no memories about the past.”

Police tried to discern if she had psychological issues. They asked if she was taking medication or if she was off medication she should

be taking.

“You don't want to hurt yourself, do you? And you don't want to hurt anybody else? You don't want to commit suicide or anything like that, right?” an officer asked.

“No,” Aghdam said.

Ten hours later, the 39-year-old used a legally purchased 9-mm pistol to shoot three people at YouTube headquarters in San Bruno. Then she killed herself.

Immediately afterward, people

asked if officers had missed signs that could have prevented the crime. But there didn't seem to be anything amiss other than that she had voluntarily left home. Police had no legal reason to detain her, they said.

Mountain View officers had searched seven databases to see if Aghdam was listed as a person prohibited from having a registered

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Gun violence

handgun or assault weapon. They sought information from her family about why she was listed "at risk" prior to making contact with her. Although her family told police in San Diego that she was upset over YouTube restrictions on her vegan videos, there was nothing to indicate that she planned an attack.

The nonprofit Gun Violence Archive defines a mass shooting as four or more persons injured or killed, not including the shooter. Though Aghdam's act of gun violence would not count under the definition, there have been 64 mass shootings in U.S. so far in 2018 (there were 346 in 2017), according to the nonprofit. Why these horrific acts take place is often anyone's guess: With the shooters often among the dead, their motives remain perplexingly unclear.

In the hopes of shedding light on how to prevent future tragedies, officials in San Mateo and Santa Clara counties are taking it upon themselves to study the root causes of these crimes, find ways to tighten loopholes in gun laws, and expand "red flag" laws to make reporting of potentially dangerous persons easier.

The Santa Clara County Board of Supervisors, led by Supervisor Dave Cortese and board Chair Joe Simitian, is taking three actions: The county will hold a public summit on gun violence on April 28, from 8:30 a.m. to 4 p.m. in the Santa Clara County Fairgrounds Fiesta Room in San Jose. The community meeting, whose

details will be posted on Supervisor Cortese's website at tinyurl.com/SCCGunsummit, will include table-top conversations and an opportunity to share opinions and gather ideas about what the county can do. Second, the board is considering prohibiting people from carrying weapons on county property and also ending gun shows; and third, supervisors are thinking of funding research on gun violence through the county Public Health Department, Simitian said.

Santa Clara County, as a large urban area, has the ability to delve into the causes of gun violence, obtain meaningful data and not wait for the federal government to decide what or how much research it will fund, he said.

"You can't solve the problem if you don't know the nature of the problem. We don't have a lot of hard data," he said.

San Mateo County also is looking at ways to expand "red flag" laws, which allow a judge to issue an order that enables police to take guns from persons who are deemed a risk to themselves or others. On March 21, Supervisor Don Horsley formed a committee to look into the matter. The committee includes staff from the offices of the Sheriff, County Manager, District Attorney, County Counsel, Health System and Human Services.

Horsley and others said a closer examination of the laws will help enforcement agencies to catch those who are dangerous and currently go undetected.

He recalled a chilling case that surfaced when he first joined the



Santa Clara County Supervisor Joe Simitian chairs a Santa Clara County Board of Supervisors meeting on April 17 in San Jose.

board of supervisors.

"Two detectives tracked down a man who was stalking his wife, had firearms and was contemplating murder," he said.

Under domestic violence law and when dealing with people in psychological crises, police can confiscate guns.

"I want to see if we can extend that to a (situation of a) credible threat," Horsley said. "It has to be through a legal process. It doesn't mean the guns would be taken permanently either, if people can rehabilitate themselves or demonstrate that they are no longer a threat."

Existing state "red flag" laws have saved lives, San Mateo County District Attorney Steve Wagstaffe said.

Persons served with a domestic violence restraining order or a restraining order for stalking must also surrender firearms within 24 hours. A person who is subject to a temporary restraining order is prohibited from owning, possessing, purchasing, receiving or attempting to purchase or receive a gun or ammunition while the order is in effect.

When a person is at risk of hurting himself or others and put on a psychiatric hold by officers, known as a 5150, the person is prohibited from owning or purchasing a fire-arm for five years. (The ban can be lifted sooner if the person proves he or she is no longer a threat, Wagstaffe said.)

Increasing people's awareness of other, little-known state "red flag" laws could prove an effective tool to decreasing gun violence, according to Marisa McKeown, Santa Clara County supervising deputy district attorney of the crime strategies unit.

In particular, the Gun Violence Restraining Order law — also known as a Firearms Restraining Order or Extreme Risk Protection Order — allows concerned family members and law enforcement to petition a court to temporarily remove firearms from a loved one for a minimum of 21 days when the person poses a clear danger to the public or their own safety during a mental crisis.

The law has three basic ways to obtain the order: law enforcement can obtain an emergency order when a person is an immediate and present danger; immediate family and housemates can apply for a temporary order when there is a substantial likelihood of significant danger in the near future; and police can obtain a one-year order with convincing evidence the person is a danger and that less restrictive means have failed, said McKeown, who created a fact sheet describing the order and the process for obtaining one.

California became the first in the nation to enact the gun-violence restraining order law, following the May 23, 2014, Isla Vista shooting, in which 22-year-old Elliot Rodger killed six people and injured 14 others near the campus of University of California, Santa Barbara.

Had Aghdam's family known about the law, it's possible they could have obtained a gun-violence restraining order, if they been aware she owned a legally registered handgun, Wagstaffe said in her case, however, having no prior criminal history and acting normally when she interacted with police, officers had no cause to ask for the restraining order.

The law has a rigorous standard regarding proof of a person being a danger to themselves or others, McKeown said. But the process to obtain the order in itself is not difficult. The biggest obstacle to its application is a lack of awareness, even among law enforcement and district attorneys, she said.

In Santa Clara County, seven gun-violence restraining orders were issued in 2016 and four in 2017, according to research by the Sacramento Bee.

The Santa Clara County DA's office did not obtain any of the orders, but it assisted law enforcement with understanding this option. McKeown said she expects there will be more orders issued in 2018 because of heightened awareness of the law.

Currently, persons who are likely to shoot others are not the most frequent cause for the order, however.

"I keep coming back to suicide," McKeown said, noting that most gun deaths are self-inflicted.

California has the most robust, restrictive gun laws in the country, according to the Giffords Law Center, which gave the state an A rating on its annual gun law scorecard (lawcenter.giffords.org/scorecard/#CA). In 2016, the state also ranked eighth lowest in terms of per capita gun-related deaths.

Among its many gun laws, the state requires all gun sales to be processed through a licensed gun dealer, requiring a background check. It bans most assault weapons and 0.50-caliber rifles, and it prohibits the sale, transfer, manufacture and possession of large-capacity ammunition magazines. It also imposes a 10-day waiting period prior to the sale or transfer of a firearm.

The state enacted a comprehensive package of gun laws in 2016 through Proposition 63, The Safety for All Act. As part of the act, the state will require ammunition sellers to conduct background checks beginning in July 2019. All ammunition sales, including mail-order sales and those between unlicensed parties, will need to be processed or conducted through a licensed ammunition vendor who will conduct the background check. California is also the first to require all persons convicted of firearm crimes to show the courts they have relinquished their guns. In 2017, the state added laws that prohibit hate-crime offenders from accessing guns and funded urban gun-violence-reduction programs, according to the Giffords Law Center.

But McKeown said many laws might not be enforced because they are unknown and are continually amended. To help law enforcement, she recently created a guide to help police interpret the laws.

"As I set out to create this cheat sheet, I found there were hundreds of laws that have been

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Marisa A. McKeown, supervising deputy district attorney for the Crime Strategies Unit in Santa Clara County, is raising awareness of the state's Gun Violence Restraining Order, which allows law-enforcement officers to remove firearms from people who are deemed potentially harmful to themselves or others.

enacted. It was very challenging for me, even with me setting aside the time. Just imagine being an officer in the field if you have a hot call about a gun-related incident.

"We have done a very thorough job of passing these laws. We have not done a good job of making first responders understand them," she said.

John Donohue III, Stanford Law School professor and expert on gun violence, said in an email that strengthening gun-buyer background checks would impede mass shootings.

"It is helpful to look at recent mass shooters. In almost every case — the Las Vegas shooter being the one exception — I think a fully effective background check system would have kept them from lawfully buying guns. That doesn't mean that they couldn't get guns through some illegal channel, but I think it is clear that many mass shooters lawfully got their weapons minutes or days before they started their killing sprees, and we should definitely make that harder for them.

"We can't stop all — the Second Amendment would probably keep us from following Australia, which essentially did end their mass shooting problem — but we can certainly do better."

After the 1996 Port Arthur massacre in Tasmania, in which a gunman killed 35 people, Australia banned many weapons and imposed mandatory gun buy-backs, which substantially reduced gun possession, Donohue said. It wasn't initially popular. The prime minister wore a bullet-proof vest when he announced the

new gun laws, and people hung his effigy. But the country hasn't had a mass shooting since 1996. Donohue suspects that's because there may have also been a cultural shift in Australia due to the lack of presence of guns.

"Troubled individuals ... are not constantly being reminded that guns are a means to address their alleged grievances to the extent that they were in the past or continue to be in the U.S.," he wrote in a 2017 article for Stanford Law School.

He followed up that observation in an email last week.

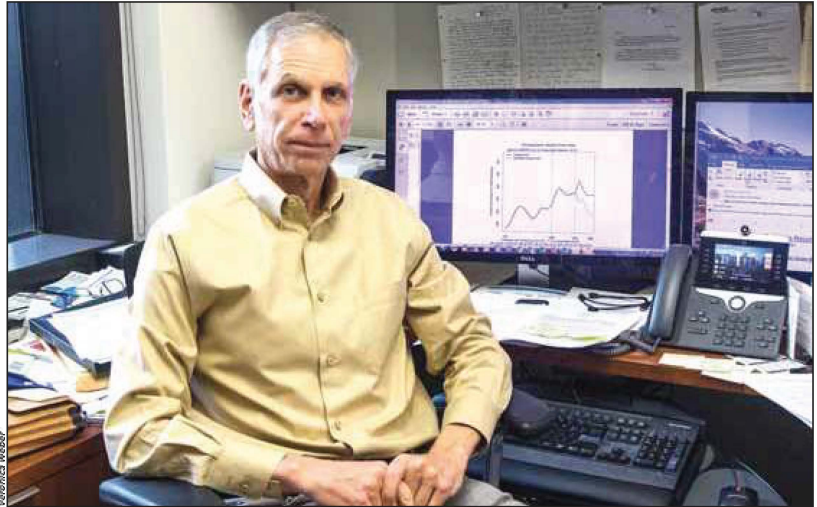
"Allowing mentally ill and hyper-stressed people to marinate in a supercharged gun culture with easy access to weapons of mass killing is a bad idea. No one else does this as much as we do, hence our growing mass shooting problem, even though other types of homicide are actually low compared to the early 1990s," he said.

Donohue noted that although California is trying to make changes to firearms laws, the gun industry is trying to stop the legislation.

The NRA sued to stop implementation of California's ban on high-capacity magazines, passed by both the legislature and then by referendum in November 2016. Another gun-industry lawsuit is trying to eliminate California's ability to restrict gun carrying in the state.

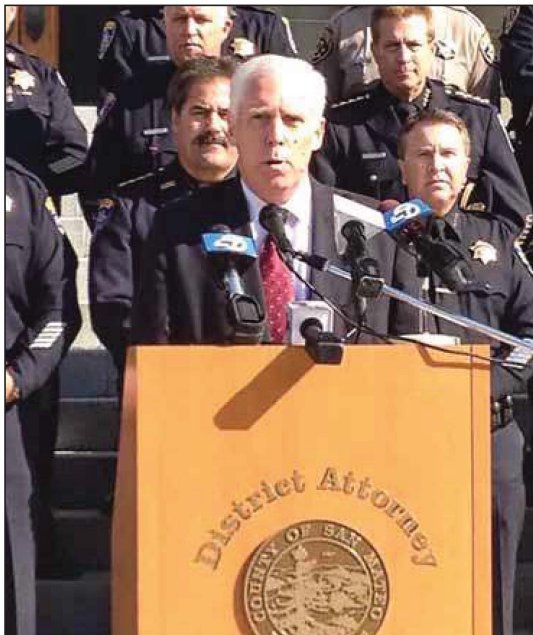
"Both of these are unwelcome developments because the ban on high-capacity magazines will help in reducing the mayhem from mass shootings," he said, "and the best research on carrying of guns outside the home suggests that it

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Monica Weber

Economist and Stanford Law Professor John Donohue III, in his office, has spent decades researching crime and the effects of national gun laws. On his computer monitor is a chart on how violent crime rates change when states enact right-to-carry laws.



Sue Drennon

San Mateo County District Attorney Steve Wagstaffe, pictured here in March 2014, says that existing 'red flag' laws, which allow law enforcement to get involved when a person is potentially violent, have saved lives.

Los Altos Town Crier

Community news for Los Altos, Los Altos Hills and Mountain View since 1947

August 21, 2019

A push to act following Gilroy tragedy County supervisors back Simitian's resolution to ban assault weapons

By **Melissa Hartman**
Staff Writer/melissah@latc.com

The Santa Clara County Board of Supervisors Aug. 13 unanimously approved a resolution proposed by supervisors Joe Simitian and Susan Ellenberg asking Congress to pass a federal ban on assault weapons. Simitian, who represents District 5, which includes Los Altos, Los Altos Hills and Mountain View, said the following day he was "pleased" his colleagues agreed that the ban was a step worth taking in the wake of the July 28 Gilroy Garlic Festival mass shooting.

Along with their resolution, Simitian and Ellenberg explained their reasoning in calling for the ban on weapons used in Gilroy and other recent shootings in El Paso, Texas, and Dayton, Ohio, which occurred within a matter of days.

Too close to home

According to a report released by the Gilroy Police Department days after the massacre and tweets from the agency's official social media account, 19-year-old Gilroy resident Santino Legan likely cut through a fence around the perimeter of Christmas Park, the site of the festival, before opening fire at approximately 5:41 p.m. that Sunday evening with an "AK47-variant" rifle.

Legan killed three people, all under age 30: 6-year-old Stephen Romero and 13-year-old Keyla Salazar, both of San Jose, and 25-year-old Santa Cruz resident Trevor Irby. A coroner's report revealed that gunshot wounds

caused their deaths.

When police patrolling the festival confronted Legan approximately a minute into the shooting, he turned his gun on himself. In addition to the deaths, 13 people were injured and treated at local hospitals.

"This case is very clearly the result of what appears to be an entirely legal purchase in a state that does not have the kind of rigorous gun safety laws we have here in California," Simitian said in a phone call with the Town Crier, referring to reports that Legan legally purchased his rifle in Nevada. "There are probably 40-plus states across the country where that's legal. We are right next door to Arizona, Nevada and Oregon. We are vulnerable to those kinds of purchases, and the impact they have, did have, in Gilroy."

All hands on deck

Included in the supervisors' resolution is an addendum that serves as a call to action to the 15 cities in Santa Clara County; staff will share the document and ask jurisdictions to adopt a similar position so that the stance rings loud enough to urge federal elected representatives to pass legislation addressing this "ongoing crisis in American life." As of last week, 255 mass shootings were reported in the U.S. in 2019 alone. Mass shootings are defined by a Stanford University project dedicated to studying the phenomenon as when three or more individuals

are shot (not necessarily killed), not including the shooter.

"I also think it's clear having watched the national scene that it's too easy for these issues to get lost in the larger debate, which is why I chose to focus on this specific thing," Simitian said at the board meeting. "I also think it's clear from watching the national debate that Congress isn't going to act unless they are pushed to act. So we need to push with whatever impact one voice can have."

Simitian and Ellenberg said they realize the resolution is not the definitive solution to gun violence in the U.S. Ellenberg communicated this sentiment when the item was up for discussion.

"This doesn't absolve us from doing more work and continuing to work locally, but I think that it's a statement we should be making powerfully and loudly," she said.

During the board meeting, Simitian listed a handful of reasons why a federal ban was a solid first step: a ban is possible because it has been done in the past (and recently at that); "years" of research show that banning this type of gun can make a difference; and a recent poll revealed strong bipartisan support for such a measure on a national level.

"I do think it is incumbent on us to simply ask ourselves from time to time, 'Is there something that clearly makes sense and that can and should be done?'" Simitian said. "In this instance, I thought the answer was 'yes.'"



Simitian



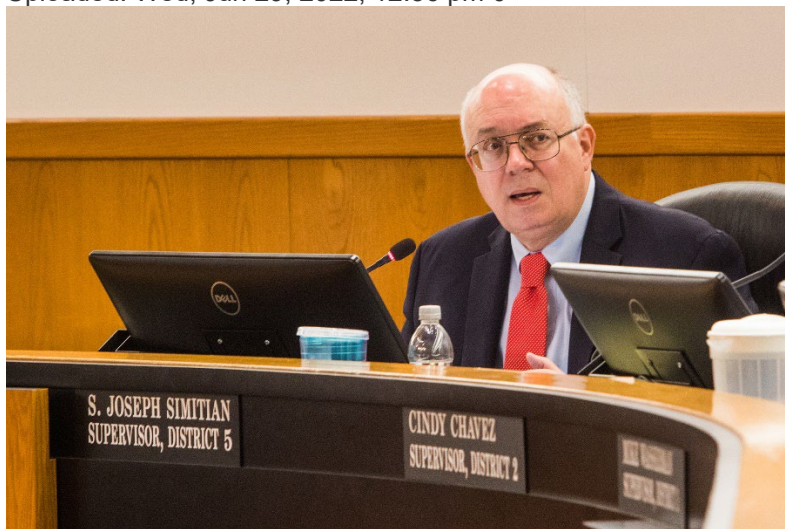
Mountain View Voice

June 29, 2022

Santa Clara County supervisors want to increase fines, enforcement for tobacco sales violations

by **Malea Martin** / Mountain View Voice

Uploaded: Wed, Jun 29, 2022, 12:36 pm 0



Santa Clara County Supervisor Joe Simitian believes the county's proposal to increase fines and up punishment for tobacco retailers caught makes illegal sales should be even stricter. Embarcadero Media file photo by Veronica Weber.

The punishment for tobacco retailers that are caught illegally selling products to minors in Santa Clara County may soon get a lot stricter.

The county Board of Supervisors considered recommendations to strengthen compliance and enforcement of local regulations on the sale of tobacco and vape products at its June
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28 meeting. District 5 Supervisor Joe Simitian requested that the proposed changes — which increased fines tenfold in some cases — be made even more substantial.

“I think we are headed in the right direction, but I would like to be, candidly, tougher still,” Simitian said at the meeting. “As proposed and described in the staff report, the ordinance revisions would still allow one violation, two violations, three violations, and then we’d have to wait for a fourth violation before revocation was really on the table.”

Currently, the county’s Tobacco Retail Permit (TRP) ordinance requires that the Department of Environmental Health (DEH) conduct annual inspections of all tobacco retailers to verify that they’re following requirements for selling tobacco products. The county has also partnered with the cities of Cupertino, Los Gatos and Palo Alto to adopt municipal code provisions identical to the county’s ordinance. Tobacco retailers that operate in these partnership cities must apply for a tobacco retail permit from DEH.

Additionally, the County Sheriff’s Office and partnership cities’ local law enforcement both conduct undercover inspections of some tobacco retailers to verify that they’re not selling products to underage individuals.

Current county policy doesn’t authorize revocation of a shop’s license for repeated violations — it just ratchets up the fines for each offense. The changes proposed by staff include revocation on a fourth offense.

Staff also proposed a substantial increase in fines: Violations identified during a first inspection would rise to up to \$1,000, whereas before it was \$100; up to \$1,500 for a second violation, compared to \$250 before; and up to \$2,500 for a third offense, compared to \$500 before. Each of those proposed fines would be doubled for violations occurring at a business operating without a permit.

Simitian proposed that license revocation should be an enforcement option after a business’s third offense, rather than the fourth. He also suggested that the county make the fines even higher for both permitted and non-permitted businesses that are caught violating.

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“I think it needs to be \$2,500, not \$1,500, for the second violation as a fine,” Simitian said. “I think people are just building these fines into their cost of doing business and they’re not really serving their intended purpose, which is to change behavior.”

Simitian suggested keeping the proposed \$1,000 for the first violation to give shop owners the benefit of the doubt. But after a second violation, “I’m starting to think that this was intentional,” Simitian said. “Third time, I’m pretty clear that it’s just intentional.”

Simitian motioned to bring the item back at the board’s next meeting reflecting his suggestions for increased fines and when a license can be revoked. But before the motion could go to a vote, District 4 Supervisor Susan Ellenberg expressed some concerns that the changes to the ordinance were becoming “excessively punitive.”

“I’m particularly worried about equity impacts, really disproportionately hurting the smallest businesses,” Ellenberg said. “Of course we want to discourage the use and the sale, I fully agree with that, but I’m not convinced that making these stricter standards are necessarily going to achieve the outcome we want without perhaps some significant, serious, unintended consequences for very small local real retailers.”



The county is trying to up its fines and enforcement efforts to keep vaping and tobacco products out of the hands of young people. Embarcadero Media file photo by Sammy Dallal.

District 2 Supervisor Cindy Chavez asked county staff if there was any evidence-based research to support how big a fine needs to be to create deterrence.

“There’s not a lot of evidence about very specific dollar amounts,” Tobacco-Free
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Communities Program Manager Nicole Coxe said in response. “What I think is really important about our updated recommendations is the addition of the revocation clause. ... What the evidence really shows is that the suspension periods and the revocation clauses are a significant deterrent and really does move compliance on the issues.”

Simitian said that if the board’s trying to look at the issue through an equity lens, the supervisors should consider the way the tobacco industry has historically targeted communities of color and low-income people.

“Certainly there’s no quarrel, Supervisor Simitian, with any of that data,” Ellenberg said. “I was thinking from the perspective of very small business owners.”

Ellenberg ended up supporting the motion once she confirmed that the fines were “up to” the proposed amounts, “allowing for discretion based on the individual circumstance, the intent and the survivability of the business.”

Simitian also asked county staff to come back with information about what it would take to step up enforcement, “because I don’t think a once-a-year inspection is sufficient to really provide the level of oversight if we’re serious about the ordinance,” he said.

Multiple local parents called in to express their concerns about the illegal sale of tobacco products to youth, and their support for the proposed changes. Eileen Kim, a Palo Alto resident and pharmacist with two children, asked the county to make enforcement visits more frequent than once a year.

“We are talking about a phenomenon that is causing teenagers to become addicted for life,” Kim said.

According to the county staff report, a majority of tobacco retailers are compliant with the county’s ordinance code.

“However, the county continues to identify violations, including, in some cases, repeat violations at the same businesses,” the report continued.

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Enforcement operations conducted at 20 tobacco retailers by the Sheriff's Department in September and December 2021 resulted in citations issued to six shops for unlawful sale of tobacco products to an underage person, according to the report.

"That's 30%," Simitian said. "That's not inconsequential. And that's because we have only one inspection a year, and if people don't get caught in a violation, that's it for the year."

Simitian's motion to bring the ordinance back with his proposed changes passed unanimously.

Multiple county residents expressed their appreciation for the county's actions.

"My mom died from cancer, and I'm a former smoker, and I'm here to tell you that I appreciate this effort to step this up," county resident Walter Wilson said. "I think these products should be illegal. I don't think they should be allowed to sell these products to human beings."

September 30, 2022



Supervisors approve Narcan distribution for local schools

Emergency treatment for opioid overdose

The Santa Clara County Board of Supervisors voted September 19 to allocate \$135,000 in State funds toward the distribution of Narcan, an emergency treatment that can quickly reverse an opioid overdose.

The Narcan distribution effort targets local high schools.

"I join Supervisor Chavez in her sense of urgency," said County Supervisor Joe Simitian, who serves as Chair of the County's Health and Hospital Committee. "We have young people who are affected by this crisis."

As a former school board member, Simitian expressed concern that some schools have been hesitant to make Narcan kits accessible on school campuses.

'Problem is pretty pervasive'

"When you say, 'wouldn't you like to have this resource available?' The reaction is, 'well we don't have a problem'," Simitian said. "And maybe some places don't, but frankly I'm inclined to think that the problem is pretty pervasive."

Fentanyl crisis

In response to the concerns raised by Simitian and Chavez, the Behavioral Health Department is working with various County departments and com-

munity partners to address the growing fentanyl crisis through education and outreach, in addition to identifying opportunities to expand the availability of Narcan kits and fentanyl test strips.

Opioid Prevention Project

Through the Santa Clara County Opioid Overdose Prevention Project (SCCOOPP), the Behavioral Health Department has worked with community partners since 2015 to help reduce opioid overdose and deaths in Santa Clara County. Over the last five years, this effort has resulted in the distribution of more than 10,000 Narcan kits to law enforcement agencies, first responders, the courts, County contract agencies, businesses, community-based organizations that serve the unhoused population, schools, and higher education institutions.

The County expects several million dollars in funding from opioid lawsuits to provide additional funding for Narcan distribution and outreach.