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TO: COUNCIL MEMBERS

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: April 7, 2021

RE: Gun Buyback Program Analysis

In a memo dated February 28, 2021, Council Member Roy McCalister, Jr. requested the Legislative Policy Division (LPD) to analyze the effectiveness of gun buyback programs in various cities around the country and whether a similar program should be implemented in the City of Detroit in response to a recent surge in gun violence throughout the city.

Introduction

Gun violence has been surging in cities across the nation. Officials and law enforcement credit the surge in gun violence to loss of jobs, courtroom closures, and increased alcohol and drug use as a result of the Covid-19 pandemic. According to a news article in the Detroit Free Press¹, homicides in the City of Detroit increased by 19% from 275 in 2019 to 327 in 2020. The article also indicated that nonfatal shootings increased 53% to 1,173 and gun-related non-fatal shootings were up 102% to 5,904.

Gun buybacks have reemerged as a possible remedy to the proliferation of gun violence. Experts have long disputed the effectiveness of gun buyback programs, though cities continue to implement programs across the nation.

¹ Abdel-Baqi, Omar. "Detroit Sees Sharp Increase in Homicides, Shootings in 2020." *Freep.com*, Detroit Free Press, 6 Jan. 2021, www.freep.com/story/news/local/michigan/detroit/2021/01/06/detroit-homicides-shootings-2020/6563259002/.

Generally, a gun buyback program is a highly publicized event held at one or more sites during a weekend (or can be held multiple times throughout the year) by a city, county, state, or nation where citizens can anonymously exchange old, new, broken, functioning, unwanted, and sometimes stolen or unregistered guns for money or gift cards. It has often been used as a gun-control strategy.

The guns are evaluated to determine if they were stolen or used in a crime. The guns are later destroyed, recycled into other items such as jewelry, or returned to the owner if it was reported as stolen. The premise behind gun buyback programs is that local officials buying guns from residents will lower the number of guns available for criminals in the community, thus leading to a decline in violent crime. Experts have considered this premise to be deeply flawed due to gun violence prevention being a complex, multifaceted problem.

Research Findings

Some believe removing any quantity of guns from the streets would result in a reduction in the amount of gun violence occurring in cities. However, research shows a gun buyback program alone will not decrease gun violence. Implementing other gun control measures, with or without a buyback, would be far more effective at reducing gun violence².

Other gun-control measures include:

- banning rapid-fire magazines
- banning certain types of gun such as semi-automatic long guns and military weapons;
- banning mail-order ammunition purchases;
- requiring gun owners to obtain licensing and training;
- mandating gun registration with local police;
- mandating gun dealers keep record of gun sales;
- expanding background checks to online and gun show sales;
- taxing weapons and ammunition;
- limiting the number of firearms that can be purchased in a given time period; and
- raising the age limit to 21 for gun purchases

Unfortunately, many of the aforementioned regulations cannot be implemented by local municipalities. As previously indicated in LPD's report dated October 17, 2016³, the State of Michigan preempts any local unit of government from enacting any ordinance or regulation with regard to firearms under MCL 123.1102:

Sec. 2.

A local unit of government shall not impose special taxation on, enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other

² Florida, Richard, and Nicole Javorsky. "The 3 Gun-Control Laws That Work Best in the U.S." *Bloomberg.com*, Bloomberg, 5 Aug. 2019, www.bloomberg.com/news/articles/2019-04-05/the-3-gun-control-laws-that-work-best-in-the-u-s.

³ Legislative Policy Division report title "Gun Laws" dated October 17, 2016.

firearms, or components of pistols or other firearms, except as otherwise provided by federal law or a law of this state.

The restrictive scope of the statute was stated by the Michigan Court in *Michigan Coalition for Responsible Gun Owners v. Ann Arbor Public Schools*, 502 Mich 695, 918 N.W. 2d 756 (2018)

Under MCL 123.1102, “[a] local unit of government shall not ... enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols [or] other firearms ... except as otherwise provided by federal law or a law of this state.” MCL 123.1101(b) then defines “local unit of government” in the act to mean “a city, village, township, or county.” In other words, while MCL 123.1102 expressly preempts regulation of firearms by a city, village, township, or county... *Id* at 703.

Therefore, any possible gun-control regulation in Michigan would have to be enacted on a federal level or by the State legislature that would either provide gun-control restrictions or allow local governments to enact regulations relative to firearms. However, there has been a continuous battle at both the state and federal levels against any gun regulation by gun lobbyist and manufacturers to prevent any reasonable gun control regulation. Opponents of gun regulation invoke the application of the Second Amendment of the U.S. Constitution on the validity of any level of gun control regulation. This leaves local communities with the few alternative methods, such as buyback programs.

The main shortfall with buyback programs is that they have very little impact on criminal gun ownership. The people that are more likely to turn in a gun at a buyback event are law-abiding citizens, who no longer have a use for the gun or want to get rid of an old gun to upgrade to a newer model. The few guns that are taken out of the hands of criminals will be quickly replaced by firearm purchases from retail gun dealers, gun shows, online sales, or by criminals paying others to buy guns for them⁴.

Jon Vernick, co-director of the Johns Hopkins Bloomberg School of Public Health Center for Gun Policy and Research in Maryland, who co-authored two studies regarding buybacks, says “buybacks do little to reduce street crime and have little real impact on the number of guns in circulation, and the money spent on the programs could be put to better use... The people who participate don’t tend on average to be the highest-risk people,” ... And the guns turned in are not the highest-risk guns,” ... The highest-risk guns are newer. They are semi-automatic pistols, have higher calibers. Disproportionately, the guns turned in are older, lower-caliber, or not functional.⁵”

⁴ Masters, Kate. “The Problems with Gun Buyback Programs.” *thetrace.org*, The Trace, 9 Sept. 2020, www.thetrace.org/2015/07/gun-buyback-study-effectiveness/.

⁵ Kalet, Hank. “Do Gun Buybacks Reduce Gun Violence?” *Njspotlight.com*, NJ Spotlight News, 19 Sept. 2019, www.njspotlight.com/2013/04/13-04-04-do-gun-buybacks-reduce-gun-violence/.

A study⁶ done at the Department of Emergency Medicine in Milwaukee, WI confirmed Vernick's findings. The study concluded, "handguns recovered in buyback programs are not the types most commonly linked to firearm homicides and suicides. Although buyback programs may increase awareness of firearm violence, limited resources for firearm injury prevention may be better spent in other ways." Research dating back to 1996 at the Police Executive Research Forum found the same differences in weapons turned in and also came to the same conclusion that buyback participants were unlikely to engage in illegal activities⁷.

Law enforcement suggests that more police officers patrolling the streets and monitoring social media would help curb criminal activity and gun violence. On the other hand, Vernick also stated, implementing targeted police practices similar to Project Ceasefire now known as Cure Violence, Project Exit, and the Safe Streets program in Chicago, Philadelphia, and Baltimore respectively have been proven to be more effective methods to gun violence prevention. These programs and others like them use reformed criminals to intervene in disputes before they escalate into violence and provides re-entry assistance for offenders to teach them non-violent resolution techniques. Concentrating on a public health approach, rather than police intervention has shown to reduce violence in high-crime cities.

Examples of Gun Buybacks

Philadelphia was one of the first U.S. cities to try gun buybacks in the early 1970s. In response to a record total of 499 homicides in 2020 and 76 since the start of 2021, Philadelphia's police department recently began implementing several buybacks. The program has collected over 800 firearms since January 1, 2021, as a part of the city's yearlong "2021 No Gun Campaign." The city plans to hold 4 more buybacks in 2021 after collecting more than 5,000 firearms in 2020. Gun owners can exchange their guns for \$100 gift cards or grocery store gift certificates. All of the money and gift cards were raised by a local church⁸. In 2020, residents were given \$50 for each pistol, \$75 for each hunting rifle, \$150 for each semi-automatic weapon, and \$200 for each assault weapon.

The exchange rate for semi-automatic and assault weapons is as high as \$200 in some cities because those are the guns typically used in violent crime according to Vernick and the Police Executive Research Forum. Officials wanted to give people an incentive to turn in those types of guns, however, this tactic can lead to quite a large price tag.

New Jersey spent \$1.2 million on five buybacks for 9,000 firearms⁹. New York spent \$1 million for 5,000 guns between 2008-2010. New York experts, Lawrence Sherman at Cambridge University's Jerry Lee Centre of Experimental Criminology and Christopher Hermann at John Jay College of Criminal Justice, concur that policies like New York's Crisis Management

⁶ Kuhn, E M. "Missing the Target: a Comparison of Buyback and Fatality Related Guns." *Injury Prevention*, vol. 8, no. 2, 1 June 2002, pp. 143–146., doi:10.1136/ip.8.2.143.

⁷ Rosenfeld R. Gun buy-backs: crime control or community mobilization? In: Plotkin MR, ed. *Under fire: gun buy-backs, exchanges, and amnesty programs*. Washington, DC: Police Executive Research Forum, 1996: 1–28.

⁸ Lee, Jaelyn. "City of Philadelphia Collects over 150 Guns during Buyback Events." *6abc Philadelphia*, WPVI-TV, 28 Feb. 2021, 6abc.com/city-collects-over-150-firearms-gun-buyback-event-stop-the-violence/10376264/.

⁹ Kalet, Hank. "Do Gun Buybacks Reduce Gun Violence?" *Njspotlight.com*, NJ Spotlight News, 19 Sept. 2019, www.njspotlight.com/2013/04/13-04-04-do-gun-buybacks-reduce-gun-violence/.

System established in 2014 and the Red Flag law passed in 2019, which prevents people who may be a risk to themselves or others from buying or owning a gun are far more effective than buybacks¹⁰.

Over the last decade, there have been several gun buyback events in the metropolitan Detroit area. For example, in 2013 Southfield-based personal injury law firm Goodman Acker sponsored a no-questions-asked “Guns for Groceries” buyback, in which the Wayne County Sheriff Department collected unloaded guns in exchange for \$50 Meijer gift cards¹¹. Additionally, in 2016 the county sheriff’s office held a “Cash for Caliber” buyback at the Mathis Community Center where they offered \$50 visa gift cards for a maximum of 3 guns per person¹². Gun violence still remains a major concern in the city.

Conclusion

Based on the most recent data available, between 2012-2018 manufacturers have added approximately 8-11 million guns per year to the nation’s gun supply¹³. Only about 6.6 million of the almost 400 million civilian-owned guns are registered as of 2019¹⁴. The amount of guns collected during a buyback is inconsequential to the number of guns produced, purchased, and unregistered each year.

According to many experts and researchers, a gun buyback program would have a minor impact on gun violence, without other measures that also address economic factors and mental health issues that can lead to gun violence. In fact, Chief James Craig said, “It’s no secret: Increased opportunity means reduced crime. I don’t care what city you’re in, if you look at any neighborhood when there’s high poverty and a lack of opportunity, there’s high crime.”¹⁵ However, gun buybacks can potentially raise awareness about gun safety and possible gun control strategies.

Even though, guns that are turned in at buybacks are least likely to be those used in violent crime and criminals can easily replenish the supply of guns in high crime cities, LA, Philadelphia, New York, Camden, and many others still employ gun buyback programs as a strategy to reduce gun violence.

¹⁰ Goldberg, Noah. “What Happened to Gun Buybacks in New York City?” *Brooklyneagle.com*, Brooklyn Daily Eagle, 4 Dec. 2019, brooklyneagle.com/articles/2019/12/04/gun-buybacks-new-york-city/.

¹¹ Burns, Gus. “Wayne County Groceries for Guns Event Aims to Take Firearms off the Street.” *Mlive.com*, MLive, 15 May 2013, www.mlive.com/news/detroit/2013/05/wayne_county_groceries_for_gun.html.

¹² “Gun Buyback: Detroit Program Pays \$50 Per Gun To Keep Weapons Off Streets.” *CBS Detroit*, CBS Radio, Inc., 10 June 2016, detroit.cbslocal.com/2016/06/10/gun-buyback-detroit-program-pays-50-per-gun-to-keep-weapons-off-streets/.

¹³ “Number of Firearms Manufactured in the U.S. from 1986-2018 & Number of Registered Weapons in the U.S. in 2019, by State.” *Statista.com*, Statista Research Department, Oct. 2020, www.statista.com/statistics/215395/number-of-total-firearms-manufactured-in-the-us/ & www.statista.com/statistics/215655/number-of-registered-weapons-in-the-us-by-state/

¹⁴ Mekelburg, Madlin. “PolitiFact - How Many Guns Are on the Streets in the United States?” *Politifact.com*, Polifact: The Poynter Institute, 9 Sept. 2019, www.politifact.com/factchecks/2019/sep/09/beto-orourke/how-many-guns-are-streets-united-states/.

¹⁵ Abdel-Baqi, Omar. “Detroit Sees Sharp Increase in Homicides, Shootings in 2020.” *Freep.com*, Detroit Free Press, 6 Jan. 2021, www.freep.com/story/news/local/michigan/detroit/2021/01/06/detroit-homicides-shootings-2020/6563259002/.

Many city officials and law enforcement agencies measure the success of gun buyback programs by the number of guns collected. However, the success of a buyback program should be evidenced by its impact on the rate of gun violence in the city it was instituted. With that measure in mind, gun buybacks have ultimately become an expensive disappointment, according to experts. It would be far more beneficial to invest in programs to change the environment that cultivates crime and violence along with enacting gun control legislation on the federal, state, and local levels of government.

Please do not hesitate to contact LPD, if you have any questions or concerns.