

February 07, 2022



LOS ANGELES COUNTY  
DISTRICT ATTORNEY'S OFFICE

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LOS ANGELES  
POLICE DEPARTMENT

On behalf of the residents of the City and County of Los Angeles, we write to you in hopes of appealing to your company's proven history of responsible corporate citizenship. American Express ("Amex") has demonstrated that it clearly understands the broad reach and impact it has on society. In 2015, in response to public concerns and outcries, Amex made the responsible decision to become the first credit card company to cease allowing its network to be used to process payments on the Backpage.com website. The Backpage.com website had become notorious for facilitating sex trafficking, especially of underage minors. Amex could have responded to the public outcries by citing the difficulty of monitoring specific transactions on the website and by disclaiming knowledge that any particular transaction processed by it was for illegal purposes. However, rather than hide behind legal technicalities, Amex chose to do the right thing and prohibited use of its network by Backpage.com.

It is knowledge of that decision that gives us hope as we write to you today in an effort to persuade you to make a similar responsible decision with regards to "ghost guns." Ghost guns are firearms kits sold mostly on the internet for approximately \$350-\$500. They typically arrive by mail in cardboard boxes containing the component parts of a gun, which the buyer can then assemble into a working firearm using a simple set of tools called a jig kit. They are called "ghost guns" because they are unregistered and thus lack a serial number, making them untraceable by law enforcement. They are also invariably purchased with no meaningful background checks, often merely requiring the buyer to self-certify that they are not legally disqualified from purchasing a firearm. This means that someone who is legally disqualified by virtue of a felony or domestic violence conviction or by virtue of mental illness or being underage can nevertheless easily purchase a ghost gun kit by simply making a false and untested certification. Furthermore, there are generally no limits to the number of gun kits that can be purchased online.

Ghost guns are cheap and not particularly durable or especially accurate. There is no discernible advantage to purchasing them, other than the lack of meaningful background checks and lack of registration requirements.

The proliferation of ghost guns and their terrible impact on our country, and California in particular, is well documented and beyond dispute. As the chief prosecutor of Los Angeles County, the Chief of Police of the Los Angeles Police Department ("LAPD"),



LOS ANGELES COUNTY  
POLICE CHIEFS' ASSOCIATION

and on behalf the 45 local city Chiefs within the County of Los Angeles, we appeal to you because the situation here is especially dire and the statistics are sobering. Since 2017, the number of ghost guns seized by LAPD has increased by approximately 400 percent and the trend is accelerating. During 2020, LAPD recovered 813 ghost guns. During the first 11 months of 2021, LAPD had already recovered 1,780 ghost guns, more than double the previous year's total. In August 2021, LAPD reported that ghost guns accounted for 33 percent of all guns recovered by LAPD in its investigations of suspected criminal activity.

This proliferation of ghost guns has corresponded with a sharp rise in violent crime. For example, LAPD has reported that as of August 2021, homicides had increased by 25 percent from the previous year and that shootings with victims hit by gunfire have increased by 35 percent. In 2021, during just the first 10 months, LAPD reported that ghost guns had been used in 24 murders, 8 attempted murders, 60 assaults with deadly weapons, and 20 armed robberies (<https://lacity.primegov.com/Portal/viewer?id=399032&type=2>).

Beyond these statistics, here are just a few concrete examples of the harm caused by ghost guns over the past several years:

- On June 7, 2013, in Santa Monica, California, a man who was advised by the California Department of Justice that he was legally ineligible to purchase a firearm, purchased and assembled an AR-15 ghost gun. He opened fire with that gun during a domestic dispute, killing two of his family members. He then embarked on a shooting rampage at a nearby community college, killing three additional victims and wounding four others. It was this mass shooting that first brought media attention to the problem of ghost guns.
- On July 16, 2014, in Stockton, California, three men entered a bank with intent to rob it. They were armed with several firearms including an AK-47 ghost gun. When police responded, the three men took two bank employees and a bank customer as hostages and then led police on an hour-long vehicle pursuit that ended with a shootout that resulted in the death of the customer and two of the robbers.
- On November 14, 2019, in Saugus, California, a sixteen year-old high school student used a ghost gun to shoot five fellow students, killing two of them.
- On May 29, 2020, in front of the U.S. District Courthouse in Oakland, California, a far-right extremist and member of the anti-government Boogaloo Bois movement, opened fire with a ghost gun optimized to fire bursts automatically, shooting two courthouse security officers, killing one of them. On June 6, 2020, when Santa Cruz County Sheriff's deputies sought to arrest the killer, he opened fire with that same ghost gun, killing one of the deputies.

- On September 12, 2020, a man calmly walked up to the passenger door of a police squad car parked at a transit center in Compton, California and opened fire with a ghost gun, shooting the two deputies seated inside.

Neither legal actions initiated by law enforcement or legislation banning ghost guns have thus far curbed the flow of ghost guns. Many of the major ghost gun suppliers have been the subject of civil law enforcement actions filed by prosecutors with little impact on the production and supply of ghost gun components. On February 17, 2021, the Los Angeles City Attorney's office sued Polymer80, the nation's largest ghost gun manufacturer. According to a database maintained by the Bureau of Alcohol Tobacco Firearms and Explosives ("ATF"), 86% of ghost guns entered in that database were manufactured using Polymer80 components. On August 18, 2021, the San Francisco District Attorney sued Blackhawk Manufacturing Group, Inc., GS Performance, LCC, and MDX Corporation, three ghost gun manufacturers headquartered in California.

The ghost gun industry's lawyers have tangled up these lawsuits in court, arguing that the kits they sell are not sufficiently complete to meet the legal definition of a "firearm." They have argued that a ghost gun that is "only" 80% complete is not a firearm and thus is not subject to laws requiring background checks and serial numbers. However, while the ghost gun industry's lawyers claim in court that their products are too incomplete to constitute a "firearm," the industry's websites routinely boast about how easily those ghost gun kits can be assembled. For example, the New Frontier Armory website sells a tool set known as a "jig kit" that enables a customer to "finish an AR-15 80% lower including jig assembly in under 15 minutes" (<https://www.newfrontierarmory.com/product/5d-tactical-router-jig-pro-multiplatform/>).

While these and other enforcement actions linger in the courts, local municipalities in California have enacted ordinances that try to prohibit the sale of gun parts that bear no serial numbers – whether 80% completed or not. On September 7, 2021, San Francisco passed a ban on the sale of gun parts lacking serial numbers by unlicensed dealers. On September 23, 2021, San Diego enacted a ban on buying or selling any gun parts lacking serial numbers. On November 30, 2021, the Los Angeles City Council voted unanimously to ban the purchase, sale, or transportation of any gun parts lacking serial numbers. Under these ordinances, it is irrelevant whether the gun kits are or are not more than 80% assembled. The only pertinent inquiry is whether those parts bear a serial number, which ghost gun parts do not. However, there is no evidence that these ordinances, limited to their respective municipal boundaries, will make a meaningful dent in the proliferation of ghost guns.

The California legislature has enacted Penal Code section 16520 which requires, among other things, that any precursor firearms parts be sold in person by licensed firearms dealers and requires background checks and registration. However, that law does not take effect until July 2022. Given the rapid, ongoing and current proliferation of these weapons, this is simply too late. That legislation will do nothing to remove the thousands of ghost guns that are currently being mailed to California. Even after it goes into effect, it will do nothing to stop ghost guns from being mailed to an address outside the state before being imported into California.

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Our purpose in writing to you today is not to recruit you in a legal debate on the merits of these legal cases or the enforceability of these laws. As your decision in the matter of Backpage.com well demonstrated, there is a difference between what may or may not be technically legal and possible and what is most assuredly wrong. It is to your company's sense of right and wrong to which we now appeal.

Thus, we have a simple request. Amex has the ability to go beyond what any law enforcement agency, legislature, or city council can accomplish. It can put an immediate and fatal impediment to the online sale of these dangerous weapons. By your action, you can prevent a ghost gun kit from being sold over the internet with a few mere clicks on a smartphone or computer. Please join us in stemming the flow of ghost guns into our communities.

Thank you for your consideration of this important public safety issue. Please do not hesitate to contact our offices should you have any questions.

Sincerely Yours,



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GEORGE GASCON  
DISTRICT ATTORNEY  
LOS ANGELES COUNTY



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MICHEL R. MOORE  
CHIEF OF POLICE  
LOS ANGELES POLICE DEPARTMENT



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GENE HARRIS  
PRESIDENT  
LOS ANGELES COUNTY POLICE CHIEFS' ASSOCIATION