

OFFICE OF THE ATTORNEY GENERAL
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Firearms Used in the Commission of Crimes 2021

This report is available online at

<http://oag.ca.gov/publications#crime>



Division of Law Enforcement
Bureau of Forensic Services

Executive Summary

Reporting Requirement

California Penal Code section 34200 requires the Department of Justice (Department) to provide the Legislature, on or before April 15 of each year, a written report on the specific types of firearms used in the commission of crimes based upon information obtained from state and local crime laboratories. Although the Department is required to produce this annual report based on data obtained from state and local crime laboratories, there is no corresponding mandate for local crime laboratories to track or provide this data.

The report must include all of the following information regarding crimes in which firearms were used:

- (a) A description of the relative occurrence of firearms most frequently used in the commission of violent¹ crimes, distinguishing whether the firearms used were handguns, rifles, shotguns, assault weapons, or other related types of weapons.
- (b) A description of specific types of firearms that are used in homicides or street gang and drug trafficking crimes.
- (c) The frequency with which stolen firearms were used in the commission of the crimes.
- (d) The frequency with which fully automatic firearms were used in the commission of the crimes.
- (e) Any trends of importance such as those involving specialized ammunition or firearms modifications, such as conversion to a fully automatic weapon, removal of serial number, shortening of barrel, or use of a suppressor.

Scope of Report

As it has been in previous years, the 2021 Firearms Used in the Commission of Crimes report is again limited in scope because it only includes data from the Department's ten regional crime laboratories², which principally serve the rural areas of California. It does not include data from the crime laboratories that serve California's major cities and urban areas, as these laboratories are not statutorily mandated to provide data to the Department for this report. In response to the Department's request for data for this year's report, one laboratory provided data that did not qualify for inclusion. No other laboratories provided data in response to the Department's request. The absence of data from the local laboratories that serve population-dense regions means this report may not reflect gun use trends in urban areas or across California as a whole.

¹ Violent felonies are defined in Penal Code section 667.5

² A map of the Department's regional laboratories and the counties served by each is available at <https://oag.ca.gov/bfs/services>.

Report

The ten regional crime laboratories operated by the Department's Bureau of Forensic Services (BFS) completed examinations of 500 firearms during the 2021 calendar year, 113 of which qualified for inclusion in this report. A firearm is considered to be qualified for this report if forensic testing has positively tied it to at least one of the violent crimes defined by Penal Code section 667.5. Small inconsistencies in data totals are attributable to the fact that the categories in this report, other than firearm types and calibers, are not mutually exclusive; as a result, individual firearms may fit and be counted within multiple categories. For example, if a laboratory examined a stolen shotgun with a shortened barrel that was used in a street gang homicide, that weapon would be counted in each of those categories.

Types of Firearms and Calibers of Ammunition Used in Crimes

The 113 qualifying firearms examined by BFS laboratories during this reporting period included 102 handguns (90.3%), 10 rifles (8.8%) and one machine gun (0.9%), (Figure 1). The machine gun and two of the rifles were California assault weapons.³ None were classified as shotguns.

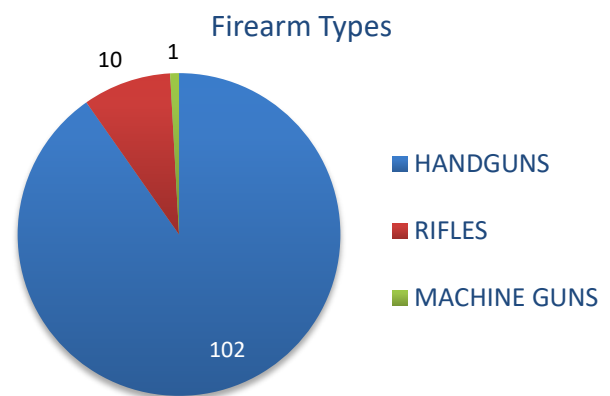


Figure 1. Types of firearms used in crimes.

The most commonly-encountered calibers were 9 mm Luger and 40 Smith & Wesson (S&W), followed by 45 Automatic Colt Pistol (ACP) (Figure 2). No caliber was recorded for three of the 113 qualifying firearms.

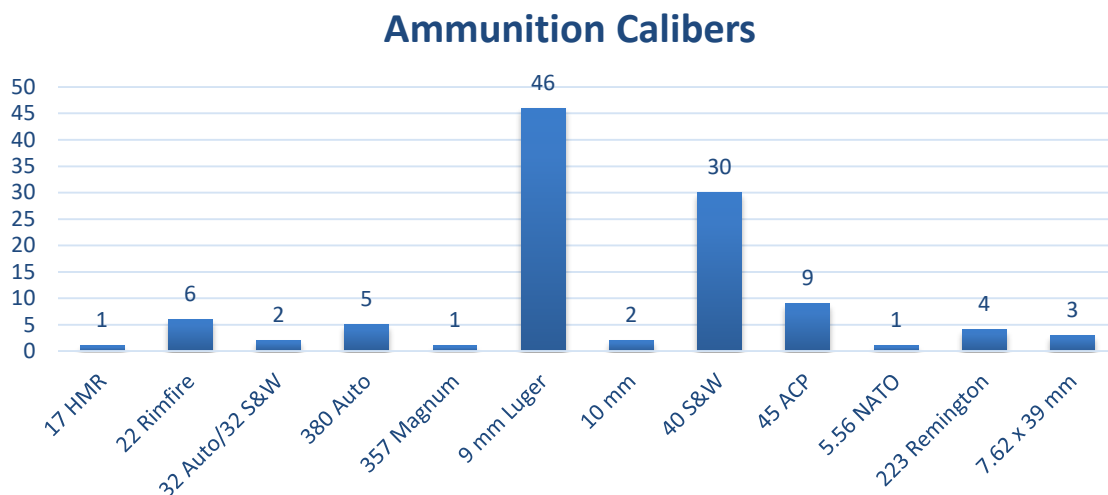


Figure 2. Calibers of ammunition used in crimes (displayed by caliber size, from smallest to largest, L-R).

³ As defined in Penal Code sections 30510 and 30515

Firearms Used in Crimes of Violence Other than Homicides

Fifty-six (49.6%) of the 113 qualifying firearms examined by BFS laboratories were submitted in cases involving crimes of violence other than homicides. These 56 firearms included 49 handguns (87.5%), six rifles (10.7%) and one machine gun (1.8%) (Figure 3). The machine gun and one of the rifles were California assault weapons. The firearms examined in this category did not include any shotguns.

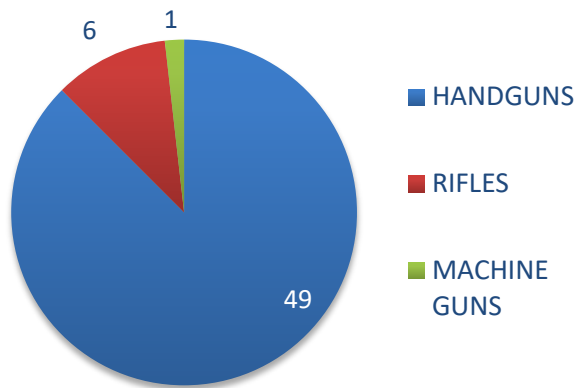


Figure 3. Firearms used in crimes of violence other than homicides.

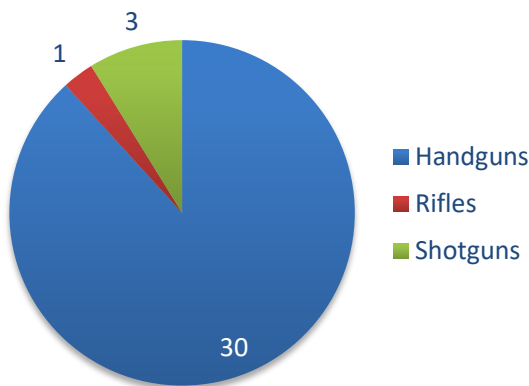


Figure 4. Firearms used in homicides.

Firearms Used in Homicides

Of the 113 qualifying firearms examined during this reporting period, 43 (38.0%) were submitted to the Department's laboratories in homicide cases. These 43 firearms included 39 handguns (90.7%) and four rifles (9.3%), one of which was a California assault weapon (Figure 4). No shotguns or fully-automatic firearms were linked to homicides.

Street Gang Crimes

None of the qualifying firearms were identified as being related to street gang crimes.

Drug Trafficking Crimes

Two handguns and one rifle were identified as being used in drug trafficking crimes.

Weapons Examined by Year

The number of California assault weapons examined by BFS laboratories increased from 2020 to 2021. However, there has been very little change overall in the number of assault weapons examined in the last 20 years; as a category, their numbers have been nominal relative to the total number of firearms examined.

California's original list of assault weapons, established in 1989, is found in Penal Code section 30510. The Department later promulgated regulations to add a list of named assault weapons to the California Code of Regulations (11 CCR 5499). California's definition of an assault weapon was expanded again in 1999, this time to include weapons exhibiting certain characteristics found in Penal Code section 30515.

While all three lists were in place by 2001, section 30515 was amended in 2016 and again in 2020. As a result of the 2016 amendment, additional firearms became classified as California assault weapons. The reported number of assault weapons examined in years following that amendment may include firearms that would not have been counted previously (Figure 5). As of the publication of this report, the Department has received assault weapon registration applications pursuant to the 2020 amendment.

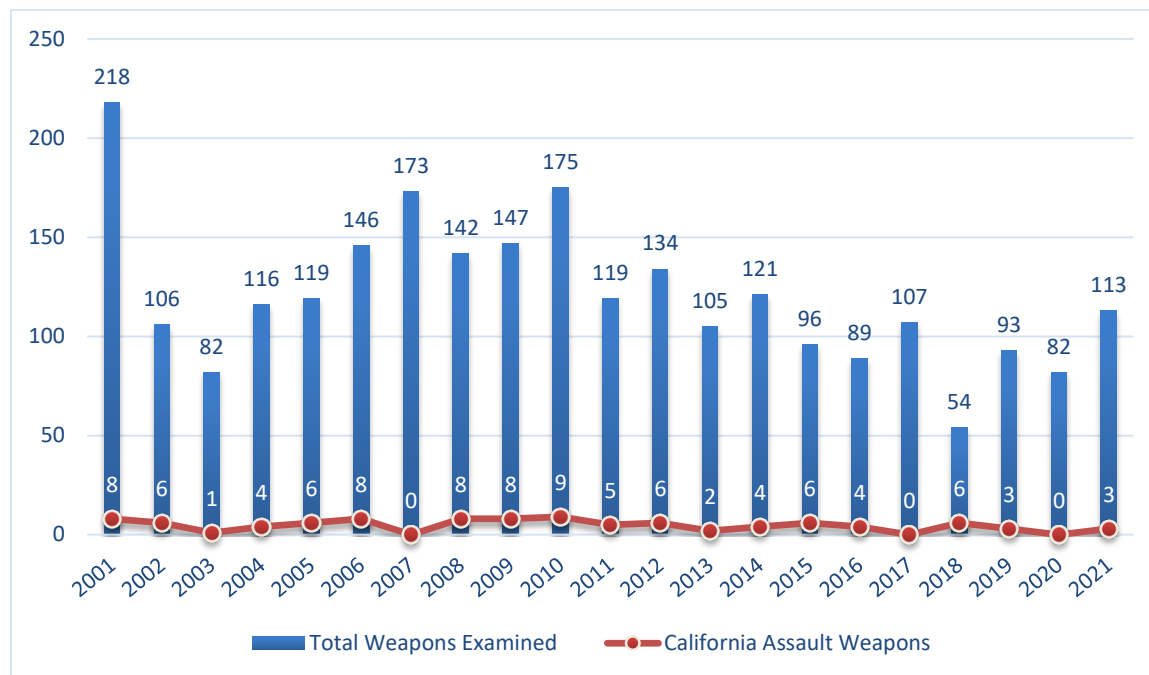


Figure 5. Weapons examined by year.

Trends and Special Cases

California Assault Weapons

Three of the 113 qualifying firearms examined in 2021 were identified as California Assault Weapons (as defined in Pen. Code §§ 30510 and 30515), (see Figure 5 on page 4).

Full-Auto Firearms (Machine Guns, Submachine Guns or Full-Auto Conversions)

One qualifying firearm exhibiting full-auto fire was examined this year.

Officer-Involved Shooting Incidents

Four firearms were identified as being related to officer-involved shooting incidents. All were handguns.

Serial Numbers Removed

Three of the 113 firearms were submitted with the serial numbers removed.

Short-Barreled Shotguns or Rifles

None of the examined firearms were classified as short-barreled or short overall-length shotguns or rifles.

Stolen Firearms

One examined firearm was confirmed to have been reported stolen. However, information related to a firearm's ownership status is not often provided to the laboratory conducting the forensic examination.

Suppressors

No firearms equipped with a suppressor (silencer) were examined in 2021.

Unusual Ammunition

There were no reported examinations of armor-piercing, exploding, Glazer-type, incendiary, frangible⁴ or tracer ammunition.

⁴ A frangible bullet is designed to fragment or disintegrate upon impact with an object harder than itself, in order to minimize the potential for damage from ricochet or penetration.