

1 CHESA BOUDIN (SBN 284577)
District Attorney
2 EVAN ACKIRON (SBN 164628)
Assistant Chief District Attorney
3 ALEXANDRA GRAYNER (SBN 290591)
Assistant District Attorney
4 White Collar Crime Division
350 Rhode Island Street
5 North Building, Suite 400N
San Francisco, CA 94103
6 Telephone: (628) 652-4100
Facsimile: (628) 652-4001
7

8 ROB BONTA (SBN 202668)
Attorney General
9 NICKLAS A. AKERS (SBN 211222)
Senior Assistant Attorney General
10 MICHAEL E. ELISOFFON (SBN 240707)
Supervising Deputy Attorney General
VESNA CUK (SBN 309157)
11 ROSE C. GOLDBERG (SBN 310196)
455 Golden Gate Avenue, Suite 11000
12 San Francisco, CA 94102-7004
Telephone: (415) 510-3782
13 Facsimile: (415) 703-5480
E-Mail: Vesna.Cuk@doj.ca.gov
14

15 *[Additional Counsel listed on next page]*

16 Filing Fees Exempt (Gov. Code § 6103)

17 Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

19 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

20 PEOPLE OF THE STATE OF
CALIFORNIA,

21 Plaintiff,

22 v.

23 BLACKHAWK MANUFACTURING
24 GROUP INC.; GS PERFORMANCE, LLC;
25 MDX CORPORATION; and DOES 1-25,

26 Defendants.
27
28

Case No. CGC-21-594577

**DECLARATION OF CHIEF WILLIAM
SCOTT IN SUPPORT OF THE PEOPLE'S
MOTION FOR A PRELIMINARY
INJUNCTION**

Dept.: 306
Judge: Hon. Anne-Christine Massullo

Hearing Date: June 3, 2022, 9:30 a.m.

Date Filed: August 18, 2021
Trial Date: Not yet set

**ELECTRONICALLY
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*Superior Court of California,
County of San Francisco*

**05/20/2022
Clerk of the Court**

**BY: SANDRA SCHIRO
Deputy Clerk**

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27
28

[Additional Counsel continued from prior page]

KEKER, VAN NEST & PETERS LLP

JOHN W. KEKER (SBN 49092)

jkeker@keker.com

BROOK DOOLEY (SBN 230423)

bdooley@keker.com

TRAVIS SILVA (SBN 295856)

tsilva@keker.com

NEHA SABHARWAL (SBN 332543)

nsabharwal@keker.com

633 Battery Street

San Francisco, CA 94111-1809

Telephone: 415 391 5400

Facsimile: 415 397 7188

GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE

ARI FREILICH (SBN 288952)

afreilich@giffords.org

ESTHER SANCHEZ-GOMEZ (SBN 330408)

esanchezgomez@giffords.org

268 Bush St. # 555

San Francisco, CA 94104

Telephone: (415) 433-2062

1 I, William Scott, declare under penalty of perjury that:

2 1. I am employed by the City and County of San Francisco, San Francisco Police
3 Department. My current position is Department Head and my title is Chief of Police. I have held
4 this position since my appointment on January 23, 2017.

5 Prior to being appointed to the San Francisco Police Department as the Chief of Police, I
6 served as a sworn member of the Los Angeles Police Department for twenty-seven (27) years and
7 three (3) months. While a member of the Los Angeles Police Department, I held the ranks of
8 police officer, sergeant, lieutenant, Captain, Commander, and Deputy Chief. My assignments
9 included but were not limited to patrol officer, field training officer, detective (including
10 homicide unit detective and supervising detective), gang unit detective and supervising detective,
11 gang unit officer-in-charge, patrol sergeant, patrol lieutenant watch commander, officer-in-charge
12 Internal Affairs Criminal Investigations Unit, officer-in-charge Professional Standards Bureau
13 Ethics Enforcement Section, Captain/Commanding Officer -Patrol Division,
14 Captain/Commanding Officer - Area Community Police Station, Commander/Assistant
15 Commanding Officer – Operations West and South Bureaus, Deputy Chief/Commanding Officer
16 – Operations South Bureau.

17 My education includes a Bachelor of Science degree in accounting from the University of
18 Alabama.

19 My training includes but is not limited to approximately 2300 hours of certified California
20 Peace Officer and Standards Training (CA POST). Included in my CA POST certified training is
21 56 hours of specific firearms training in addition to basic academy firearms training. I also have
22 been awarded Basic, Intermediate, Advanced, Supervisory, and Management Certificates from
23 CA POST.

24 I am a graduate of the San Francisco Police Department Leadership Development Institute
25 (SFPD LDI), the Police Executive Research Forum's (PERF), Senior Management Institute for
26 Police (SMIP) as well as the Federal Bureau of Investigations National Executive Institute (FBI
27 NEI) Session XL II.

1 I declare the following facts based on my personal knowledge or based upon information
2 and belief. If called to testify, I will testify to the following:

3 2. Privately Manufactured Firearms (PMFs), often colloquially known as “ghost
4 guns,” are firearms that are manufactured by individuals using commercially available kits.
5 These kits include a partially completed firearm frame, which is what would normally bear the
6 mandatory identifying marks. The frame is often sold in a nearly completed state. The kits
7 include instructions, jigs, and other accessories that enable the purchaser to easily remove a small
8 amount of material to complete the firearm frame using common household tools such as a drill,
9 router, or drill press. After removing the small amount of remaining material, the purchaser can
10 then combine the frame with the remaining commercially available parts common to all firearms
11 of that particular type that are also readily available from numerous vendors at various brick-and-
12 mortar or internet stores.

13 3. PMF kits do not require specialized skill, knowledge, or training to manufacture or
14 assemble. Instructional videos and other guides are readily available online.

15 4. PMF kits are available in a wide variety of makes and models, that include both
16 pistols and rifles, such as the Glock pattern of pistols, as well as AR-15 and AK-47 pattern rifles.

17 5. PMF kits are unfinished frames and objects sold without any identifying marks
18 and without any background checks. In contrast, laws dictate that all commercially made firearm
19 (CMF) transactions must go through a Federal Firearms Licensee (FFL) and furthermore, CMFs
20 must be stamped with serial numbers and other markings. Additionally, FFLs must keep records
21 of all sales. Felons, other prohibited persons, and criminals can acquire kits with no questions
22 asked, even though they would otherwise be unable to acquire a firearm from an FFL.

23 6. PMFs can be converted into assault pistols and assault rifles. PMFs can also be
24 converted into machineguns using auto sears or auto switches. The San Francisco Police
25 Department has seized PMFs in criminal investigations that would be classified as assault
26 weapons and/or machine guns.

27 7. Illegally possessed firearms, including PMFs, pose an increasing public safety risk
28

1 in the City and County of San Francisco. PMFs complicate the work of the San Francisco Police
2 Department by increasing criminal access to firearms, by reducing the ability to track or trace
3 firearms either individually or as a class, and by creating potentially inherently dangerous
4 firearms due to inconsistent, variable, or lacking quality control.

5 8. PMFs circumvent the Dealer Record of Sale (DROS) process and other state laws
6 that exist to protect public safety, particularly the background check that screens for felony
7 convictions, misdemeanor crimes of violence convictions, domestic violence convictions, or
8 mental health prohibitions. The background check is an important tool to prevent firearms from
9 falling into the hands of dangerous individuals, and PMFs bypass it. PMFs also bypass the need
10 to show proof of a handgun safety certificate, a certificate issued after passing a written test on
11 firearms safety, as well as the safe handling demonstration requirement where the purchaser must
12 show that he or she can safely load and unload the firearm. PMFs also bypass the 10-day waiting
13 period and the requirement of a gun lock or gun safe to safely store the firearm.

14 9. PMFs make it difficult for the San Francisco Police Department to track or trace
15 firearms because PMFs almost never have a serial number, and also almost never have any
16 transaction history because they were illegally manufactured or purchased outside of the DROS
17 system. When a firearm is used or recovered in a crime, investigators can contact both the
18 California Department of Justice as well as the Bureau of Alcohol, Tobacco, Firearms, and
19 Explosives (BATFE) National Tracing Center, both of which may have information relevant to
20 solving the crime. The lack of tracing information also makes it difficult for law enforcement
21 analysts to identify patterns of interstate or intrastate illegal firearms trafficking.

22 10. PMFs are also often inherently dangerous due to variable manufacturing quality.
23 Before and/or after assembly, commercially produced firearms typically undergo strict quality
24 control inspection and/or statistical sampling of parts for proper fit. Pistols sold in California
25 must meet stringent testing requirements that include drop testing and test firing before they can
26 be certified as safe for sale. Additionally, San Francisco Police Department investigations
27 involving PMFs have shown that shoddy manufacturing have led to unintentional discharges.

1 This danger is magnified in a dense urban city environment, like that of San Francisco.

2 11. A review of San Francisco Police Department PMF data shows a significant
3 increase in PMF seizures since data collection began in 2016. In San Francisco, PMFs are seized
4 in relation to a wide range of criminal violations, including, but not limited to: prohibited person
5 in possession of a firearm, robbery, assault with a firearm, and homicide. The following chart
6 illustrates the exponential growth of PMF recoveries in San Francisco:

<u>Year</u>	<u>PMFs Seized</u>	<u>Increase/Decrease</u>
2016	6	
2017	17	183.3%
2018	50	194.1%
2019	97	94.0%
2020	164	69.1%
2021	217	32.3%

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13
14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct and that this declaration was executed on April 14, 2022, in San
16 Francisco, California.

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18
19 WILLIAM SCOTT _____