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 City Attorney
 2 WAYNE K. SNODGRASS, State Bar #148137
 VINCE CHHABRIA, State Bar #208557
 3 Deputy City Attorneys
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 6 E-Mail: wayne.snodgrass@sfgov.org

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 8 Attorneys for Defendants and Respondents
 CITY AND COUNTY OF SAN FRANCISCO, et al.

9
 10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 COUNTY OF SAN FRANCISCO
 12 UNLIMITED JURISDICTION

13 PAULA FISCAL, LARRY P.
 BARSETTI, REBECCA KIDDER,
 14 DANA DRENKOWSKI, JOHN
 CANDIDO, ALAN BYARD, ANDREW
 15 SIRKIS, NATIONAL RIFLE
 ASSOCIATION, SECOND
 16 AMENDMENT FOUNDATION,
 CALIFORNIA ASSOCIATION OF
 17 FIREARMS RETAILERS, LAW
 ENFORCEMENT ALLIANCE OF
 18 AMERICA, and SAN FRANCISCO
 VETERAN POLICE OFFICERS
 19 ASSOCIATION,

20 Plaintiffs and Petitioners,

21 vs.

22 CITY AND COUNTY OF SAN
 FRANCISCO, SAN FRANCISCO
 23 POLICE CHIEF HEATHER FONG in her
 official capacity and SAN FRANCISCO
 24 POLICE DEPARTMENT, and Does 1-25,

25 Defendants and Respondents.

Case No. CPF-05-505960

**REQUEST FOR CONSIDERATION OF
 LATE FILED DECLARATION**

Hearing Date: February 15, 2006
 Hearing Judge: Hon. James L.
 Warren
 Time: 9:30 a.m.
 Place: Dept. 301
 Date Action Filed: Dec. 28, 2005
 Trial Date: None Set

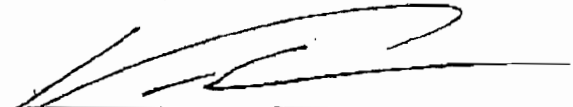
Attached Documents: None

1 Respondents City and County of San Francisco, *et al.* ("City") hereby request that the Court
 2 consider the Declaration of Edward Harrington in Support of Opposition to the Petition for a Writ
 3 of Mandate in the above-captioned matter. For the convenience of the Court, the Declaration,
 4 which was filed concurrently herewith, is also attached to this Request as Exhibit A. As discussed in
 5 the attached Declaration of Counsel, the Harrington Declaration was inadvertently excluded from
 6 the group of Declarations filed by the City with its Opposition on January 25, 2006. Petitioners
 7 National Rifle Association, *et al.* ("NRA") have been in possession of this Declaration since
 8 December 5, 2005, and its contents are referenced in the City's Opposition. Therefore, the NRA
 9 could suffer no prejudice from its consideration. Furthermore, the NRA does not object to the late
 10 filing.

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Dated: January 25, 2006

DENNIS J. HERRERA
 City Attorney
 WAYNE SNODGRASS
 VINCE CHHABRIA
 Deputy City Attorneys

By: 
 VINCE CHHABRIA
 Attorneys for Defendants and Respondents

1 **DECLARATION OF COUNSEL IN SUPPORT OF REQUEST FOR**
2 **CONSIDERATION OF LATE FILED DECLARATION**

3 I, VINCE CHHABRIA, declare as follows:

4 1. I have personal knowledge of the matters stated herein, except for those matters set
5 forth on information and belief, which I believe to be true, and if called to testify, I can and will
6 testify competently as to all matters set forth herein.

7 2. I am employed as a Deputy City Attorney for the City and County of San Francisco.
8 I am participating in the representation of the City in the above captioned proceeding.

9 3. On November 9, 2005, the NRA filed a Petition for a Writ of Mandate in the
10 California Court of Appeal, challenging the validity of Proposition H, which bars San Francisco
11 residents from possessing handguns, and outlaws the sale of firearms and ammunition within City
12 limits.

13 4. On December 5, 2005, the City filed an Opposition in the Court of Appeal and
14 served it on the NRA, along with the Declarations of Kathy Hood, Cathy Tyson, Vince Chhabria,
15 Diane Bradford, Lt. Colleen Fatooh, Lt. John Hennessey and Edward Harrington. On December 9,
16 2005, the Court of Appeals denied the NRA's petition.

17 5. On December 29, 2005, the NRA re-filed its Petition for a Writ of Mandate with this
18 Court. The City filed its Opposition on January 25, 2006, along with the Declarations of Hood,
19 Tyson, Chhabria, Bradford, Fatooh and Hennessy. However, during the process of converting the
20 Declarations for filing in this Court, the Declaration of Edward Harrington was inadvertently
21 excluded.

22 6. The contents of this Declaration, which has now been filed, are exactly the same as
23 the one filed in the Court of Appeal – only the caption page and the date have been changed.
24 Furthermore, the Declaration was discussed in the Opposition filed by the City in this Court on
25 January 25, 2006. Accordingly, the City believes the NRA will suffer no prejudice from the Court's
26 consideration of the Harrington Declaration.

27 7. Counsel for the NRA has informed the City that it does not object to the late filing,
28 although the NRA reserves the right to object to the Declaration on substantive grounds.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 3, 2006, in San Francisco, California.



VINCE CHHABRIA

EXHIBIT A

1 DENNIS J. HERRERA, State Bar #139669
 City Attorney
 2 WAYNE K. SNODGRASS, State Bar #148137
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 POLICE CHIEF HEATHER FONG in
 23 her official capacity and SAN
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 24 and Does 1-25,

25 Defendants and Respondents.

Case No. 05-505960

**DECLARATION OF EDWARD
 HARRINGTON IN SUPPORT OF
 CITY'S OPPOSITION TO PETITION
 FOR WRIT OF MANDATE**

Hearing Date: February 15, 2006
 Hearing Judge: James L. Warren
 Time: 9:30 a.m.
 Place: 301

Date Action Filed: Dec. 28, 2005
 Trial Date: None Scheduled

1 I, Edward Harrington, declare as follows:

2 1. I am employed by the City and County of San Francisco (the "City") as Controller. I
3 have held this position since 1991. Prior to obtaining this position, I was the assistant general
4 manager and finance director for the San Francisco Public Utilities Commission. Prior to my
5 service with the City, I worked for a private firm that provided audit services to the City and County
6 of San Francisco. I have a CPA license and over 24 years of experience in analysis and
7 management of public sector finances.

8 2. As Controller for the City, my job responsibilities include:

- 9 (a) Overseeing management of the City's budgeting, accounting, payroll, auditing, and financial
10 reporting functions;
- 11 (b) Serving as advisor to the Mayor and the Board of Supervisors on financial and economic
12 matters, and on City management issues;
- 13 (c) Providing financial data, analysis, and recommendations on financial matters to the Mayor,
14 Board of Supervisors, Boards and Commissions, other public agencies, the media, and citizens,
15 as needed; and
- 16 (d) As required by the Charter, preparing and issuing periodic reports on the City's financial
17 condition, and ensuring that an independent audit of the City's finances is conducted and issued
18 each year.

19 3. I was asked to analyze the estimated fiscal impact of firearm violence in San
20 Francisco. I focused my analysis on the impact of firearm violence on expenditure of local
21 government dollars as well as the estimated loss of household income resulting from firearm
22 fatalities.

23 4. To analyze the cost to the City of firearm violence, it was necessary to identify and
24 examine the numerous ways the City provides services to all parties affected by firearm violence,
25 including areas such as paramedic response and police investigations to family support and social
26 safety net programs. These costs of firearm violence are ultimately borne by the City's taxpayers
27 and fee payers.

28

1 5. To estimate the cost of these services, my staff, under my direction, contacted the
2 fiscal heads of the following San Francisco agencies: the Emergency Communications Department;
3 the Police Department; the Fire Department; the Sheriff's Office; the District Attorney's Office; the
4 Public Defender's Office; the San Francisco Superior Court; the Adult Probation Department; the
5 Department of Public Health; the Department of Children, Youth and Families; and the Office of
6 the Medical Examiner.

7 6. These agencies, whenever possible, provided my office with data that allowed me to
8 estimate the amount each agency spends in response to firearm violence. For example, the Office
9 of the Medical Examiner informed my office of the number of autopsies performed on people killed
10 by handguns. The Sheriff's Office informed my office of the number of people incarcerated for
11 firearms-related offenses. The Emergency Communications Department informed me of the
12 number of 911 calls it processes relating to firearm crimes. And the Department of Public Health
13 provided my office with the cost of providing unreimbursed trauma, intensive care and other
14 hospital services to patients victimized by firearm violence.

15 7. The total estimated annual cost for all government services relating to firearm
16 violence is, at a minimum, \$31.2 million based upon the data I was able to collect and analyze.
17 These costs are itemized in Attachment A to this Declaration.

18 8. It is important to emphasize that some Departments were not able to collect the
19 relevant data prior to the filing deadline imposed by the Court. Therefore, my estimate does not
20 include significant costs associated firearms violence, such as the provision of foster care for
21 children orphaned by firearms deaths, or the oversight by the Probation Department of juvenile
22 firearms offenders.

23 9. To complete the picture of the financial cost to the City of firearm violence, it is also
24 necessary to analyze the impact on a victim's household. These costs of firearm violence are
25 primarily borne by the victim's family members, in the form of lost income. Additional cost
26 impacts are also present for victims of gun violence that do not result in a fatality, though I have not
27 estimated these costs at this time.

1 10. The loss to a fatality victim's household income is significant because gun violence
2 disproportionately affects people under 35 who would otherwise have many years to earn an
3 income. The estimated annual loss per fatality is \$38,000 in San Francisco, resulting in a lifetime
4 loss equaling \$1.6 million. Assuming 52 fatalities relating to handgun violence per year, the total
5 annual estimated loss of income is \$3.0 million, resulting in a lifetime loss equaling \$124.7 million.

6 11. Additionally, even when a fatality does not occur, costs to living victims and their
7 families also occur as the recuperation process can take from weeks to months in most cases.
8 During this time, people are often unable to work and earn an income to support their families.

9 Except as to matters on information and belief, I have personal knowledge of the matters set
10 forth herein and could competently testify to them.

11 Executed February 2, 2006, in San Francisco, California.

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14 EDWARD HARRINGTON
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ATTACHMENT A: Estimated Fiscal Impact of Firearms Violence

ESTIMATED IMPACT TO THE CITY & COUNTY - GOVERNMENT PERSPECTIVE Estimated Annual Impact \$1,000s

PUBLIC SAFETY

Emergency Communications Department		
Cost of processing 911 calls related to firearm crimes	\$	89
Police Department		
Cost of responding to firearm crime scenes - Patrol	\$	5,670
Cost of responding to firearm crime scenes - Investigation	\$	8,494
Fire Department		
Unreimbursed ambulance response charges for victims of firearm crimes	\$	58
Other, non-ambulance costs of responding to firearm-related crime scenes	\$	3,182
Sheriff's Office		
Cost of Incarceration (on average 88 prisoners per day for 12000 PC series firearms charges)	\$	3,662
District Attorney's Office		
Cost of prosecution for firearm-related cases	\$	2,212
Public Defender's Office		
Cost of public defense of firearm-related cases	\$	40
Trial Courts		
Cost of court proceedings for firearm-related cases, assuming 80 trials per year	\$	335
Adult Probation		
Cost of probation services related to adults, who committed firearm-related crimes, out on parole	\$	595

HEALTH & HUMAN SERVICES

Public Health Department		
Cost of providing trauma, intensive care and other hospital services for firearm-related patients	\$	6,194
Children, Youth & Their Families Department		
Support services related to SafeStart Initiative and violence prevention grants	\$	518
Administrative Services - Medical Examiner		
Costs for autopsies related to handgun-related fatalities	\$	156
Costs for court testimony related to handgun-related fatalities	\$	31

Subtotal - ESTIMATED IMPACT - GOVERNMENT PERSPECTIVE

\$ 31,234

ESTIMATED IMPACT TO SOCIETY - FAMILY PERSPECTIVE

Household Average Income Loss per Fatality, assumed 75% of \$51K average income level	\$	38
Net Present Value Assuming 25-year old, with 3% annual wage increase and 3% annual inflation	\$	1,558
Cost for 80 Fatalities per year	\$	3,041
Net Present Value Assuming 25-year old, with 3% annual wage increase and 3% annual inflation	\$	124,663

PROOF OF SERVICE

I, MONICA QUATTRIN, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

On February 3, 2006, I served the following document(s):

- **REQUEST FOR CONSIDERATION OF LATE FILED DECLARATION**

on the following persons at the locations specified:

C.D. Michel
Don B. Kates
Thomas E. Maciejewski
TRUTANICH MICHEL, LLP
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445

in the manner indicated below:

- BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number (415) 554-4699 to the persons and the fax numbers listed above.
- BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

I declare under penalty of perjury that the foregoing is true and correct.

Executed February 3, 2006, at San Francisco, California.



MONICA QUATTRIN

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Don B. Kates
Thomas E. Maciejewski
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