

MEMORANDUM

TO Interested Parties

FROM Law Enforcement for Common Sense

DATE September 5, 2017

RE Protecting Public Safety and Gun Rights

We are a coalition of law enforcement officers from communities across the country, working with Americans for Responsible Solutions (ARS), the gun violence prevention organization founded by former Congresswoman Gabrielle Giffords and her husband Captain Mark Kelly, to foster a national dialogue on gun safety and demand action from lawmakers to make our communities safer from gun violence.

As law enforcement members, we have seen first-hand the aftermath of gun violence: shattered lives, families, and communities. This is why we are using our voices to call for common sense change. We are demanding action to address the epidemic of gun violence plaguing our communities.

Over the past several years, significant progress to strengthen gun laws has been made at the state level. But at the federal level, we find ourselves in a disconcertingly familiar place with our gun laws: over 30,000 Americans still die at the hand of a gun each year, criminals and dangerous individuals continue to get guns without a background check, and women still fear for their lives because domestic abusers and stalkers are able to easily access firearms.

Change is possible. But to make our communities safer, we need Congress to take action. Congress should act now to give law enforcement officers the tools they need to keep guns out of dangerous hands. Congress needs to close gaping loopholes in our nation's federal laws with responsible solutions and they need to reject irresponsible calls to mandate the unrestricted "concealed carry of firearms and allow free access to dangerous silencers, which present a new menacing threat to our communities and law enforcement professionals.

Valuing the Safety of Law Enforcement

Today, we continue to face real threats from the gun lobby that will make our communities less safe. The gun lobby has consistently stated their desire to dismantle our current concealed carry laws established by individual states and replace them with federally mandated concealed carry; they have also worked to remove the effective regulation of gun silencers that has been in place since 1934. As law enforcement professionals, we understand the devastating effects these proposals would have on our safety, particularly that of law enforcement.

Existing loopholes already threaten the safety of law enforcement in our gun laws. Firearms-related incidents were the number one cause of death for law enforcement in 2016, when 64 officers were killed from gunfire. This represents a 56 percent rise over the 41 officers killed by gunfire in 2015. Of the 64 shooting deaths of officers in 2016, 21 were the result of ambush-style attacks—the highest total in more than two decades [1]. It is clear that guns in dangerous hands make law enforcement officers vulnerable: of the over 500 individuals who have killed police officers between 2006 and 2015, 83 percent had previous arrest records, 64 percent were previously convicted of a crime, 47 percent had previous arrests for crimes of violence, and 43 percent had been arrested for weapons offenses. 24 percent of those responsible for the murder of law enforcement had previously been arrested for assaulting an officer or resisting arrest [2].

Fortunately, we know how to improve the safety of law enforcement. In states that require background checks on all handgun sales, law enforcement are 53 percent less likely to be killed with a gun compared to states that have not closed this loophole [3]. Statistics like these make it no surprise that law enforcement overwhelmingly support stronger gun laws: a January 2017 poll found that 88 percent of police support background checks for sales made at gun shows and online [4].

Earlier this year, members of our law enforcement coalition, including the former Police Commissioner in Philadelphia and Washington D.C. Charles Ramsey, former ATF Director B. Todd Jones, and Dallas County Sheriff Lupe Valdez spoke out in support of requiring a background check for every gun sale and against proposals to weaken current laws and jeopardize public safety. In addition to harnessing the experience and leadership law enforcement professionals, ARS is also working to elevate the voices of veterans on these important issues. In the summer of 2016, ARS launched the Veterans Coalition for Common Sense and veterans like Generals Stanley McChrystal and David Petraeus have already weighed in with Congress on multiple pieces of reckless legislation that would put our nation's security. These coalitions will continue to speak up in Washington and in their home states against harmful policies pursued by Congress that will make their communities less safe.

Effects of Federally Mandated Concealed Carry on Law Enforcement

One of the gun lobby's top legislative priorities is to reorganize the concealed carry permitting system. Currently, each state determines whether it will recognize the concealed carry permits of other states. Some states have strong laws limiting who can obtain a concealed carry permit carry guns in public and require training and a thorough evaluation to do so; other states issue concealed carry permits using recklessly lower standards, even to non-residents. The 12 states with the weakest laws ("permitless carry states") do not require a permit at all, meaning a resident of that state may carry a concealed firearm automatically.

Federally mandated concealed carry is a reckless proposal that its supporters claim sets a national standard to carry a concealed weapon, but in fact does the opposite.

Instead, this policy would allow individuals holding a concealed carry permit from any state—as well as residents of states that do not require permits—lawfully carry a concealed gun anywhere in the United States. In practice, this would mean an 18-year-old high school student from Arizona could legally carry a concealed firearm in Washington, D.C., where residents must be 21 to even own a handgun. Completely undermining states’ rights, the bill would allow untrained individuals to carry concealed into states that have proactively taken steps to protect its citizens’ public safety.

From sheriffs in Montana [5] to Maine police chiefs [6], law enforcement across the United States recognize the risks associated with untrained and unseasoned gun owners carrying concealed guns seemingly in violation of local law. Police, who are often alerted to dangerous behavior by others noticing unusual behavior, would be forced to become experts in a patchwork of state laws, as an individual would only have to be carrying his or her gun in accordance with the laws of his or her own state. Knowing how untenable this would be and what increased risks this would present, all major law enforcement organizations [7], including the Fraternal Order of Police [8], have opposed legislation mandating federal concealed carry reciprocity.

The current legislative proposal in the House of Representatives, H.R. 38, would place an even greater burden on law enforcement by introducing the threat of personal liability should the officer mistakenly question a person’s legal authority to possess a concealed firearm. Even asking for proof of a concealed weapons permit would be enough to open law enforcement professionals to being personally sued. This places too great of a burden on law enforcement, which would be deterred from effectively doing their jobs—placing our public safety at risk.

Effects of Silencers Deregulation on Law Enforcement

Firearm silencers are currently regulated under the National Firearms Act (NFA), and have been since 1934. Established during the crime-ridden era of the 1930s when citizens and law enforcement were being gunned down at record rates, the National Firearms Act regulated exceptionally dangerous weapons like silencers, machine guns, and sawed-off shotguns. These weapons (“NFA weapons”) remain legal today. To obtain a silencer, an individual must provide the ATF with a headshot and fingerprints, pay a \$200 transfer tax, pass a thorough background check, and register the silencer with the federal government. The transfer tax was created to give the Department of the Treasury the ability to regulate these weapons; at the time, it—approximately \$3,600 in today’s money—was an effective way to ensure that only vetted owners obtained registered weapons. This \$200 tax has not changed in the NFA’s 83-year lifespan.

Today, due to their effective regulation, silencers are rarely trafficked or used in crime. However, in the uncommon instances when they are, the results are particularly deadly. Silencers mask the sound of a gun, changing the sound into one not easily recognized as gunfire. As a result, assassination-style murders become

easier, and bystanders may not know to alert first responders. Christopher Dorner, for example, was able to murder four people and wound several others using a silencer in February 2013. A former police and naval officer, Dorner targeted law enforcement officers in what the Police Foundation described as a bizarre act of vengeance—a “gang-style hit” on individuals while sitting in a car. Police were initially puzzled as to why no neighbors heard the 14 shots: it was because Dorner used a silencer. This proposal would pose an additional threat to law enforcement at a time where officer safety is already at increased risk.

Proponents of these legislative proposals argue that because silencers are rarely used in crime, they no longer need heightened regulation. Law enforcement across the country know that this argument is a fallacy; the regulatory system has been effective in keeping silencers out of the hands of dangerous individuals who do not want them traced back to themselves. Should silencers be removed from the NFA, individuals unable to pass a background check would be able to obtain these dangerous weapons through unregulated private sales on the Internet and at gun shows.

The gun lobby also insists that silencers are needed hearing protection for gun owners, hunters and target shooters. Law enforcement and public health experts alike know this claim is false. Law enforcement officers are not issued silencers as standard practice, nor are members of the Armed Forces. Dual ear protection—earmuffs and earplugs—is the gold standard for any professional shooter and required wear for law enforcement officers while training as outlined by Occupational Safety and Health Administration (OSHA). Public health experts warn that hearing loss can occur at 85 decibels. Firearms produce explosive sounds in excess of 140 decibels with the most effective silencers suppressing the sound of gunfire by up to only 28 decibels. No shooter concerned about their hearing would ever risk firing more than a single round without certified earmuffs and earplugs. These standards are also the firearm safety standards promoted for generations by the National Shooting Sports Foundation [9], the National Rifle Association [10], as well as popular national firearm periodicals [11].

The popularity of silencers among gun enthusiasts has skyrocketed in recent years. More than 457,000 silencers were registered nationwide in the 14 months ending in April 2017 [12]; that amounts to over one-third of all silencers registered since 1934, when the NFA was implemented. Due to this significant uptick in the demand for silencers, wait times are unnecessarily long for law-abiding individuals to purchase silencers. The taxes collected by ATF for the registration of NFA weapons were \$5.7 million in 2008, and increased to over \$62 million in 2016 [13]. However, these taxes are deposited directly into the U.S. Treasury, with no additional funding appropriated to ATF. The lack of resources at ATF to appropriately handle this increased demand has resulted in the agency’s inability to approve NFA weapons applications in a reasonable timeframe. By providing additional funding to ATF to speed up the processing of silencer applications, we can enact a simple solution that enhances the

ability of Americans to acquire silencers in a timely manner while maintaining a regulatory structure that has been instrumental in keeping our communities safe.

Conclusion

Law enforcement officers across the United States risk their lives every day for their country, and too frequently are required to make the ultimate sacrifice. We need Congress to do their part by taking action to protect law enforcement officers as best we can. This means keeping dangerous weapons out of the hands of dangerous people, thwarting reckless proposals that threaten lives, and learning lessons from the past. We can and must do better. We look forward to working with you on this important issue and protecting the public safety of all Americans.

About the Law Enforcement Coalition for Common Sense

The Law Enforcement Coalition for Common Sense, launched by Americans for Responsible Solutions, brings together law enforcement officials from across the country to urge our elected leaders to reduce gun violence and oppose irresponsible laws that pose a threat to public safety.

The Coalition is led by an **Advisory Committee** that is made up of a diverse group of law enforcement officials from across the country. In addition to Congresswoman Giffords and Captain Kelly, the Advisory Committee members of the Law Enforcement Coalition for Common Sense include:

- **Commissioner John Barbieri**, Springfield Police Department, Springfield, MA
- **Commissioner Charles Ramsey (Ret.)**, Philadelphia Police Department, Philadelphia PA
- **Director B. Todd Jones (Ret.)**, Bureau of Alcohol, Tobacco, Firearms and Explosives
- **Sheriff Mike Reese**, Multnomah County Sheriff's Office, Multnomah County, OR
- **Sheriff Lupe Valdez**, Dallas County Sheriff's Department, Dallas, TX
- **Chief Andrew Bidou**, Vallejo Police Department, Vallejo, CA
- **Chief Jim Bueermann (Ret.)**, President Police Foundation, Washington, DC
- **Chief Robert Champagne (Ret.)**, Peabody Police Department, Peabody, MA
- **Chief Louis Dekmar**, LaGrange Police Department, LaGrange, GA
- **Chief Ivan Fossen (Ret.)**, Glenwood Police Department, Glenwood, MN

- **Chief Michael Gahagan**, Caribou Police Department, Caribou, ME
- **Chief Jeffrey Hadley**, Kalamazoo Department of Public Safety, Kalamazoo, MI
- **Chief Scott Knight**, Chaska Police Department, Chaska, MN
- **Chief Ron Louie (Ret.)**, Hillsboro Police Department, Hillsboro, OR
- **Chief Chris Magnus**, Tucson Police Department, Tucson, AZ
- **Chief James Moore**, Rocky Mount Police Department, Rocky Mount, NC
- **Chief Kathleen O'Toole**, Seattle Police Department, Seattle, WA
- **Chief Michael Sauschuck**, Portland Police Department, Portland, ME
- **Chief Paul Schnell**, Maplewood Police Department, Maplewood, MN
- **Chief Henry Stawinski**, Prince George's County Police Department, Prince George's County, MD

[1] <http://www.nleomf.org/newsroom/news-releases/2016-officer-fatalities-report-release.html>
[2] https://ucr.fbi.gov/leoka/2015/tables/table_45_leos_fk_criminal_history_of_known_offender_2006-2015.xls
[3] <https://everytownresearch.org/background-checks-reduce-gun-violence-and-save-lives/>
[4] <http://www.pewsocialtrends.org/2017/01/11/behind-the-badge/>
[5] http://missoulain.com/news/opinion/columnists/montana-sheriffs-support-current-gun-laws/article_2c6cffbbf3f4-5e0c-89ad-ed5dbda5623d.html
[6] <http://bangordailynews.com/2015/04/08/politics/police-chiefs-scrapping-concealed-weapon-permit-wouldmake-maine-more-dangerous/>
[7] www.lepartnership.org/wp-content/uploads/2017/01/Reissued-Statement-Re-Nationwide-Concealed-Carry-Reciprocity.pdf
[8] <https://www.fop.net/PAC/BillsOpposed.aspx>
[9] <http://nssf.org/safety/basics/>
[10] <https://gunsafetyrules.nra.org>
[11] <http://www.gunsandammo.com/gun-culture/the-science-of-hearing-protection/>
[12] <https://www.atf.gov/resource-center/docs/undefined/firearms-commerce-united-states-annual-statistical-update-2017/download>; <https://www.atf.gov/resource-center/docs/2016-firearms-commerce-united-states/download>
[13] <https://www.atf.gov/resource-center/docs/undefined/firearms-commerce-united-states-annual-statistical-update-2017/download>

ABOUT THE LAW CENTER TO PREVENT GUN VIOLENCE & AMERICANS FOR RESPONSIBLE SOLUTIONS

Led by former Congresswoman Gabrielle Giffords and Navy combat veteran and retired NASA astronaut Captain Mark Kelly, Americans for Responsible Solutions and the Law Center to Prevent Gun Violence are committed to advancing commonsense change that makes communities safer from gun violence.

Operating out of offices in Washington DC, San Francisco, and New York, our staff partners with lawmakers and advocates at the federal, state, and local levels to craft and enact the smart gun laws that save lives. We provide expertise in critical firearms litigation, lead grassroots coalitions, and educate the public on the proven solutions to America's gun violence epidemic.