

INTRODUCTION

The Second Amendment confers a categorical right to possess commonly owned firearms for self-defense in the home. There is substantial evidence before the Court demonstrating that (a) many of the firearms Defendant has banned are commonly owned by law-abiding persons for lawful purposes, including self-defense, and (b) possession of these firearms by law-abiding persons in their Highland Park homes does not pose a non-speculative threat to Highland Park residents. Thus, there is, at minimum, a reasonable likelihood Defendant will not meet its burden of demonstrating a close fit between infringement of Plaintiffs' core constitutional right to possess commonly owned firearms for self-defense and Defendant's interest in protecting the public from criminal firearms violence.

Protection of constitutional freedoms is always in the public interest. In any balancing of harms, the irreparable harm to the core constitutional right of law-abiding persons to defend themselves, their homes and their families with a commonly owned firearm outweighs the speculative harm envisioned by Defendant. Plaintiffs' motion for a preliminary injunction should be granted.

LAW AND ARGUMENT

Plaintiffs have shown, as a threshold matter, that they have "better than a negligible chance" of succeeding on the merits of their claim that the Ordinance infringes their constitutional right to keep commonly owned firearms in their homes for self-defense. *Girl Scouts of Manitou Council, Inc. v. Girl Scouts of U.S. of America, Inc.*, 549 F.3d 1079, 1096 (7th Cir. 2008) (citations omitted). This threshold is low. *Id.* (citing *Roland Machinery Co. v. Dresser Industries, Inc.*, 749 F.2d 380, 387 (7th Cir. 1984)). Plaintiffs have more than met their burden through evidence that the Ordinance prohibits possession of firearms commonly owned for self-

defense and that the possession of these firearms by law-abiding residents of Highland Park does not pose a non-speculative threat to public safety.

The Court must therefore balance the irreparable harm caused by infringement of Plaintiffs' constitutional right with Defendant's claim of irreparable harm to the public should enforcement of the Ordinance be preliminarily enjoined. *See Meridian Mut. Ins. Co. v. Meridian Ins. Group, Inc.*, 128 F.3d 1111, 1114 (7th Cir. 1997). The competing harms are evaluated on a sliding scale. *Ty, Inc. v. Jones Group, Inc.*, 237 F.3d 891, 895 (7th Cir. 2001). The more likely Plaintiffs will succeed on the merits of their claim, the less the balance of harms must weigh in their favor. *Id.* (citations omitted). Indeed, the balance of harms must weigh "much more" in Plaintiffs' favor only if it is "very unlikely" they will succeed on the merits. *Id.* (citations omitted).

1. The Ordinance Plainly Implicates Plaintiffs' Second Amendment Rights.

Defendant largely ignores the evidence in arguing that the Ordinance "does not implicate Plaintiffs' Second Amendment rights." (Def. Resp. at p. 6). From 2008 to 2012 alone, nearly 3 million AR-type rifles were manufactured and sold in the United States by 37 federally-licensed manufacturers. (Ex. 4, Curcuruto Aff. at Ex. B). In 2012, more than one out of every five new firearms - of all types - sold in the United States was a rifle banned under the Ordinance. (*Id.* at ¶ 6). Defendant does not dispute these numbers and, despite admitting there are 4.9 to 7 million "assault weapons" in the United States, nevertheless asserts the firearms are not in common use. (Def. Resp. at Ex. D, ¶ 36; Ex. H, p. 24). Regardless of the numbers, any disinterested person with even passing familiarity with the marketplace in which firearms are manufactured and sold, and the community in which they are owned and used, would acknowledge the overwhelming presence of AR-type rifles in retail stores, on shooting ranges and in the possession of law-

abiding firearm owners. (Ex. 8, Lombardo Suppl. Aff. at ¶¶ 3-4).¹

Defendant also ignores that two Federal District Courts have held laws banning largely the same firearms and ammunition magazines imposed substantial burdens on Second Amendment rights because they prohibited possession of “firearms in common use.” *Shew v. Malloy*, 2014 WL 346859 (D.Conn. Jan. 30, 2014); *see also New York State Rifle & Pistol, Ass’n v. Cuomo*, 2013 WL 6909955 (W.D.N.Y. Dec. 31, 2103). In *Shew*, the court held that:

[T]he firearms and magazines at issue are in “common use” within the meaning of *Heller* and, presumably, used for lawful purposes. The legislation here bans the purchase, sale, and possession of assault weapons and LCMs, subject to certain exceptions, which the court concludes more than minimally affect the plaintiffs’ ability to acquire and use firearms, and therefore levies a substantial burden on the Plaintiffs’ Second Amendment rights.

2014 WL 346859, at * 26-27.

Similarly, the court in *New York State Rifle* held that “there can be little dispute that tens of thousands of Americans own these guns and use them exclusively for lawful purposes such as hunting, target shooting, and even self-defense.” 2013 WL 6909955, at * 36 (citing Christopher S. Koper *et al.*, U. Penn. Jerry Lee Ctr. of Criminology, *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003* at 1 (2004)). The court therefore held:

The restrictions at issue more than “minimally affect” Plaintiffs’ ability to acquire and use the firearms, and they therefore impose a substantial burden on Plaintiffs’ Second Amendment rights.

2013 WL 6909955, at * 36; *see also Heller v. District of Columbia*, 670 F.3d 1244, 1287-88 (D.C.Cir. 2011) (Kavanaugh J., dissenting) (A “brief perusal of the website of a popular American

¹ Defendant and its witnesses consistently conflate the “assault weapons” and the “large capacity magazines” banned under the Ordinance, and misleadingly suggest the banned firearms are all “high capacity guns” with “overwhelming fire power.” (*See, e.g.*, Def. Resp. at pp. 1 & 11). In truth, a great many of the firearms defined as “assault weapons” under the Ordinance are not sold with “large capacity magazines” but with 5 and 10 round magazines. (Ex. 8, Lombardo Suppl. Aff. at ¶ 9).

gun seller" underscores that "[s]emi-automatic rifles are commonly used for self-defense in the home, hunting, target shooting, and competitions").

Defendant alternatively argues that even if a firearm is in "common use" for lawful purposes it may still fall outside Second Amendment protections if it is "dangerous and unusual." However, a "commonly used" firearm is, by definition, a firearm that is not "dangerous and unusual" under *Heller*:

We also recognize another important limitation on the right to keep and carry arms. *Miller* said, as we have explained, that the sorts of weapons protected were those in "common use at the time." 307 U.S., at 179, 59 S.Ct. 816. We think that limitation is fairly supported by the historical tradition of prohibiting "dangerous and unusual weapons."

554 U.S. 570 at 627. A firearm cannot be both "common" and "unusual." And Defendant's interpretation of *Heller* as imposing both "common use" and not "dangerous and unusual" requirements on Second Amendment-protected firearms is wrong and should be rejected.²

Nevertheless, arguments that the presence of one of five features on semi-automatic rifle makes the firearm "unusually dangerous" are misleading and specious. For example, while Defendant maintains that folding stocks are present for the purpose of concealment, a folding

² Defendant's argument that the *Heller* Court articulated a "dangerous and unusual" limitation on the "in common use" test comes from Professor Laurence Tribe's testimony before the Senate Judiciary Committee on February 12, 2013. (*See* Def. Resp. at Ex. H, p. 11). However, Professor Tribe, like many who have advocated a narrow reading of *Heller*, is guilty of changing the Court's words to fit his argument. The Court did not recognize, as Professor Tribe states, that "dangerous *or* unusual" firearms fall outside Second Amendment protections. Rather, the Court used the conjunctive "dangerous *and* unusual" and did so only as historical support for protection of firearms "in common use at the time." 554 U.S. at 627 (emphasis added). The distinction between these phrases is significant. All firearms, including handguns, are dangerous. If the *Heller* Court intended that Second Amendment protections would be lost on a mere showing that a firearm presented potential danger, it would not have struck down the Washington D.C. handgun ban as unconstitutional. The Brady Center in its *amicus* brief is guilty of the same tactic by wrongly stating that under *Heller* a firearm, although commonly owned by law-abiding persons, may be banned on a showing that it is "particularly dangerous" or "unusually dangerous." (*Amicus* Br. at pp. 2, 6 & 8).

stock's true purpose is portability.³ A telescoping stock simply permits small adjustments in length to fit different shooters' physical statures. (Ex. 6, Supica Aff. at ¶ 10). A pistol grip is a function of an AR-type rifle's straight line design, which "dictates a grip of this type so that the shooter can hold and fire the weapon."⁴ While muzzle brakes and compensators help reduce redirect and recoil, this performance attribute is not only useful when firing multiple rounds rapidly, as Defendant argues. They have a recognized "sporting use by allowing the shooter to reacquire the target for a second shot" and are especially helpful to small statured persons.⁵ And nearly all rifles have a fore end that encases or shrouds the barrel and allows the shooter to have a secure grasp of the firearm and to protect the shooter from heat generated by successive shots, fired either rapidly or slowly.⁶

Defendant's argument that firearms with one or more of these features "are not generally used for lawful purposes" is not supported, and it is actually contradicted by its own witnesses. (Def. Resp. at Ex. C, ¶ 18 ("Semi-automatic assault weapons and civilian sporting firearms, e.g., hunting rifles and shotguns, make up a very small percentage of firearms used in armed assaults, homicides and suicides in Illinois and nationwide.")). Criminals overwhelmingly prefer and use concealable handguns. (Ex. 7, Kleck Aff. at ¶ 9). Preference for handguns among criminals is amply demonstrated in Chicago Police Department homicide statistics, which show that 96.8%

³ See Ex. 9, *Department of Treasury Study on the Sporting Suitability of Modified Semi-Automatic Assault Rifles*, Ex. 5 ("With respect to possible sporting uses of this feature, the folding stock makes it easier to carry the firearm when hiking or backpacking.").

⁴ *Id.*; see also Ex. 6, Supica Aff. at ¶ 10.

⁵ *Id.*; see also Ex. 6, Supica Aff. at ¶ 10.

⁶ Defendant cites to a statement made by Brian J. Siebel, an attorney formerly employed by the Brady Center to Prevent Gun Violence (*amicus curiae* in support of Defendant in this case), before the Washington D.C. Committee on Public Safety to support its argument that these features make a firearm "unusually dangerous". (Def. Resp. at p. 10). The testimony Siebel gave was not based on personal knowledge of firearms design, function or use, and there is no basis on which to consider his testimony as that of an expert witness under Rule of Evidence 702. Mr. Siebel appeared before the Committee in the role of an advocate, his testimony is not evidence and it should not be considered.

of firearm homicides from 2006 to 2011 were committed with handguns. Less than 1% of firearm homicides were committed with a rifle of any type. (Ex. 10, Chicago Murder Analyses 2006–2011).⁷

There is, however, substantial evidence that AR-type rifles are optimal for self-defense use and are commonly owned for that purpose. They are light weight, easy to handle, reliable, have minimal recoil and are more accurate than handguns. (Ex. 3 at ¶ 4).⁸ Perhaps most importantly, the majority of AR-type rifles are chambered in .223/5.56 ammunition, a round that combines sufficient stopping power with the greatest measure of safety to innocent persons in a home defense encounter. Defendant’s witnesses ignore or do not understand this important factor in selection of a home defense firearm. (Ex. 11, Roberts Suppl. Aff. at ¶¶ 3-8).⁹

While Defendant disagrees that persons commonly own these rifles for personal defense, it has not presented evidence to the contrary. In fact, Defendant’s witnesses add inferential support that persons commonly keep these firearms available for self-defense by recognizing the “widely known axiom amongst defensive tactics trainers [that] the ‘best self-defense gun is the gun at hand’” (Def. Resp. at Ex. C, ¶ 46) and that the “best choice” of a firearm for home defense should be based on the person’s “personal experience and comfort level with firearms.” (Def. Resp. at Ex. D, ¶ 38). Because one out of every five new firearms purchased today is an AR-type

⁷ A rifle is obviously more difficult for a criminal to conceal. Another reason criminals prefer handguns to rifles is that rifles are generally more expensive. The average price paid for an AR-type rifle in 2013 was \$1,058. (Ex. 4, Curcuruto Aff. at ¶ 5).

⁸ Federal and local law enforcement agencies across the country recognize the attributes of AR-type rifles, which make them optimal personal defense firearms. For example, the U.S. Department of Homeland Security recently issued contract specifications to purchase 7,000 AR-type rifles as “personal defense weapons.” (See Ex. 11, Roberts Suppl. Aff. at ¶ 6).

⁹ The City of Highland Park apparently recognizes these attributes of .223/5.56 ammunition. It has budgeted funds to replace pistol caliber carbine rifles with rifle caliber rifles in 2014. (Ex. 11, Roberts Suppl. Aff. at ¶ 6).

rifle, it follows that they are likely “at hand” and their owners have familiarized themselves with their handling characteristics. (Ex. 4, Curcuruto Aff. at ¶ 6).

Although Defendant has not offered any evidence (other than *ipse dixit* conclusions from witnesses) that banned firearms are not commonly kept for self-defense purposes, it has criticized firearm owner survey evidence presented by Plaintiffs. The NSSF Modern Sporting Rifle (MSR) Comprehensive Consumer Reports (“MSR Report”) shows that self-defense was the second most frequently given reason for owning a modern sporting rifle by 21,942 persons responding to an on-line survey. (Ex. 4, Curcuruto Aff. at ¶ 5). Defendant’s witness criticizes the survey because it did not use sampling methodology to capture a representative sample of all MSR owners, and she speculates that only the “most engaged MSR owners” likely responded to the survey. (Def. Resp. at Ex. E, ¶ 13). She further speculates that “[i]t could be there are other groups of MSR owners who might respond differently to the questions,” but she offers no insight on why or how the “other group” would respond differently. And while Defendant dismisses the MSR Report as “self-serving” it bears noting that the survey was not prepared by the NSSF for use in litigation but to gather market information that would be useful to NSSF members, which include manufacturers, distributors and retail sellers of modern sporting rifles, who rely on the accuracy of this data in making business decisions. (Ex. 4, Curcuruto Aff. at ¶¶ 2-3).

Defendant’s criticism of the survey of students enrolled in firearm training and safety classes also misses the mark. The ongoing survey currently includes responses from 671 students, 57.7% of whom reported that they keep a semi-automatic rifle with a detachable magazine available for personal protection. (Ex. 8, Lombardo Suppl. Aff. at ¶ 5). Defendant’s witness finds fault with the survey because she believes that those who do not own firearms for self-defense would decline to complete the survey because “it purports not to apply to them” and

therefore the results would “vastly exaggerate the proportion of people who own rifles for personal protection.” (Def. Resp. at Ex. E, ¶ 9). The survey, however, permitted students who did not keep firearms available for personal protection to respond with “none of the above.” (Ex. 8, Lombardo Suppl. Aff. at ¶ 6). Of those surveyed, 24.7% provided that response. (*Id.*). Thus, the survey does not “vastly exaggerate” the number of persons who choose to keep a semi-automatic rifle available for personal protection.¹⁰

Similarly, Defendant’s criticism that neither survey asked whether the firearms are owned for unlawful purposes makes little sense. First of all, the issue is whether law-abiding persons commonly own the banned firearms for lawful purposes, not the extent to which non-law-abiding persons may own them. If evidence reflecting the extent to which criminals own certain types of firearms were relevant under *Heller*, prohibitions on handgun ownership (criminals’ preferred firearm by an overwhelming margin) would be constitutional. Second, the idea that the survey results are untrustworthy because criminals are not represented in the results incorrectly presumes there are a sizeable number of criminals who own and use the banned firearms. However, there is consensus among all who have studied criminal firearms ownership, including Defendant’s own witnesses, that the number of criminals who own these firearms is “very small.” (*See, e.g.*, Def. Resp. at Ex. C, ¶ 18; *see also* Ex. 10, Chicago Murder Analyses, and Ex.12, Kleck Suppl. Aff. at ¶ 18).

¹⁰ “No survey is beyond criticism, especially in the context of litigation.” *Simon Property Group L.P. v. mySimon, Inc.*, 104 F.Supp.2d 1033, 1039 (S.D.Ind. 2000). Survey evidence need not be perfect to be admissible. *Indianapolis Colts, Inc. v. Metropolitan Baltimore Football Club*, 34 F.3d 410, 416 (7th Cir.1994). Only in “rare” occasions will a survey be so flawed to be completely unhelpful to the trier of fact and therefore inadmissible.” *Id.* Defendant’s criticisms of the survey evidence in this case ring particularly hollow as they have provided no contrary evidence.

The evidence demonstrates substantially more than a “negligible chance” Plaintiffs will succeed on the merits of their claim that the Ordinance substantially implicates their Second Amendment rights.

2. The Seventh Circuit Applies “Not Quite Strict Scrutiny” to Laws Infringing on Important Corollaries to Meaningful Exercise of Second Amendment Rights.

Laws imposing a burden on the core Second Amendment right of armed self-defense require “an extremely strong public-interest justification and a close fit between the government’s means and its end.” *Ezell v. City of Chicago*, 651 F.3d 684, 708-09 (7th Cir. 2011) (City bears burden to establish close fit between firing range ban and strong public interest justification). The required “rigorous showing” is “not quite strict scrutiny” but is greater than intermediate scrutiny. *Id.* at 708; accord *Moore v. Madigan*, 702 F.3d 933, 939-40 (7th Cir. 2012); *Illinois Association of Firearms Retailers v. City of Chicago*, No. 10-C-04184, 2014 U.S. Dist. LEXIS 782 (N.D. Ill. Jan. 6, 2014) (City ban on retail firearm sales a serious encroachment on important corollary to meaningful exercise of core right to possess firearms for self-defense); see also *Peruta v. County of San Diego*, No. 10-56971, 2014 U.S. App LEXIS 2786, at * 91-92 (9th Cir. Feb. 13, 2014) (criticizing Second, Third and Fourth Circuit application of intermediate scrutiny as the “interest balancing inquiry” explicitly rejected in *Heller*).

Defendant wrongly contends that a complete prohibition on firearms owned by millions of law-abiding persons and particularly well-suited for self-defense, does not “strike anywhere near the core of the Second Amendment” and therefore intermediate scrutiny should be applied. (Def. Resp. at p. 12). Defendant relies on *U.S. v. Skoien*, 614 F.3d 638 (7th Cir. 2010), but the Seventh Circuit subsequently explained that in *Skoien* it required a lesser showing by the government (intermediate scrutiny) because the law at issue curtailed gun rights of persons

convicted of domestic violence “who present a higher than average risk of misusing a gun”, not law-abiding persons. *Moore*, 702 F.3d at 940. *Ezell* furthered explained the use of intermediate scrutiny in *Skoien* because the case did not involve the “central self-defense component of the right.” *Ezell*, 651 F.3d at 708. Even then, the intermediate scrutiny in *Skoien* required a “strong showing” that the law was vital to public safety. *Id.* (citing *Skoien*, 614 F.3d at 641).¹¹

The extent to which a constitutional right can be exercised with other firearms is irrelevant to whether a law is a serious encroachment of the Second Amendment right. *Cf. Ezell*, 651 F.3d at 697 (it is a “profoundly mistaken assumption” that harm to a constitutional right is measured by the extent it can be exercised in another jurisdiction). Just as it was no answer in *Ezell* that firing ranges existed just outside Chicago, it is no answer here that law-abiding citizens can defend themselves with other firearms. Under Defendant’s logic, the handgun ban in *Heller* would have survived because Washington D.C. residents could lawfully own rifles and shotguns for self-defense in their homes. *Heller* 554 U.S. at 630 (“it is no answer to say, as petitioners do, that it is permissible to ban the possession of handguns so long as possession of other firearms (*i.e.* long guns) is allowed.”); *see also Illinois Association of Firearms Retailers*, 2014 U.S. Dist. LEXIS at * 27 (rejecting argument that ban on firearm sales was not serious encroachment on the

¹¹ *Amicus* Brady Center completely misreads *Moore* and the Seventh Circuit’s level of scrutiny analyses by suggesting that anything less than a “‘blanket prohibition’ on the right of armed self-defense” will not require the government to prove a strong need for its regulation. (*Amicus* Br. at p. 5). However, the firing range ban subjected to “not quite strict scrutiny” in *Ezell* was certainly not a blanket prohibition on self-defense, nor was the retail sales ban struck down in *Illinois Association of Firearms Retailers*. The Brady Center essentially advocates rational basis review in which laws are upheld “so long as the legislatures draw ‘reasonable inferences’ from substantial evidence.” (*Amicus* Br. at p. 5). However, this sort of legislative deference ignores that *Heller* rejected rational basis review. *Heller*, 554 U.S. at 628 n.27. *Heller* also admonished that “the very enumeration of the right takes out of the hands of the government ... the power to decide on a case-by-case basis whether the right is really *worth* insisting upon.” *Heller*, 554 U.S. at 634; *see also Peruta*, 2014 U.S. App LEXIS 2786, at * 91-92 (criticizing deference shown to legislative assessments of the fit between firearms regulations and asserted government interests by Second, Third and Fourth Circuits).

right because it merely regulated where acquisitions may occur, but did not prohibit them elsewhere).¹²

In the Seventh Circuit, “serious encroachments” on “important corollar[ies] to the meaningful exercise of the core right to possess firearms for self-defense” are substantial burdens that deserve more stringent scrutiny than intermediate scrutiny. *Ezell*, 651 F.3d at 708. The Highland Park Ordinance does exactly that, and Defendant should be held to the burden of demonstrating a close fit between its fear of a mass shooting and its decision to prohibit law-abiding citizens in Highland Park from possessing firearms commonly owned for self-defense.

3. Defendant Cannot Meet Its Burden of Demonstrating a Close Fit Between the Ordinance and Public Safety.

Defendant makes clear that the Ordinance was passed out of concern that a mass shooting could occur in Highland Park. (Def. Resp. at p. 4). Although mass shootings are horrific events, there is no empirical or logical basis to conclude that a prohibition on possession of “assault weapons” and large capacity magazines by law-abiding persons will make such an event less likely or catastrophic. The connection between the Ordinance and prevention of mass shootings or any criminal firearms violence in Highland Park is not supported by reliable evidence and is entirely speculative.

Noted criminologist James Alan Fox observed that “[t]he moral panic and sense of urgency surrounding mass murder have been fueled by various claims that mass murders, and mass shootings in particular, are reaching epidemic proportions.” Fox, J.A. & DeLateur, M.J., *Mass Shootings in America: Moving Beyond Newtown*, Homicide Studies, Vol. 18 (2014). However, “[m]ass shootings have not increased in number or in the overall death toll, at least not

¹² While Defendant argues that other firearms are available for self-defense, it does not reveal that handguns are not legally possessed in Highland Park absent approval of the Chief of Police, payment of an annual fee, fingerprinting, completion of training every three years and registration of the handgun by make, model and serial number. *See* Highland Park City Code §§ 134.0003 & 134.0004.

in the last several decades.” *Id.* “If anything has increased with regard to mass murder, it’s the public’s fear, anxiety, and widely held belief that the problem is getting worse.” *Id.*

Careful evaluation of the evidence surrounding mass shootings confirms these observations. Mass shootings account for only a tiny share of all homicides in the United States. (Ex. 12, Kleck Supp. Aff. at ¶9). And mass shooters have virtually never needed a large capacity magazine to injure or kill in large numbers because they either (a) possessed multiple guns, (b) possessed multiple magazines, or (c) had ample opportunity to reload, using smaller magazines. (*Id.* at ¶ 10). The hypothetical potential for reducing harm by limiting magazine capacity is limited to a very small subset of already very rare events. (*Id.*)

Thirty years of historical evidence demonstrates that a prohibition on possession of any type of firearm or magazine will not decrease the already remote likelihood of a mass shooting or impact the number of victims. In the 72 mass shootings that involved six or more victims from 1984 to July 2013, the use of a large capacity magazine only affected the number of persons injured or killed in just one or, possibly, two shootings. (Ex.12, Kleck, Suppl. Aff. at ¶¶ 11- 17). Thus, even if large capacity magazines were unavailable, virtually every mass shooter had the ability to fire large numbers of rounds because he had multiple guns or multiple smaller magazines. (*Id.* at ¶ 14). The claimed association between the use of assault weapons or large capacity magazines and the number of victims is therefore non-causal and spurious. (*Id.*)

Defendant cites to a report published by Mayors Against Illegal Guns (MAIG), which superficially suggests a causal connection between the use of assault weapons or large capacity magazines in mass shootings and the number of persons injured and killed. (Def. Resp. at p. 10).¹³ The MAIG report, however, was based on a very small sample, and small samples are

¹³ MAIG defined mass shootings as events in which there were four or more victims. A total of 14 mass shootings were identified in which an assault weapon or a large capacity magazine was used, and 79

generally sensitive to inclusion or exclusion of extreme outliers. In the MAIG data there are three such outlier shootings, which resulted in 27, 14 and 12 deaths. Exclusion of these outliers from the sample lowers the average number of deaths in mass shootings involving assault weapons or large capacity magazines to a number statistically identical to average number of deaths in non-assault weapon/large capacity magazine shootings.¹⁴ Thus, MAIG's data is not robust enough to draw conclusions about the effect of assault weapons or large capacity magazines in mass shootings. (Ex. 12, Kleck, Suppl. Aff. at ¶¶ 6-8; Ex. 13, MAIG Data, accessed at www.demandaction.org/blog/2013-02-update-comprehensive-study-of-mass-shootings-by-mayo (last visited Feb. 20, 2014)).¹⁵

The District of Connecticut's finding in *Shew*, 2014 WL 346859 (D.Conn. Jan. 30, 2014) that such a connection exists should not be followed. Under the guise of intermediate scrutiny, the court only required "reasonable inferences from substantial evidence" to uphold the constitutionality of the Connecticut assault weapons and large capacity magazine ban. *Id.* at * 40. The court in *New York State Rifle*, 2013 WL 6909955 (W.D.N.Y. Dec. 31, 2013) required only the same minimal showing from the State in upholding the New York ban. The deference given to legislative findings by the courts in *Shew* and *New York State Rifle* is not countenanced under

mass shootings were identified in which they were not used. MAIG reported that 63% more persons were killed in the mass shootings involving assault weapons or large capacity magazines (average of 7.8 compared to 4.8 deaths).

¹⁴ 5.1 deaths compared to 4.8 deaths.

¹⁵ On a purely anecdotal level, mass shootings resulting in some of the highest death and injury counts did not involve "assault rifles" but handguns. For example, the Blacksburg, Virginia Shooting at Virginia Tech (33 killed and 17 wounded). (Def. Resp. at p. 5). The Fort Hood, Texas shooting (13 killed and 30 wounded), the Binghamton, New York shooting (14 killed and 4 wounded) and the Tucson, Arizona shooting (6 killed and 20 wounded) were each committed with handguns. *See* Ex. 13, MAIG Data. And according to witnesses, the shooter in the Aurora, Colorado shooting (12 killed and 58 injured) first used a shotgun before using a semi-automatic rifle, which jammed, and then a pistol. (Ex. 12, Kleck Suppl. Aff., Appx. at pp. 30-31).

Heller, and has no place in the Seventh Circuit’s application of heightened scrutiny (either intermediate scrutiny or “nearly strict scrutiny”) to laws implicating Second Amendment rights.¹⁶

4. The Balance of Harms Favors Protection of Plaintiffs’ Constitutional Rights.

The evidence demonstrates substantially more than a reasonable likelihood Plaintiffs will succeed on the merits of their claim, and the balance of harms tips in Plaintiffs’ favor. First of all, injunctions protecting constitutional freedoms “are always in the public interest.” *Christian Legal Society v. Walker*, 453 F.3d 853, 859 (7th Cir. 2006); *see also Joelner v. Village of Washington Park*, 378 F.3d 613, 620 (7th Cir. 2004) (there can be no harm to a municipality when it is prevented from enforcing an unconstitutional statute); *Korte v. Sebelius*, 735 F.3d 654, 666 (7th Cir. 2013) (no need “to weigh the injunction equities” because “injunctions protecting First Amendment freedoms are always in the public interest.”). Secondly, the empirical evidence shows that the harm Defendant seeks to guard against – “a tragedy similar to Newtown” – is statistically remote and not made less likely or tragic by prohibiting possession of the banned firearms by law-abiding persons. Unfortunately, criminals can and have perpetrated tragic events like Newtown with all types of firearms, and even other weapons. Government’s answer, however, should not be to take commonly owned firearms away from law-abiding persons.

Defendant downplays the harm to Plaintiffs should the preliminary injunction be denied, and does not acknowledge that infringement of a core constitutional right is *per se* irreparable,

¹⁶ A further basis on which to reject both the *Shew* and *New York State Rifle* findings is that the courts in both cases relied extensively on the statement made by Brady Center attorney Brian Siebel before the Washington D.C. Committee on Public Safety as evidence of a connection between the bans and public safety. (*See* footnote 6, above). Siebel’s statement also surfaced as “evidence” in *Heller v. District of Columbia (Heller II)*, 670 F.3d 1244, 1262-62 (D.C. Cir.2011). No court, however, has questioned the evidentiary basis for Siebel’s statements, his qualifications to make them or whether they should be treated as evidence at all. Plaintiffs submit that Siebel’s statement is, at most, just attorney argument and not evidence, and consideration of his personal views as evidence was an abuse of discretion.

which should be protected rather than infringed by the government. And Defendant's characterization of persons as "[a]larmists" who cite to national home invasion statistics to justify possessing a firearm for self-defense is curious at best. (Def. Resp. at Ex. C, p. 10). Each year from 2003 to 2007, there were an average of 266,560 violent crimes committed during household burglaries (approximately 757 per day). (Ex. 14, Bureau of Justice Statistics, Victimization During Household Burglary, Sept. 2010, at p. 2). An average of nearly 50 household burglaries occur in Highland Park each year. (Def. Resp. at Ex. B, p. 2). In 12% of violent home invasions nationally (31,987), the offender was armed with a firearm (approximately 91 per day). (Ex. 14 at p. 10). In 20% of these crimes (53,312), household members were victims of aggravated or simple assault (approximately 146 per day). (Ex. 14 at p. 10). In 3% of violent home invasions (7,996), a rape or sexual assault was committed (approximately 22 per day). (Ex. 14 at p. 9).

Prior to the effective date of the Ordinance, the banned firearms and magazines were freely possessed in Highland Park without harm to the public. Following the effective date, Plaintiffs' constitutional right to possess a class of firearms commonly owned for self-defense in the home has been infringed and harmed. Whether the banned firearms and magazines will ever actually be used in a mass shooting in Highland Park is theoretical, but the potential that a firearm may be needed to defend one's home has constitutional significance. That potential is the underpinning of the Second Amendment right. A preliminary injunction should be entered enjoining Defendant from enforcing the Ordinance until the merits of Plaintiff's case can be reached.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, James B. Vogts, hereby certify that on the 20th day of February, 2014, I caused to be served a copy of the foregoing document on all counsel of record listed below, via the Court's ECF system and/or by U.S. Mail.

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/s/ James B. Vogts
James V. Vogts

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ARIE S. FRIEDMAN, M.D. and)	
the Illinois State Rifle Association)	
)	
Plaintiffs,)	
)	No: 13-cv-9073
v.)	
)	Ho. John W. Darrah
)	
CITY OF HIGHLAND PARK,)	
)	
Defendant.)	

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OF MOTION FOR PRELIMINARY INJUNCTION**

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Exhibit 10 – Chicago Police Department Murder Analyses 2006 to 2011.

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Exhibit 13 – Mayors Against Illegal Guns, Mass Shooting Report Data.

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Respectfully submitted,

/s/ James B. Vogts

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CERTIFICATE OF SERVICE

I, James B. Vogts, hereby certify that on the 20th day of February, 2014, I caused to be served a copy of the foregoing document on all counsel of record list below, via the Court's ECF system and/or by U.S. Mail.

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/s/ James B. Vogts
James V. Vogts

EXHIBIT 8

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ARIE S. FRIEDMAN, M.D. and
the Illinois State Rifle Association

Plaintiffs,

v.

CITY OF HIGHLAND PARK,

Defendant.

No: 13-cv-9073

SUPPLEMENTAL AFFIDAVIT OF DAVID A. LOMBARDO

If sworn as a witness, I could competently testify to the following:

1. I offer this Supplemental Affidavit based on my expertise and experience in firearms training, safety and use and the personal observations I have made while working in the firearms community over the past 25 years.

2. I have reviewed the Declarations of Mark D. Jones, James E. Yurgealitis and Gretchen Cusick. It is my understanding that they were each retained by the City of Highland Park to offer their views on subjects relating to the constitutionality of the City's ordinance prohibiting law abiding citizens from possessing firearms the City defined as "assault weapons" and "large capacity magazines" capable of holding more than ten rounds of ammunition.

3. My opinion that many of the firearms banned under the ordinance are commonly owned by residents of Illinois and elsewhere is based in part on my extensive interaction with the community of firearms owners, which was described in my previously submitted Affidavit. Since 2006, certified instructors employed by Safer USA and I have taught firearm use and

safety to more than 5,000 persons. I am also President of the Aurora Sportsmen's Club, which currently has approximately 1,500 members. I have regularly observed members on the range and the firearms they use, and modern sporting rifles have been the most commonly used rifles on the range over the past five to ten years. I also regularly attend firearms industry trade shows and have observed that the civilian marketplace for modern sporting rifles is without question the fastest growing firearms market. I have also seen industry research indicating that more than one out of every five (20.3%) firearms, of all types, sold today is a modern sporting rifle, and that from 2008 to 2012 nearly 3.0 million modern sporting rifles built on the AR-platform alone were produced in the United States.

4. Thus, my opinion that many of the firearms banned under the ordinance are commonly owned by law-abiding citizens is based on my personal perception rather than any scientific or technical expertise. For that reason, Gretchen Cusick's criticism of my opinion because it lacks "scientific integrity" is misguided.

5. Ms. Cusick is also critical of the survey I am conducting of students in my firearms classes as "flawed." The survey currently reveals that 57.7 % of those students kept a semi-automatic rifle with a detachable magazine available in their homes for personal protection. As of February 10, 2014, 671 students completed the survey. Most of the students who completed the survey were in enrolled in our Home Protection and Concealed Carry Seminar and NRA Basic Pistol class.

6. Ms. Cusick's scholarly criticisms of the survey seem to be directed at a survey I did not ask my students to complete rather than the survey they did complete. The purpose of my survey was limited: I sought to determine what types of firearms are kept available for personal defense by persons taking my classes. If a person surveyed did not keep a firearm

available for personal defense, he or she had the option to answer “none of the above.” In fact, of those surveyed, 24.7% provided that answer. Thus, the survey did not, as Ms. Cusick suggests, “vastly exaggerate the proportion of people who own firearms for personal protection” by disregarding those who do not keep a firearm available to protect their homes and family.

7. Ms. Cusick’s statement that I gave the survey to my “acquaintances” is simply supposition on her part but nevertheless not true. And her criticism that the students surveyed would be “reluctant to admit in the survey that they owned an assault weapon for nefarious purposes” makes no sense because they were not asked to admit or deny whether they owned firearms for criminal purposes. Regardless, I seriously doubt that persons who make the effort to learn the basics of lawful firearms use in an NRA Basic Pistol class or a Home Protection and Concealed Carry Seminar own firearms “to commit mass murder at a school, or as protection for illegal drug sales”, as Ms. Cusick seems to hypothesize.

8. Mark D. Jones incorrectly states in paragraph 36 of his Declaration that the “essential characteristic” of the “assault weapons” defined by the ordinance is “magazine capacity.” His statement is misleading and incorrect. The Highland Park ordinance prohibits ownership of certain types and models of firearms by law-abiding residents of Highland Park without regard to their ammunition capacity.

9. With respect to the semi-automatic rifles banned in Highland Park, specifically AR-type rifles, the essential characteristic they share is that they have gas operated semi-automatic actions. Rifles falling into this category of firearms are sold with magazines having a variety of capacities and many are sold without “large capacity magazines.” For example, models of the Smith & Wesson M & P 15 (an AR-type rifle) are sold with 5 and 10 round magazines. (See Exhibit A, Smith & Wesson 2014 Product Catalog, p. 16). The Remington

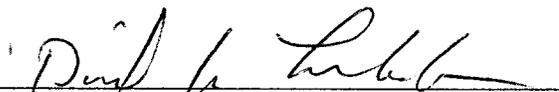
Model R-15 Predator and Varmint (AR-type rifles) are sold with 5 round magazines. (See Exhibit B, Remington 2104 Shot Show Featured Products, pp. 17 & 44). The Bushmaster Hunter, Predator and Varminter rifles (AR-type rifles) are each sold with 5 round magazines. (See Bushmaster Firearms Product Catalog 2104, p. 28 - 31). Other examples of AR-type rifles sold with magazines with capacities of 10 rounds or less can be referenced. But the point is that the “essential character” of the semi-automatic rifles banned in Highland Park is decidedly not their “large capacity magazines.” Mr. Jones consistently conflates banned rifles with banned “large capacity magazines” and misleadingly suggests that all banned rifles have 30 round magazines.

10. Mark D. Jones discusses “bump-firing” in paragraph 16 of his Declaration and states that when an AR-type rifle is “bump-fired” it fires at virtually the same rate as a fully automatic machine gun. In “bump-firing” the trigger is pulled for each shot just as in regular semi-automatic firing but the successive force applied to the trigger is generated by the inertia of the firearm rather than the shooter. “Bump-firing” can be done with virtually any semi-automatic firearm. While it is true that “bump-firing” is a way to rapidly discharge a semiautomatic firearm, it is a form of trick firing for show that no person, criminal or otherwise, would ever use to reliably and accurately hit a target.

9. James E. Yurgealitis wrongly states in paragraph 37 of his Declaration that the .223 round, for which the majority of AR-type rifles are chambered, “is too small a caliber to be legal for hunting” in Illinois. Illinois Department of Natural Resources hunting regulations provide, however, that “any type of legal rifle including large capacity semi-automatic rifles” can be used to hunt coyotes. (<http://www.dnr.illinois.gov/hunting/documents/huntrapdigest.pdf>). Thus, AR-type rifles with or without large capacity magazines are suitable for hunting in Illinois,

and are used in a variety of other larger calibers by Illinois residents to hunt both large and small game outside of Illinois.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 18, 2014.

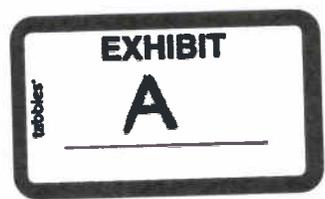
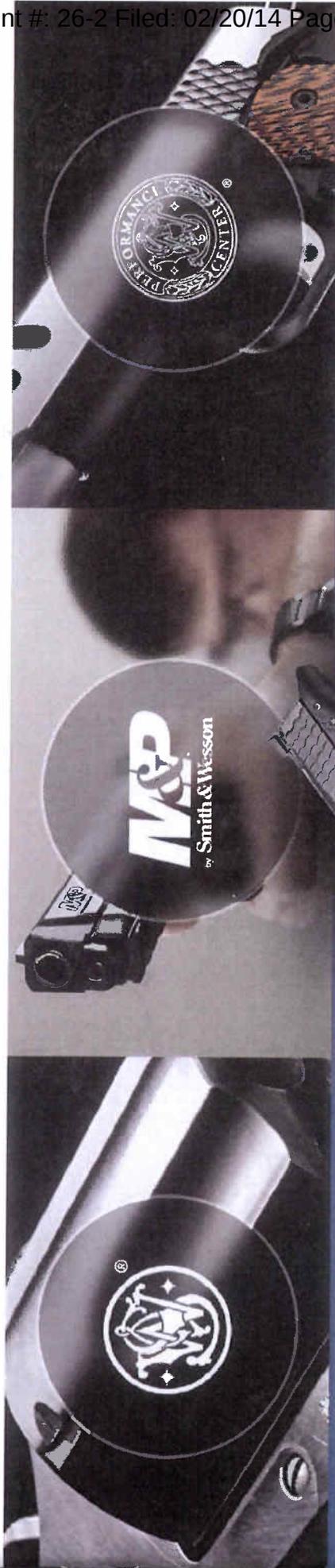


David A. Lombardo



Smith & Wesson®

2014 PRODUCT CATALOG



M&P10

NEW

A MODEL: M&P10

OPTIC READY COMPLIANT*

Product: 811308
18" Lightweight Barrel
.308 Win / 7.62x51
20 Rounds
Black Finish

- Ambidextrous Magazine Catch, Bolt Catch and Reversible, Ambidextrous Safety Selector
- Patented S&W Enhanced Flash Hider
- Gas Block with Integral Picatinny-Style Rail
- Magpul® MOE Rifle Stock
- QD Sling Swivel Attachment Point (bottom of gas block)
- 5R Rifling
- MCR™ - Maximum Corrosion Resistant Barrel Finish
- 9310 Steel Bolt
- Chromed Firing Pin

C MODEL: M&P10

OPTIC READY COMPLIANT*

Product: 811312
18" Barrel
.308 Win / 7.62x51
5 Rounds
Camo Finish

- Ambidextrous Magazine Catch, Bolt Catch and Reversible, Ambidextrous Safety Selector
- Gas Block with Integral Picatinny-Style Rail
- Magpul® MOE Rifle Stock
- QD Sling Swivel Attachment Point (bottom of gas block)
- 5R Rifling
- MCR™ - Maximum Corrosion Resistant Barrel Finish
- 9310 Steel Bolt
- Chromed Firing Pin

D MODEL: M&P10

OPTIC READY COMPLIANT*

Product: 811311
18" Lightweight Barrel
.308 Win / 7.62x51
10 Rounds
Black Finish

- Ambidextrous Magazine Catch, Bolt Catch and Reversible, Ambidextrous Safety Selector
- Patented S&W Enhanced Flash Hider
- Gas Block with Integral Picatinny-Style Rail
- QD Sling Swivel Attachment Point (bottom of gas block)
- 5R Rifling
- MCR™ - Maximum Corrosion Resistant Barrel Finish
- 9310 Steel Bolt
- Chromed Firing Pin

E MODEL: M&P10

OPTIC READY COMPLIANT*

Product: 811310
18" Barrel
.308 Win / 7.62x51
10 Rounds
Black Finish

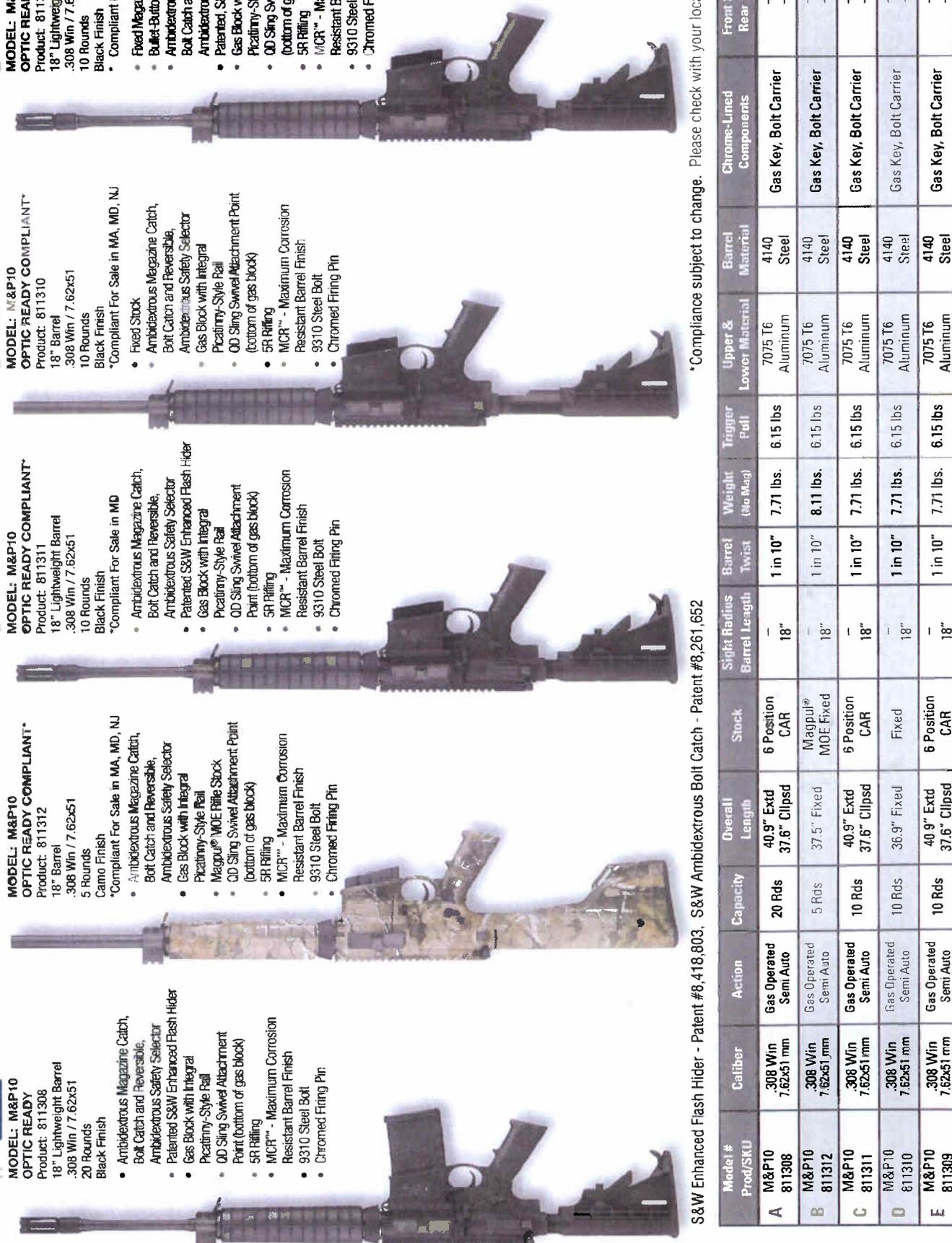
- Fixed Stock
- Ambidextrous Magazine Catch, Bolt Catch and Reversible, Ambidextrous Safety Selector
- Gas Block with Integral Picatinny-Style Rail
- QD Sling Swivel Attachment Point (bottom of gas block)
- 5R Rifling
- MCR™ - Maximum Corrosion Resistant Barrel Finish
- 9310 Steel Bolt
- Chromed Firing Pin

E MODEL: M&P10

OPTIC READY COMPLIANT*

Product: 811309
18" Lightweight Barrel
.308 Win / 7.62x51
10 Rounds
Black Finish

- Compliant For Sale in CA
- Fixed Magazine
- Bullet-Button®
- Ambidextrous Magazine Catch, Bolt Catch and Reversible
- Patented S&W Enhanced Flash Hider
- Gas Block with Integral Picatinny-Style Rail
- QD Sling Swivel Attachment Point (bottom of gas block)
- 5R Rifling
- MCR™ - Maximum Corrosion Resistant Barrel Finish
- 9310 Steel Bolt
- Chromed Firing Pin



S&W Enhanced Flash Hider - Patent #8,418,803, S&W Ambidextrous Bolt Catch - Patent #8,261,652

*Compliance subject to change. Please check with your local dealer.

Model # Prod./SKU	Caliber	Action	Capacity	Overall Length	Stock	Sight Radius Barrel Length	Barrel Twist	Weight (No Mag)	Trigger Pull	Upper & Lower Material	Barrel Material	Chrome-Lined Components	Front Sight/ Rear Sight
A M&P10 811308	.308 Win 7.62x51 mm	Gas Operated Semi Auto	20 Rds	40.9" Extd 37.6" Clipsd	6 Position CAR	18"	1 in 10"	7.71 lbs.	6.15 lbs	7075 T6 Aluminum	4140 Steel	Gas Key, Bolt Carrier	-
B M&P10 811312	.308 Win 7.62x51 mm	Gas Operated Semi Auto	5 Rds	37.5" Fixed	Magpul® MOE Fixed	18"	1 in 10"	8.11 lbs.	6.15 lbs	7075 T6 Aluminum	4140 Steel	Gas Key, Bolt Carrier	-
C M&P10 811311	.308 Win 7.62x51 mm	Gas Operated Semi Auto	10 Rds	40.9" Extd 37.6" Clipsd	6 Position CAR	18"	1 in 10"	7.71 lbs.	6.15 lbs	7075 T6 Aluminum	4140 Steel	Gas Key, Bolt Carrier	-
D M&P10 811310	.308 Win 7.62x51 mm	Gas Operated Semi Auto	10 Rds	36.9" Fixed	Fixed	18"	1 in 10"	7.71 lbs.	6.15 lbs	7075 T6 Aluminum	4140 Steel	Gas Key, Bolt Carrier	-
E M&P10 811309	.308 Win 7.62x51 mm	Gas Operated Semi Auto	10 Rds	40.9" Extd 37.6" Clipsd	6 Position CAR	18"	1 in 10"	7.71 lbs.	6.15 lbs	7075 T6 Aluminum	4140 Steel	Gas Key, Bolt Carrier	-



**2014 SHOT SHOW
FEATURED PRODUCTS**

REMINGTON

EXHIBIT

B

tabbles

MODEL R-15™

CENTERFIRE



**MODEL R-15 VTR PREDATOR
MAGPUL® MOE
COLLAPSIBLE STOCK**

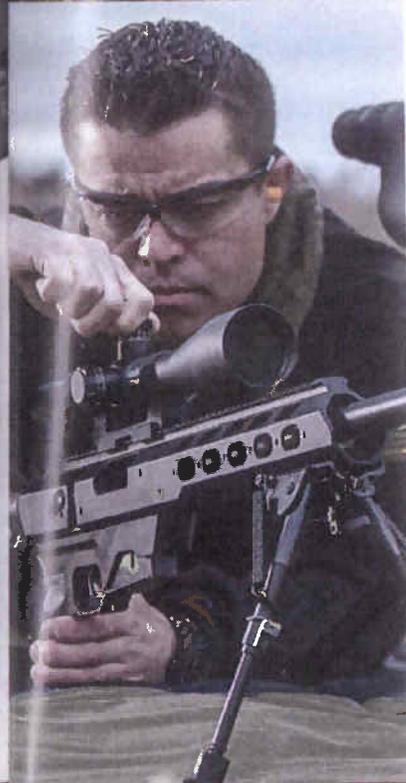
Available in: 223 Remington (Order No. 60018 | 16" barrel)
(Order No. 60019 | 12" barrel)

**NOT YOUR GRANDAD'S
HUNTING RIFLE.**

The hair-splitting accuracy, blazing-fast followups and a hunt-specific features for securing your place at the top of the food chain. The **Model R-15™ VTR Predator Magpul® MOE (Collapsible Stock)** upgrades our apex predator platform with advanced Magpul technology. Like the Magpul Grip for max comfort and control, the "V"-shaped polymer Magpul trigger guard for use with gloves, and the 51 tooth AAC® Blackout Flash hider to reduce recoil. The **Model R-15 VTR Predator Rifle** has a 22" barrel, fixed stock and weighs a stabilizing 7 ¾ lbs. The **Model R-15 VTR Stainless Steel** uses our triangular fluted barrel in a 24" configuration that optimizes repeat-shot accuracy with less weight than traditional varmint-style designs. And the lightweight, hard-hitting **Model R-15** is an ever-reliable choice for piling up predators, packing the big-game dropping power of 450 Bushmaster chambering and decked in Mossy Oak® New Break-Up camo.

**MODEL R-15 VTR PREDATOR
MAGPUL® MOE FEATURES**

- AAC® 51 TOOTH BRAKEOUT MACHINED FROM HIGH STRENGTH AEROSPACE 17-4 STAINLESS STEEL ALLOY AND COATED IN A HARD, DURABLE, CORROSION-RESISTANT SCARMOR FINISH
- MAGPUL GRIP FEATURES REINFORCED POLYMER BODY CONSTRUCTION WITH COMFORTABLE, WRAP-AROUND RUBBER OVERMOLDING
- MAGPUL TRIGGER GUARD – ENHANCED POLYMER DROP IN REPLACEMENT, WITH SHALLOW "V" SHAPE
- DECKED IN FULL MOSSY OAK® BRUSH™ CAMO
- COMPETITION TWO STAGE TRIGGER



**MODEL R-15 VTR PREDATOR
FIXED STOCK**

Available in: 223 Remington (Order No. 60001)



**MODEL R-15 VTR
SS VARMINT**

Available in: 223 Remington (Order No. 60007)



MODEL R-15

(Scope and mount not included)
Available in: 450 Bushmaster (Order No. 60102)

MORE MODELS AVAILABLE. See page 44 for model specifications.

RIFLE SPECIFICATIONS

MODEL SEVEN™ SYNTHETIC BOLT-ACTION

ORDER NO.	CALIBER	MAG. CAPACITY	BARREL LENGTH	TWIST-R-H 1 TURN IN	OVERALL LENGTH	LENGTH OF PULL	DROP (COMB)	DROP (HEEL)	BARREL MATERIAL	BARREL FINISH	STOCK MATERIAL	STOCK FINISH	AVG. WT. (LBS.)	MSRP
85910	223 Remington	5	20"	12"	39 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	6 1/2	\$731
85911	243 Win	4	20"	9 1/2"	39 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	6 1/2	\$731
85912	260 Remington	4	20"	8"	39 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	6 1/2	\$731
85913	7mm-08 Remington	4	20"	9 1/4"	39 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	6 1/2	\$731
85914	308 Win	4	20"	10"	39 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	6 1/2	\$731
85915 (Compact)	243 Win	4	18 1/2"	9 1/2"	36 1/4"	12 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	6 1/2	\$731
85916 (Compact)	7mm-08 Remington	4	18 1/2"	9 1/4"	36 1/4"	12 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	6 1/2	\$731

MODEL 770™ BOLT-ACTION

ORDER NO.	CALIBER	MAG. CAPACITY	BARREL LENGTH	TWIST-R-H 1 TURN IN	OVERALL LENGTH	LENGTH OF PULL	DROP (COMB)	DROP (HEEL)	BARREL MATERIAL	BARREL FINISH	STOCK MATERIAL	STOCK FINISH	AVG. WT. (LBS.)	MSRP
85630	243 Win	4	22"	9 1/2"	41 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	8 1/2	\$383
85637 (Compact)	243 Win	4	20"	9 1/2"	39 1/4"	12 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	8 1/2	\$383
85632	270 Win	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	8 1/2	\$383
85631	7mm 08 Remington	4	22"	9 1/4"	41 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	8 1/2	\$383
85635	7mm Remington Mag	3	24"	9 1/4"	44 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	8 1/2	\$383
85633	30-06 SPRG	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	8 1/2	\$383
85636	300 Win Mag	3	24"	10"	44 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	8 1/2	\$383
85634	308 Win	4	22"	10"	41 1/4"	13 1/4"	1 1/4"	1 1/2"	Carbon Steel	Matte Blue	Synthetic	Matte Black	8 1/2	\$383

1 Average weight includes scope

MODEL 770™ STAINLESS BOLT-ACTION

ORDER NO.	CALIBER	MAG. CAPACITY	BARREL LENGTH	TWIST-R-H 1 TURN IN	OVERALL LENGTH	LENGTH OF PULL	DROP (COMB)	DROP (HEEL)	BARREL MATERIAL	BARREL FINISH	STOCK MATERIAL	STOCK FINISH	AVG. WT. (LBS.)	MSRP
85655	270 Win	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	1 1/2"	416 Stainless Steel	Matte Blue	Synthetic	Realtree® AP™	8 1/2	\$467
85657	7mm Remington Mag	3	24"	9 1/4"	44 1/4"	13 1/4"	1 1/4"	1 1/2"	416 Stainless Steel	Matte Blue	Synthetic	Realtree® AP™	8 1/2	\$467
85656	30-06 SPRG	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	1 1/2"	416 Stainless Steel	Matte Blue	Synthetic	Realtree® AP™	8 1/2	\$467
85658	300 Win Mag	3	24"	10"	44 1/4"	13 1/4"	1 1/4"	1 1/2"	416 Stainless Steel	Matte Blue	Synthetic	Realtree® AP™	8 1/2	\$467

1 Average weight includes scope

MODEL 7600™ PUMP-ACTION

MODEL	ORDER NO.	CALIBER	MAG. CAPACITY	BARREL LENGTH	TWIST-R-H 1 TURN IN	OVERALL LENGTH	LENGTH OF PULL	DROP (COMB)	DROP (HEEL)	BARREL MATERIAL	BARREL FINISH	STOCK MATERIAL	STOCK FINISH	AVG. WT. (LBS.)	MSRP
7600™	24653	243 Win	4	22"	9 1/4"	42 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Polished Blue	American Walnut	Satin	7 1/2	\$918
7600™	24655	270 Win	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Polished Blue	American Walnut	Satin	7 1/2	\$918
7600™	24667	270 Win	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Polished Blue	American Walnut	High Gloss	7 1/2	\$918
7600™ Carbine	24661	30-06 SPRG	4	18 1/2"	10"	39 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Polished Blue	American Walnut	Satin	7 1/4	\$918
7600™	24657	30-06 SPRG	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Polished Blue	American Walnut	Satin	7 1/2	\$918
7600™	24671	30-06 SPRG	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Polished Blue	American Walnut	High Gloss	7 1/2	\$918
7600™	24659	308 Win	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Polished Blue	American Walnut	Satin	7 1/2	\$918
7600™ Synthetic	25143	243 Win	4	22"	9 1/4"	42 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Matte Blue	Synthetic	Matte Black	7 1/2	\$771
7600™ Synthetic	25145	270 Win	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Matte Blue	Synthetic	Matte Black	7 1/2	\$771
7600™ Synthetic	25149	30-06 SPRG	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Matte Blue	Synthetic	Matte Black	7 1/2	\$771
7600™ Synthetic	25151	308 Win	4	22"	10"	42 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Matte Blue	Synthetic	Matte Black	7 1/2	\$771
7600™ Synthetic Carbine	25153	30-06 SPRG	4	18 1/2"	10"	39 1/4"	13 1/4"	1 1/4"	2 1/4"	Carbon Steel	Matte Blue	Synthetic	Matte Black	7 1/4	\$771

Equipped with iron sights.

MODEL R-15 VTR PREDATOR WITH MAGPUL® NOE STOCK & FORE-END MODULAR REPEATING

MODEL	ORDER NO.	CALIBER	MAG. CAPACITY	BARREL LENGTH	TWIST-R-H 1 TURN IN	OVERALL LENGTH	LENGTH OF PULL	DROP (COMB)	DROP (HEEL)	BARREL MATERIAL	BARREL FINISH	STOCK MATERIAL	STOCK FINISH	AVG. WT. (LBS.)	MSRP
R-15 VTR Predator Carbine Magpul® Collapsible Stock	60018	223 Remington	5	16 1/4"	9"	40 1/4"	13 1/4"	1 1/4"	1 1/4"	Carbon Steel	Matte	Synthetic	Mossy Oak® Brush™	7 3/4	\$1,327
R-15 VTR Predator Carbine Magpul® Collapsible Stock	60019	223 Remington	5	18"	9"	36 1/4"	13 1/4"	1 1/4"	1 1/4"	Carbon Steel	Matte	Synthetic	Mossy Oak® Brush™	6 3/4	\$1,327
R-15 VTR Predator Carbine Magpul® Fixed Stock	60010	223 Remington	5	18"	9"	36 1/4"	13 1/4"	1 1/4"	1 1/4"	Carbon Steel	Matte	Synthetic	Mossy Oak® Brush™	6 3/4	\$1,327
R-15 VTR Predator Carbine Magpul® Fixed Stock	60011	223 Remington	5	22"	9"	36 1/4"	13 1/4"	1 1/4"	1 1/4"	Carbon Steel	Matte	Synthetic	Mossy Oak® Brush™	6 3/4	\$1,327

MODEL R-15 MODULAR REPEATING

MODEL	ORDER NO.	CALIBER	MAG. CAPACITY	BARREL LENGTH	TWIST-R-H 1 TURN IN	OVERALL LENGTH	LENGTH OF PULL	DROP (COMB)	DROP (HEEL)	BARREL MATERIAL	BARREL FINISH	STOCK MATERIAL	STOCK FINISH	AVG. WT. (LBS.)	MSRP
R-15 VTR Predator	60001	223 Remington	5	22"	9"	40 1/4"	13 1/4"	1 1/4"	1 1/4"	Carbon Steel	Matte	Synthetic	Advantage® MAX-1 HD™	7 3/4	\$1,327
R-15 VTR SS Varmint	60007	223 Remington	5	24"	9"	42 1/4"	13 1/4"	1 1/4"	1 1/4"	416 Stainless	Matte	Synthetic	Advantage® MAX-1 HD™	7 3/4	\$1,529
R-15 FS (Fixed Stock)	60102	450 Bushmaster	4	18"	10"	36 1/4"	13 1/4"	1 1/4"	1 1/4"	Carbon Steel	Matte	Synthetic	Mossy Oak® Break-Up™	7 3/4	\$1,631

MODEL R-25 MODULAR REPEATING

MODEL	ORDER NO.	CALIBER	MAG. CAPACITY	BARREL LENGTH	TWIST-R-H 1 TURN IN	OVERALL LENGTH	LENGTH OF PULL	DROP (COMB)	DROP (HEEL)	BARREL MATERIAL	BARREL FINISH	STOCK MATERIAL	STOCK FINISH	AVG. WT. (LBS.)	MSRP
R-25	60030	243 Win	4	20"	10"	38 1/4"	13 1/4"	1 1/4"	1 1/4"	Carbon Steel	Matte	Synthetic	Mossy Oak® Treestand™	7 3/4	\$1,697
R-25	60031	7mm-08 Remington	4	20"	9 1/4"	38 1/4"	13 1/4"	1 1/4"	1 1/4"	Carbon Steel	Matte	Synthetic	Mossy Oak® Treestand™	7 3/4	\$1,697
R-25	60032	308 Win	4	20"	10"	38 1/4"	13 1/4"	1 1/4"	1 1/4"	Carbon Steel	Matte	Synthetic	Mossy Oak® Treestand™	7 3/4	\$1,697

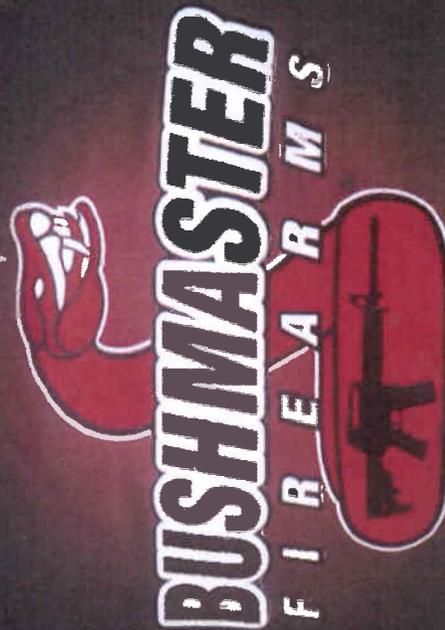
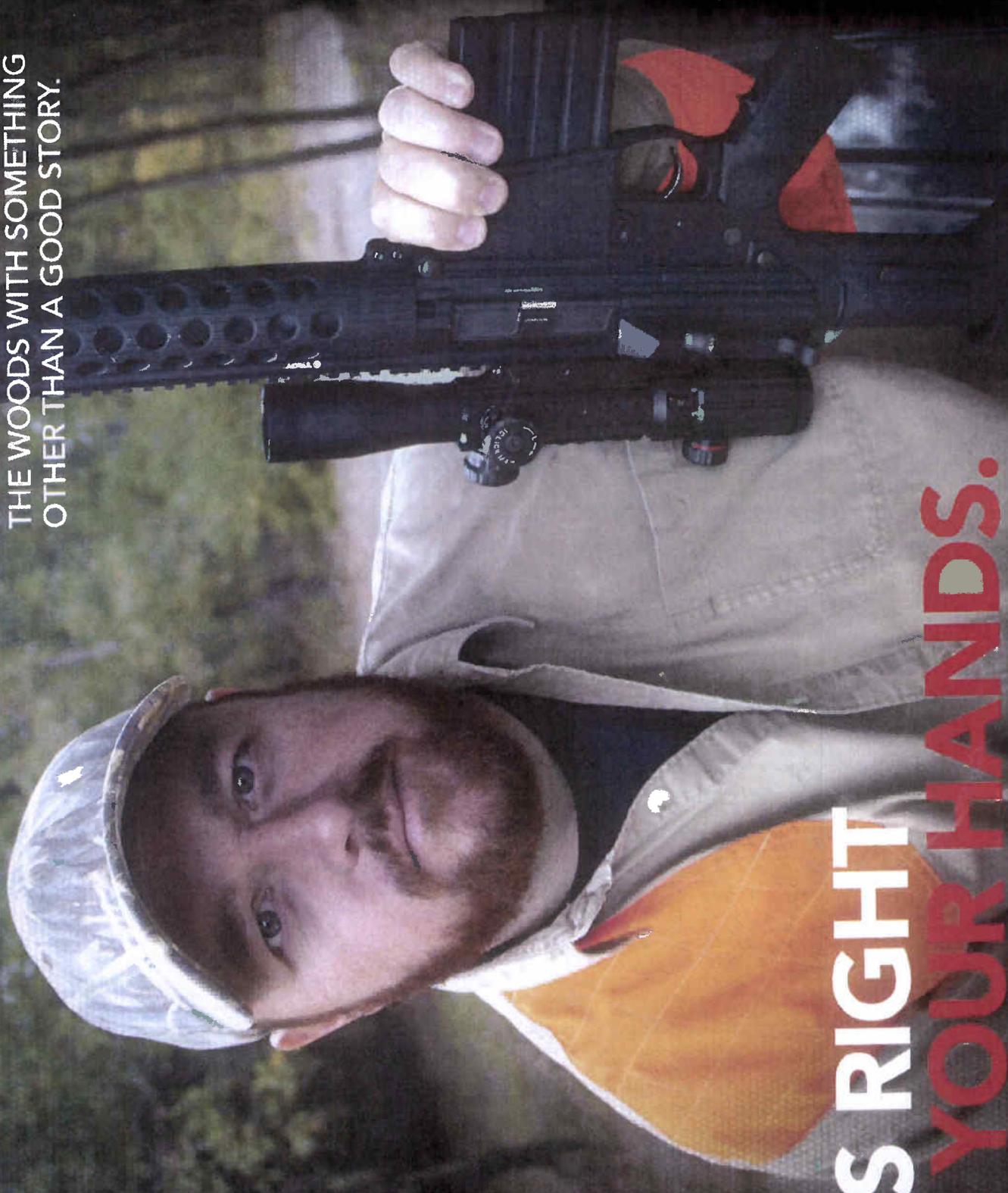


EXHIBIT
C

PRODUCT CATALOG 2014
HERITAGE. LOYALTY. RELIABILITY.

FOR OVER 35 YEARS, WE'VE BEEN
HELPING HUNTERS COME OUT OF
THE WOODS WITH SOMETHING
OTHER THAN A GOOD STORY.



HUNTING

**IT'S RIGHT
IN YOUR HANDS.**

HERITAGE. LOYALTY. RELIABILITY.

XM-10 308 HUNTER

BLACK: 9082 SC

- 20" fluted 4150 chrome-moly-vanadium barrel has crowned muzzle
- Mid-length gas system for smoother recoil
- Free-floating, vented aluminum fore-end
- Hogue® rubberized pistol grip
- Two 3/4" mini-risers for mounting optics
- Ships with one 5-round magazine
- One year Bushmaster warranty



PREDATOR

COMPLIANT: 90670 JRDW SC
ATACS COMPLIANT: 90923 SC

- Fluted 20" extra-heavy Bushmaster Predator barrel (1" dia out to gas block) with 11° competition muzzle crown
- 1 in 8" twist (non-chrome-lined) for the heavier bullets, free floated with a vented aluminum fore-end and bipod stud
- Two 1/4" mini-risers for optics mounting
- Hogue® rubberized pistol grip (black)
- Ships with a chamber flag and 5-round magazine



VARMINTER

COMPLIANT: 90681 JRDW SC
STAINLESS COMPLIANT: 90636 SC
ATACS COMPLIANT: 90321 SC

- Fluted 24" extra-heavy Bushmaster Varmint barrel (1" dia out to gas block) with 11° competition muzzle crown
- 1 in 9" twist (non-chrome-lined) free-floated with a vented aluminum fore-end and bipod stud
- Two 1/4" mini-risers for optics mounting
- Hogue® rubberized pistol grip (black)
- Ships with a chamber flag and 5-round magazine
- A-TACS® model is coated in A-TACS® digital camouflage for superior concealment



308 ORC (308/7.62 NATO)

BLACK: 90702

- 16" heavy profile with mid-length gas system
- A2 bridge flash hider
- Receiver length Picatinny optics rail with two 1 1/4" optics risers
- Milled gas block
- Six-position telescoping stock (when collapsed, conveniently reduces overall length by 4")



THROUGH THICK AND THIN, OUR HUNTING SERIES PRODUCES GOOD RESULTS, AND STORIES.

HUNTING



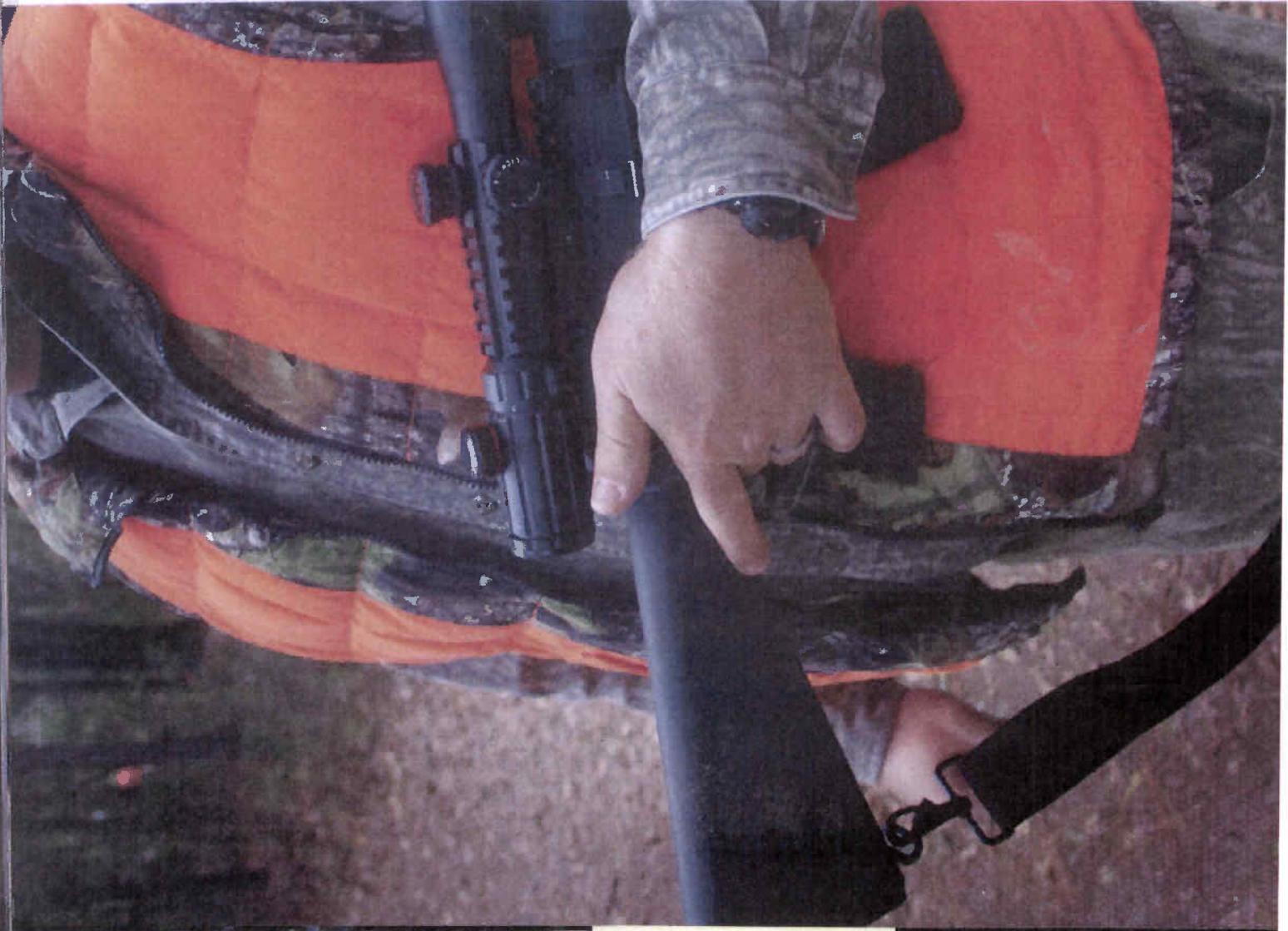
450 BUSHMASTER

BLACK: 90431 (shown)

CARBINE: 90425

The 450 cartridge allows AR-15 owners the flexibility to upgrade their familiar lightweight package to real big bore stopping power.

- 20" barrel rifle or 16" barrel carbine with 1 in 24" twist
- Upper and lower receivers machined from a Mil-Spec aluminum forging
- Free-floating, vented aluminum fore-end
- Ships with a chamber flag and 5-round magazine



A 5-ROUND MAG AND EXTRA STOPPING
POWER – BECAUSE HOGS ARE FAST,
SMART AND MEAN.



EXHIBIT 9



DEPARTMENT OF
THE TREASURY
STUDY ON
THE SPORTING
SUITABILITY
OF MODIFIED
SEMI-AUTOMATIC
ASSAULT RIFLES

APRIL 1998

Exhibit 5

MILITARY CONFIGURATION

1. Ability to accept a detachable magazine. Virtually all modern military firearms are designed to accept large, detachable magazines. This provides the soldier with a fairly large ammunition supply and the ability to rapidly reload. Thus, large capacity magazines are indicative of military firearms. While detachable magazines are not limited to military firearms, most traditional semiautomatic sporting firearms, designed to accommodate a detachable magazine, have a relatively small magazine capacity. Additionally, some States have a limit on the magazine capacity allowed for hunting, usually five or six rounds.
2. Folding/telescoping stock. Many military firearms incorporate folding or telescoping stocks. The main advantage of this item is portability, especially for airborne troops. These stocks allow the firearm to be fired from the folded position, yet it cannot be fired nearly as accurately as with an open stock. With respect to possible sporting uses of this feature, the folding stock makes it easier to carry the firearm when hiking or backpacking. However, its predominant advantage is for military purposes, and it is normally not found on the traditional sporting rifle.
3. Pistol grips. The vast majority of military firearms employ a well-defined separate pistol grip that protrudes conspicuously beneath the action of the weapon. In most cases, the "straight line design" of the military weapon dictates a grip of this type so that the shooter can hold and fire the weapon. Further, a pistol grip can be an aid in one-handed firing of the weapon in a combat situation. Further, such grips were designed to assist in controlling machineguns during automatic fire. On the other hand, the vast majority of sporting firearms employ a more traditional pistol grip built into the wrist of the stock of the firearm since one-handed shooting is not usually employed in hunting or organized competitive target competitions.
4. Ability to accept a bayonet. A bayonet has distinct military purposes. First, it has a psychological effect on the enemy. Second, it enables soldiers to fight in close quarters with a knife attached to their rifles. No traditional sporting use could be identified for a bayonet.
5. Flash suppressor. A flash suppressor generally serves one or two functions. First, in military firearms it disperses the muzzle flash when the firearm is fired to help conceal the shooter's position, especially at night. A second purpose of some flash suppressors is to assist in controlling the "muzzle climb" of the rifle, particularly when fired as a fully automatic weapon. From the standpoint of a traditional sporting firearm, there is no particular benefit in suppressing muzzle flash. Flash suppressors that also serve to dampen muzzle climb have a limited benefit in sporting uses by allowing the shooter to reacquire

Exhibit 5

the target for a second shot. However, the barrel of a sporting rifle can be modified by "magna-porting" to achieve the same result. There are also muzzle attachments for sporting firearms to assist in the reduction of muzzle climb. In the case of military-style weapons that have flash suppressors incorporated in their design, the mere removal of the flash suppressor may have an adverse impact on the accuracy of the firearm.

6. Bipods. The majority of military firearms have bipods as an integral part of the firearm or contain specific mounting points to which bipods may be attached. The military utility of the bipod is primarily to provide stability and support for the weapon when fired from the prone position, especially when fired as a fully automatic weapon. Bipods are available accessory items for sporting rifles and are used primarily in long-range shooting to enhance stability. However, traditional sporting rifles generally do not come equipped with bipods, nor are they specifically designed to accommodate them. Instead, bipods for sporting firearms are generally designed to attach to a detachable "slingswivel mount" or simply clamp onto the firearm.
7. Grenade launcher. Grenade launchers are incorporated in the majority of military firearms as a device to facilitate the launching of explosive grenades. Such launchers are generally of two types. The first type is a flash suppressor designed to function as a grenade launcher. The second type attaches to the barrel of the rifle by either screws or clamps. No traditional sporting application could be identified for a grenade launcher.
8. Night sights. Many military firearms are equipped with luminous sights to facilitate sight alignment and target acquisition in poor light or darkness. Their uses are generally for military and law enforcement purposes and are not usually found on sporting firearms since it is generally not legal to hunt at night.

EXHIBIT 10

2006 - 2007 Murder Analysis in Chicago

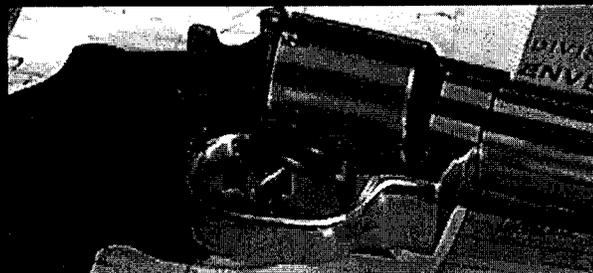


TABLE 12: WEAPONS USED TO COMMIT 2006 AND 2007 MURDERS

Method	Weapon	2006	2007
SHOT	<i>Firearm</i>		
	Handgun	373	316
	Rifle	4	4
	Shotgun	7	6
		384	326
STABBING	<i>Stabbing/Cutting Instrument</i>		
	Knife	29	33
	Other Stabbing/Cutting	1	5
	Pocket Knife	0	1
	Unknown	14	13
	44	52	
ASSAULT	<i>Bludgeon/Club</i>		
	Hands/Feet	10	11
	Other Bludgeon Type	4	5
	Baseball Bat	4	2
	Pipe	0	2
	Hammer	0	4
	Unknown	13	11
	Other	2	6
	33	41	
STRANGULATION	<i>Ligature</i>		
	Hands/Feet	2	3
	Rope/Cordage	0	2
	Electrical/Phone Cord	0	1
	Unknown	3	5
	Other	1	5
	6	16	
BLUNT FORCE	<i>Other</i>	1	1
		1	1
ASPHYXIATION	<i>Other</i>		
	Unknown	3	1
OTHER	<i>Burning</i>		
	Matches	0	1
	Other	0	4
	Unknown	0	3
	0	8	
TOTAL		471	445

2008
**MURDER
ANALYSIS**
in Chicago



Chicago Police Department



TABLE 13: WEAPONS USED TO COMMIT MURDERS IN 2008

Injury	Weapon	2008
SHOT	Handgun	402
	Rifle	3
	Shotgun	1
	Unknown/Other	6
		412
STABBING	Knife	31
	Other Stabbing/Cutting	4
	Pocket Knife	0
	Unknown	10
	45	
ASSAULT	Hands/Feet	10
	Other Bludgeon Type	7
	Baseball Bat	2
	Pipe	0
	Hammer	0
	Unknown	17
	36	
STRANGULATION	Hands/Feet	1
	Rope/Cordage	0
	Electrical/Phone Cord	0
	Clothing	1
	Unknown	5
	Other	1
	8	
BLUNT FORCE INJURY	Unknown	1
ASPHYXIATION	Unknown	1
OTHER	Gasoline (Burning)	1
	Matches (Burning)	0
	Unknown	7
	8	
TOTAL		511





2009



Chicago
MURDER

Analysis

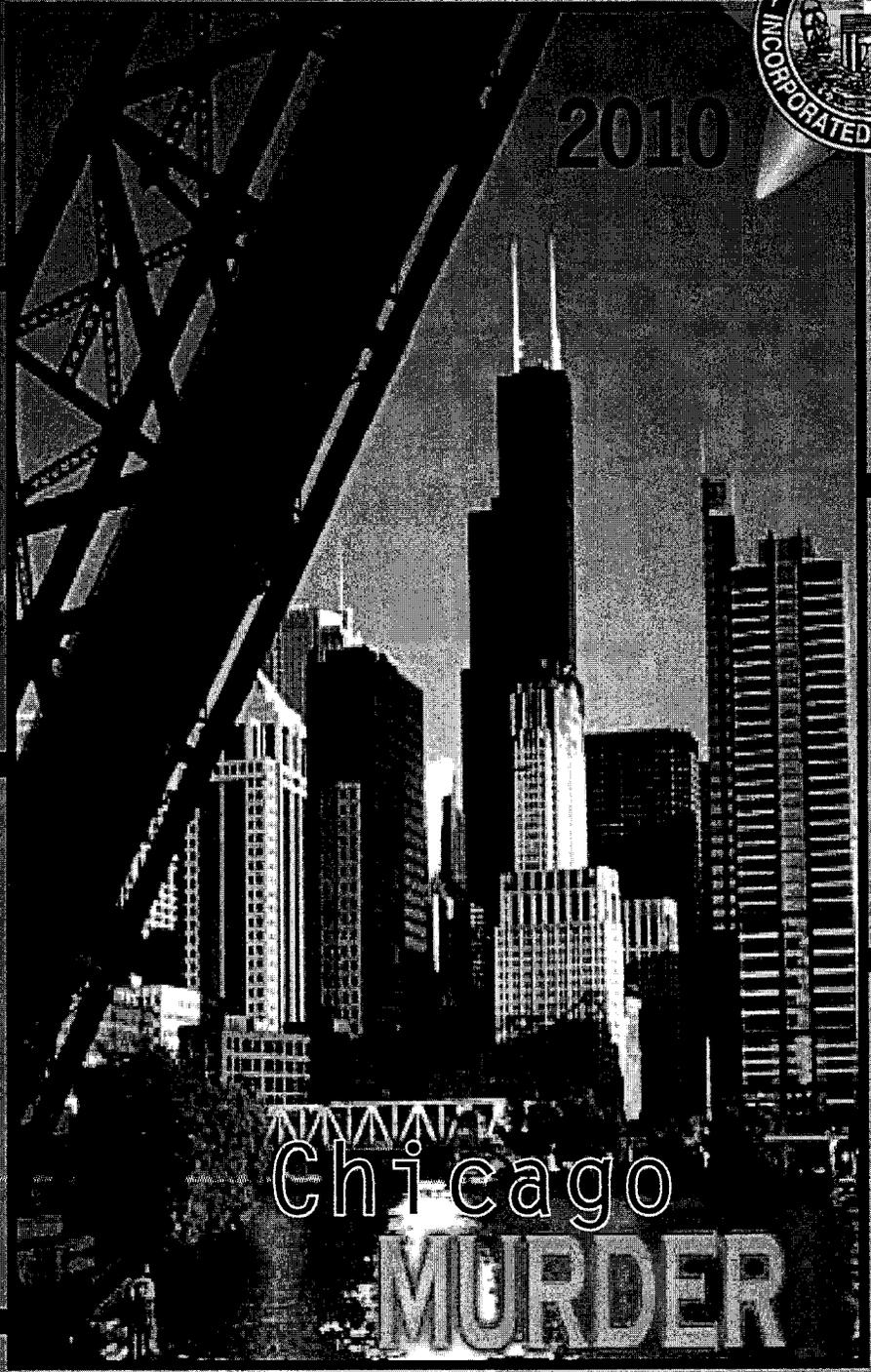
TABLE 12: WEAPONS USED TO COMMIT MURDERS, 2009*

Injury	Weapon	Total
SHOT	Handgun	356
	Rifle	6
	Shotgun	8
	Unknown/Other	8
		<u>378</u>
STABBING	Knife	25
	Other Stabbing/Cutting	4
	Pocket Knife	1
	Unknown	5
		<u>35</u>
ASSAULT	Hands/Fists/Feet	7
	Other Bludgeon Type	6
	Baseball Bat	3
	Concrete Block/Brick	1
	Unknown	5
		<u>22</u>
STRANGULATION	Hands/Fists/Feet	1
	Rope/Cordage	6
	Clothing	1
	Unknown	3
		<u>11</u>
BLUNT FORCE INJURY	Automobile	3
	Other Bludgeon Type	2
	Unknown	2
		<u>7</u>





2010



Chicago
MURDER

Analysis

TABLE 12: WEAPONS USED TO COMMIT MURDERS, 2010*

Injury	Weapon	Total
SHOT	Handgun	348
	Rifle	4
	Shotgun	1
		<u>353</u>
STABBED	Knife	19
	Kitchen Knife	3
	Other Stabbing/cutting	1
	Unknown Instrument	6
	<u>29</u>	
ASSAULT	Hands/Fists/Feet	9
	Other Bludgeon Type	13
	Baseball Bat	2
	Table Leg	1
	Wooden Board	1
	Cut/Stab Instrument	1
	Others	3
	Unknown	6
	<u>36</u>	
STRANGULATION	Hands/Feet	4
	Rope/Cordage	1
	Unknown Ligature	2
	Unkown	3
	<u>10</u>	
BLUNT FORCE INJURY	Automobile	2
	Unknown	1
	<u>3</u>	





2011



Chicago
MURDER

Analysis

TABLE 12: WEAPONS USED TO COMMIT MURDERS, 2011*

Injury	Weapon	Total
SHOT	Handgun	351
	Rifle	1
	Shotgun	5
	Unknown/Other	5
		362
STABBED	Knife	17
	Other Stabbing/Cutting	3
	Pocket Knife	1
	Unknown	10
	31	
ASSAULT	Baseball Bat	1
	Hands/Feet/Fists	13
	Other Bludgeon Type	2
	Unknown	8
	Unknown Bludgeon	4
	28	
STRANGULATION	Hands/Feet	1
	Unknown	3
	4	
BLUNT FORCE INJURY	Automobile	3
	Hands/Feet/Fists	1
	Unknown	1
	5	



EXHIBIT 11
(part 1 of 5)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ARIE S. FRIEDMAN, M.D. and
the Illinois State Rifle Association

Plaintiffs,

v.

CITY OF HIGHLAND PARK,

Defendant.

)
)
)
)
)
)
)
)
)
)

No: 13-cv-9073

SUPPLEMENTAL AFFIDAVIT OF DR. GARY ROBERTS

If sworn as a witness, I could competently testify to the following:

1. I have reviewed the Declarations of Mark D. Jones and James E. Yurgealitis. It is my understanding that they have been retained by the City of Highland Park to provide opinions on the suitability of AR15 type rifles chambered for .223/5.56 mm ammunition as a personal defense firearm.

2. It is not apparent from their Declarations or resumes that either Mr. Jones or Mr. Yurgealitis has studied wound or terminal ballistics or has any particular expertise on which to express an expert opinion on the relative suitability of various firearms and ammunition for personal defense in the home. In fact, the opinions they have expressed demonstrate profound ignorance of the science that is the basis of an informed and reliable opinion on the subject.

3. For example, Mr. Jones boldly pronounces in paragraph 46 of his Declaration that “[t]o tout the semi-automatic assault weapon as the best or even second best tool for home defense is specious and disingenuous.” The primary basis for his statement is that “the velocity

of widely available standard military surplus ammunition for AR15 rifles is more than 3000 feet per second ... and contains a steel penetrator that greatly increases the possibility of innocents being injured or killed by missed shots or ricochets.”

4. The degree to which ammunition will penetrate walls and other structures is a function of bullet construction and momentum, not just velocity. Bullets used in typical service caliber handguns (9 mm, .357, .40, .45) while of slower velocity are typically much heavier than the .223/5.56 mm ammunition used in AR15's. When this heavier handgun ammunition strikes and goes through walls it retains a much greater ability to deeply penetrate an individual on the far side of the wall than the higher velocity but lighter weight .223/5.56 mm rifle ammunition -- thus it is the handgun ammunition that creates greater risks to innocent bystanders in the event a shot first strikes a wall or other object.

5. Attached as Exhibit A is an BATF presentation, “Data Analysis of .223 Ammunition,” which was presented to members of the law enforcement community to “[a]llow informed decisions of ammunition choice” and “[d]ispel myths about ammunition.” BATF gathered data from various sources, including the FBI's “Weapons Selection Test”, the San Diego County Sheriff's Department “Structural Penetration Testing” and the DEA's “Construction Material Test.” The results of each of these demonstrated, as have all similar, properly performed tests, that service caliber handgun ammunition will penetrate walls and other structures to a greater degree than the .223/5.56 mm ammunition most typically used in AR15 type rifles. As a result, the BATF unequivocally states that the weapon of choice for defensive shooting is a .223/5.56 mm AR15 type rifle.

6. The performance attributes of AR15 type rifles and .223/5.56 mm ammunition are the reason that the U.S. Department of Homeland Security issued contract specifications for

purchase of 7,000 personal defense weapons (PDW) built on the AR15 platform and chambered in 5.56 mm. See Exhibit B –HSCEMS-12-R-00011 – Description/Specification/Statement of Work. Those same attributes are the reason that virtually all law enforcement agencies, including the Chicago Police Department have acquired AR15 type rifles chambered for .223/5.56 mm ammunition “to enhance officer safety in high threat situations” and adopted policies that they are to be used when an officer “reasonably believes that he or she is confronting or may soon confront a threat that may require use of deadly force.” See Exhibit C – Chicago Police Department, Police Carbine Operator Program. The performance attributes of .223/5.56 mm ammunition, specifically the relative safety it provides to innocent bystanders, is likely the reason the City of Highland Park has budgeted funds to replace pistol caliber carbines with rifle caliber carbines in 2014. See Exhibit D – Proposed Annual Budget, Calendar Fiscal Year 2014.

7. Mr. Jones states in paragraph 44 of his Declaration that semi-automatic rifles built on the AR15 platform are “designed to be used in an offensive role.” This statement is nonsense. Any firearm can be used offensively, but within the United States it is typically a felony to do so, regardless of whether the user is a police officer or a private citizen. There are very few instances where it is lawful or authorized for law enforcement officers to employ deadly force against a suspect unless first threatened with grievous or life threatening injuries. However, when a firearm is used as a prudent response to an imminent deadly threat, such use is clearly a defensive role for a firearm. It is not logical or just for the government to deny private citizens the ability to defend themselves with the same firearms law enforcement has determined are the most effective and safest tools to stop a violent aggressor.

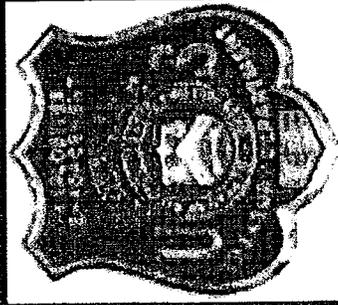
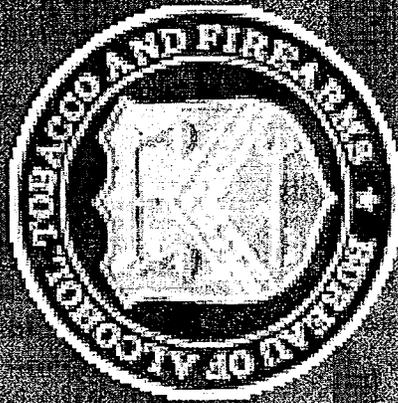
8. Mr. Yurgealitis states in paragraph 40 of his Declaration that “[i]f the individual had a preference for shoulder weapons” in a home defense situation, he would recommend a

pump action 12 gauge shotgun (Remington 870, Mossberg 500 etc) loaded with 00 Buckshot.” He believes an advantage of this type of firearm and shot is “low probability of over penetration (as compared to rifle caliber and velocity projectiles).” Mr. Yurgealitis, like Mr. Jones, either has not studied or does not understand terminal ballistics. Like service caliber handgun bullets, twelve gauge 00 Buckshot will penetrate interior walls and put innocent bystanders at risk to the same extent as service caliber handgun ammunition. Both can penetrate up to twice as far as many .223/5.56 mm bullets. Attached as Exhibit E is diagram I prepared based on testing I performed at the California Highway Patrol Academy depicting “Typical Wound Profiles After Penetrating Interior Wall Intermediate Barrier.” As can be plainly seen, 9 mm and .45 Auto JHP defensive handgun ammunition and 00 Buckshot present a considerably greater threat to innocent bystanders after going through a wall than does common .223/5.56 mm ammunition, including military 5.56 mm M855 ammunition with a steel penetrator, despite the inaccurate comments made by Mr. Jones and Mr. Yurgealitis on this subject.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 16th, 2014



Dr. Gary Roberts



Data Analysis of .223 Caliber Ammunition

EXHIBIT
A

Penetration Capabilities of Law Enforcement Ammunition

This presentation consists of data accumulated from the FBI's "Weapons Selection" test, San Diego County Sheriff's Department's "Structural Penetration Testing" and the Drug Enforcement Administration's "Construction Material Test" and is use with their permission



Purpose of ATF's Presentation

- Simplify data currently circulating in the Law Enforcement Community
- Dispel myths about ammunition
- Allow informed decisions of ammunition choice
- Facts of Ballistic superiority

Basic Terminology

- ⇒ **Ballistics**
- ⇒ **Terminal Ballistics**
- ⇒ **Effective Penetration**

EXHIBIT 11
(part 2 of 5)

Ballistics

⇒ The science dealing with the motion and impact of projectiles



Terminal Ballistics

- How the projectile reacts once it hits an object
- The projectile's effect on the object



Effective Penetration

- ⇒ 12 - 18 inches
- ⇒ Less than 12 inches, unlikely to reach vital organs from some angles
- ⇒ More than 18 inches, unlikely to damage additional vital organs



Consideration of Under Penetration

- ⇒ Failure to incapacitate subject
- ⇒ Subject may cause injury to Agents and innocent parties



Consideration of Over Penetration

- Exits subject's body and wounds others
- Some projectile's penetration can be increased as a result of penetrating through an intervening barrier (plywood, dry wall, steel)

Ammunition and

Weapon

Consideration



- ⇒ Operational use
- ⇒ Ballistic Superiority
- ⇒ Threat to Innocent Parties

Considerations for Operational Use



- ⇒ A number of ATF arrests involved arrests take place in and around vehicles or making entry into residences
- ⇒ Vehicles provide cover and concealment for agents and suspects
- ⇒ Interior and exterior walls of a residence provide cover and concealment
- ⇒ There is an increasing number of suspects using body armor



Ballistics Superiority

- ⇒ Shotgun (slug) and rifle/carbines are always ballistically superior to other choices
- ⇒ Handguns and subguns have similar ballistics
- ⇒ Shoulder weapons are tactically superior
- ⇒ Use of shoulder weapons will increase hit probability



Threat to Innocent Parties

- ⇒ Approximately 80% of rounds fired in Law Enforcement shootings miss the intended target according to FBI static's
- ⇒ All missed shots will eventually hit something
- ⇒ It is believed that the use of a shoulder weapon will increase hit probability
- ⇒ What happens next will depend on the projectile and what it hits

EXHIBIT 11
(part 3 of 5)



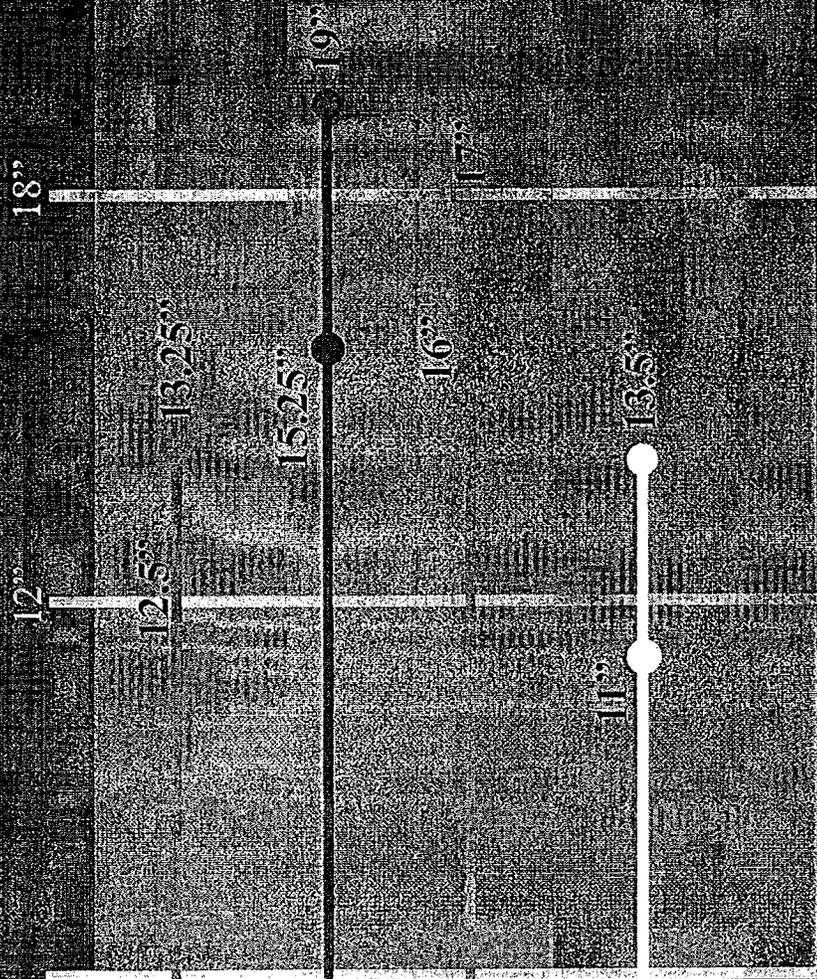
How far will a projectile travel before it falls 60 inches to the earth?

→ This calculation is based on the assumption that an average person would fire a weapon from a height of 60 inches, Center mass to a target at the same height.

- 870 Shotgun - 12ga. Slug 200 yards
- MP5 - 9mm 200 yards
- M-4 - .223cal. 500 yards



FBI Bare Gelatin Test



9 mm

.40 S&W

.223 62gr. Bonded

.223 55gr. SP



Penetration Tests

- ⇒ FBI penetration test
- ⇒ San Diego penetration test
- ⇒ DEA penetration test



FBI Penetration Test

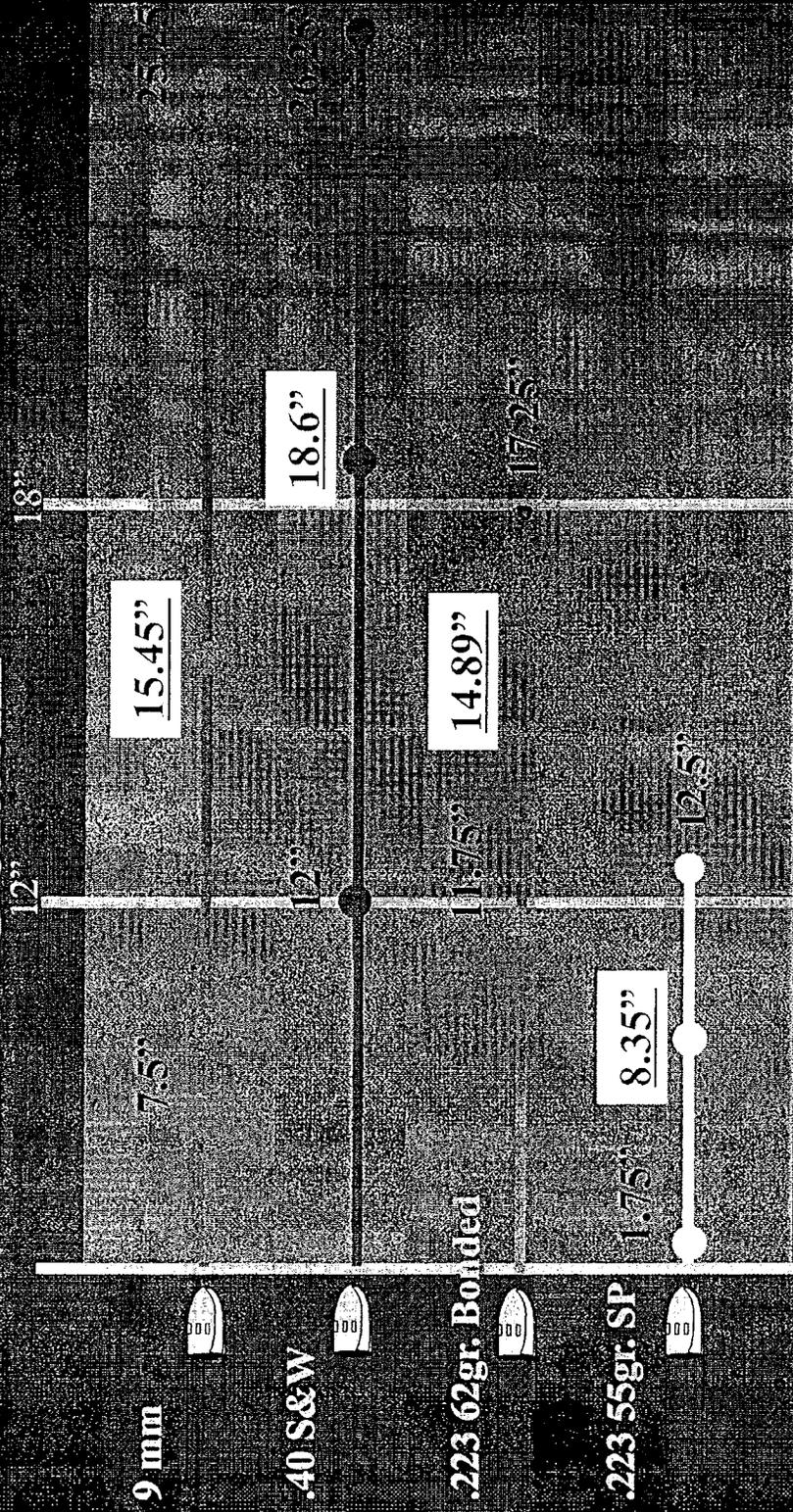
⇒ Consisted of firing through a variety of different material barriers into ballistic gelatin

⇒ Barrier Materials

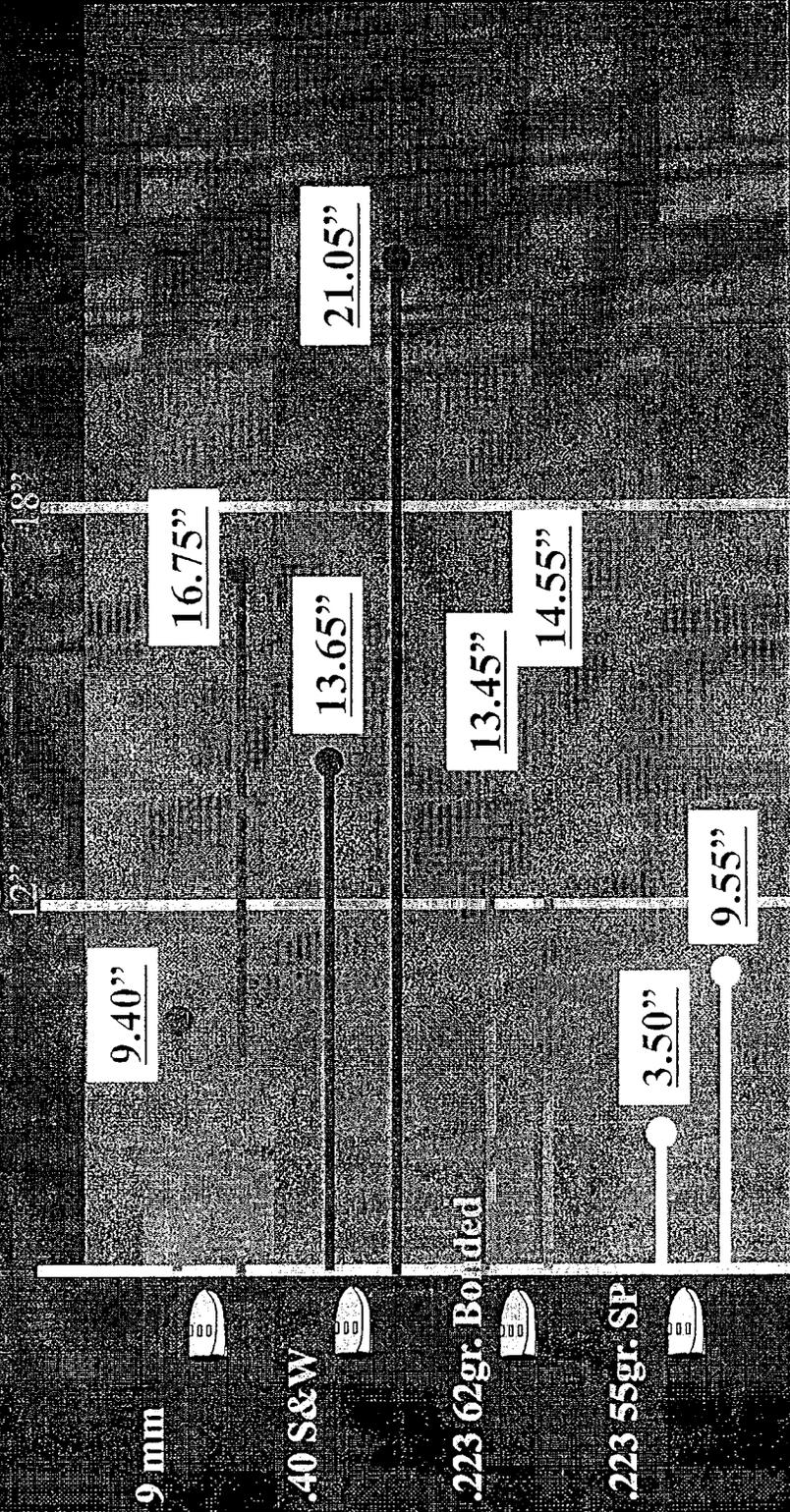
- Steel car door
- Automobile glass
- Plywood
- Drywall
- etc.



Combined Penetration Averages Through Medium Into Gelatin



Average Penetration Through Auto Glass and Steel





San Diego Wall Penetration Test

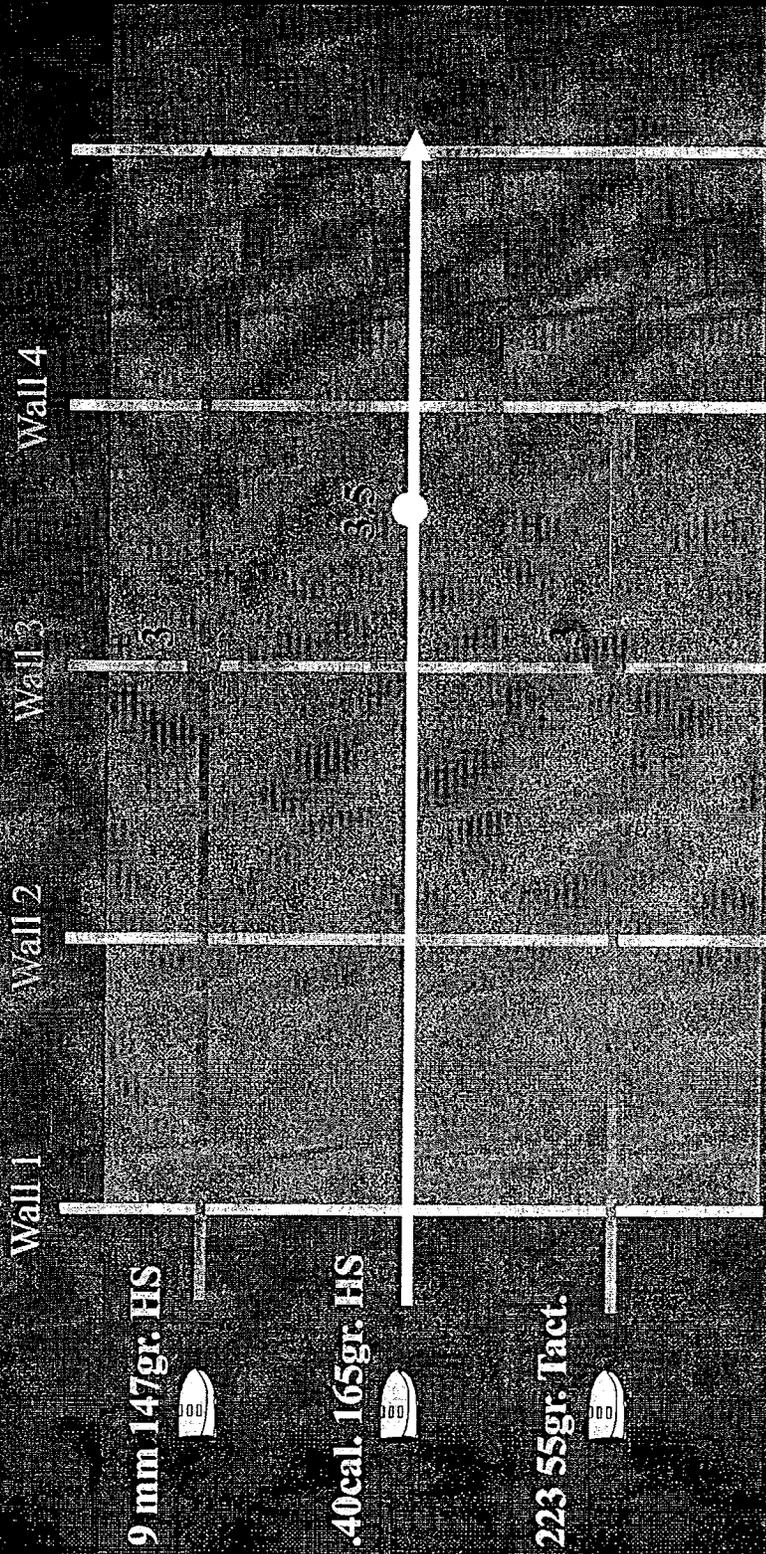
⇒ Consisted of firing rounds through 4 walls approximately 5 yards apart. The walls were constructed of various materials to include:

- 1/2" Wood Siding
- Stucco material
- Insulation
- 1/2" Gypsum
- Cinder block

EXHIBIT 11
(part 4 of 5)



Combined Wall Penetration Averages



9 mm 147gr. HS



.40cal. 165gr. HS



223 55gr. Tact.

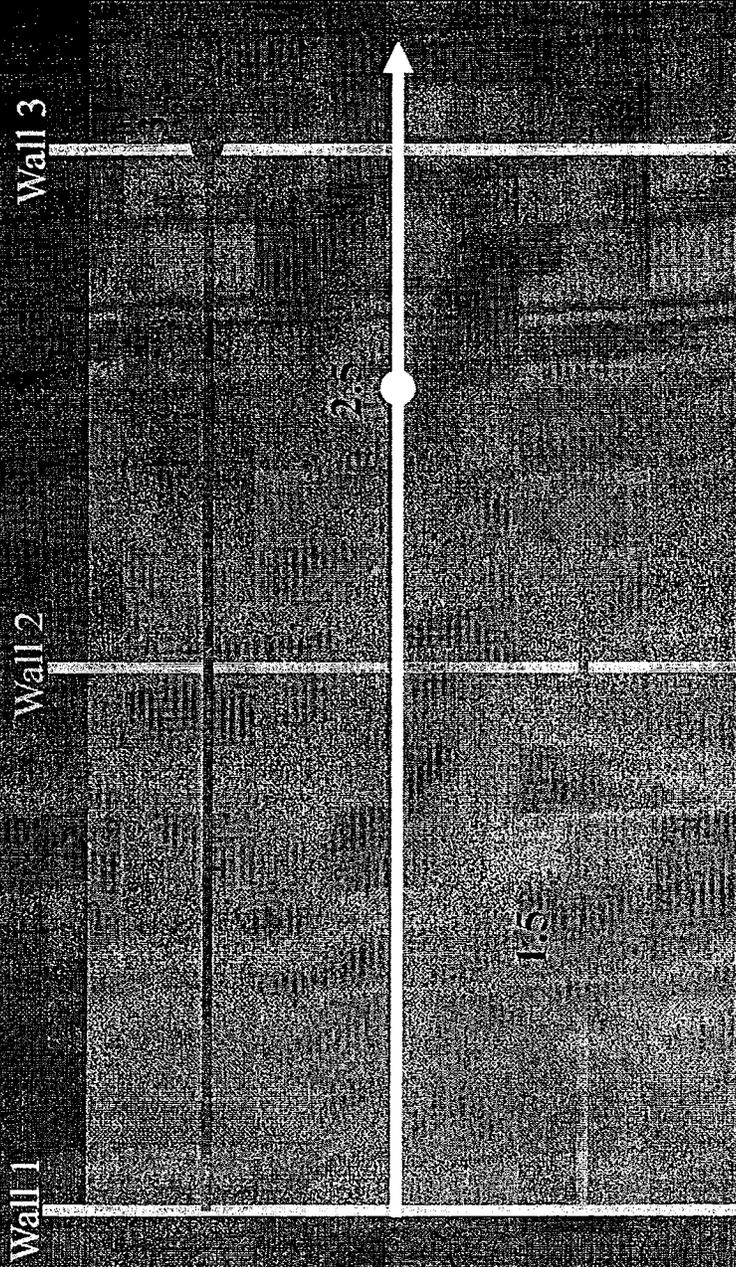




DEA Wall Penetration Test #1

- Consisted of firing rounds through 3 walls approximately 2 yards apart.
- Wall #1 was constructed of:
 - 1 sheet of 1/16" plastic siding
 - 2 sheets of 7/16" plywood
 - 1 sheet of 9/16" hard insulation
 - 2" of soft insulation
 - 1 sheet of 1/2" drywall
- Walls # 2 and #3 were constructed of:
 - 2 sheets of 7/16" plywood
 - 2 sheets of 1/2" drywall
 - 2" of soft insulation

Combined Wall Penetration Averages



9 mm 147gr. HS



.40cal. 165gr. HS



223 55gr. Tact.





DEA Wall Penetration Test #2

- Consisted of firing rounds through 9 walls approximately 4 yards apart.
- Walls #1 - #8 were constructed of:
 - 2 sheets of 1/2" drywall, this simulates the construction of an interior wall of a residence
- Wall # 9 was constructed of:
 - 1 sheet of 1/2" drywall
 - 1 sheet of 7/16" plywood
 - 3" soft insulation
 - 9/16" hard insulation
 - 1/16" plastic siding, this simulates the construction of an exterior wall of a residence

Wall Penetration Test 9mm & 40cal.

VS

.223cal. 55 & 62gr.



Wall 1 Wall 2 Wall 3 Wall 4 Wall 5 Wall 6 Wall 7 Wall 8 Wall 9

9 mm 147gr. HS

.40cal. 165gr. HS

M-16- 55gr.

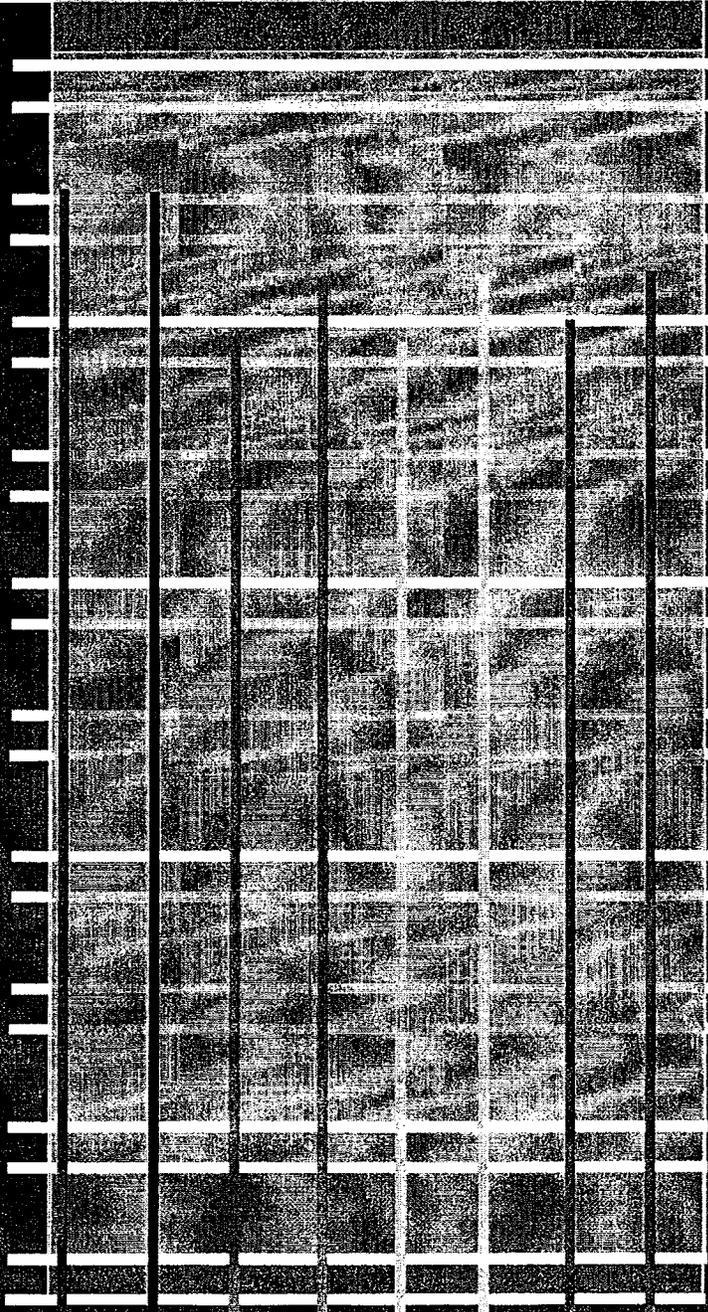
M-16- 62gr.

M-4- 55gr.

M-4- 62gr.

G36-12.5- 55gr.

G36-12.5- 62gr.



Wall Penetration Test Continued



Wall 1 Wall 2 Wall 3 Wall 4 Wall 5 Wall 6 Wall 7 Wall 8 Wall 9

9 mm 147gr. HS



.40cal. 165gr. HS



HK53-55gr.



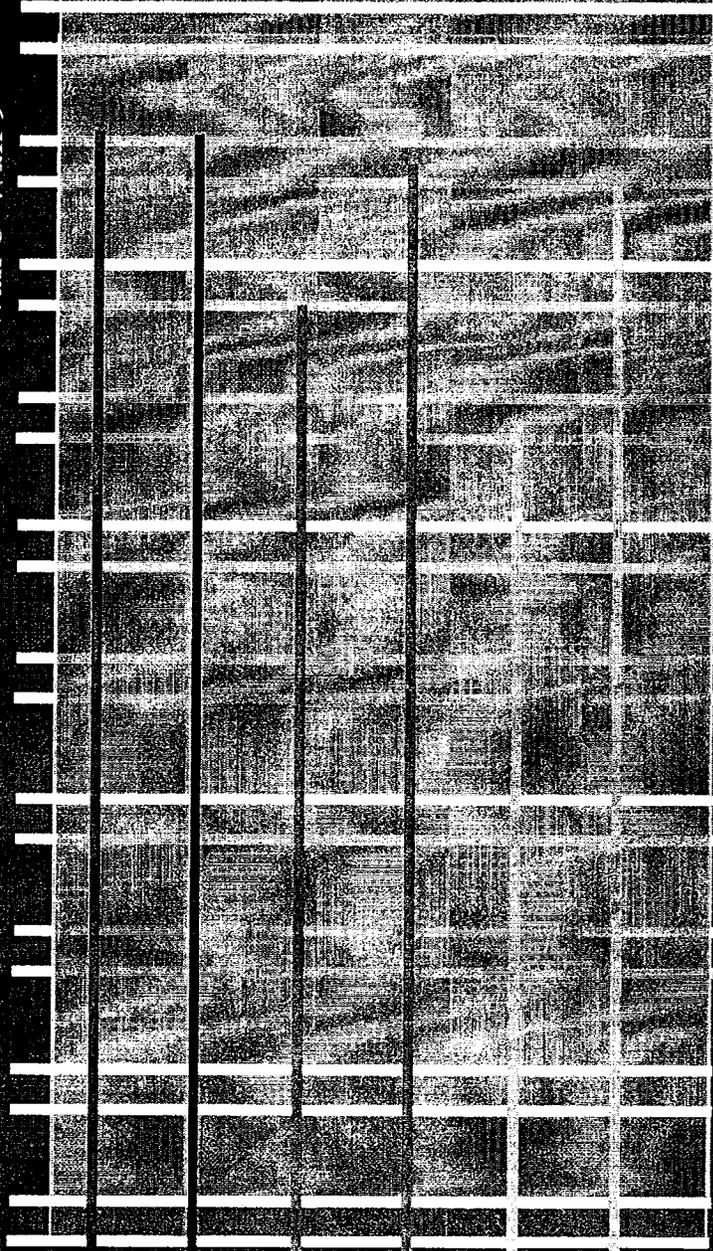
HK53-62gr.



G36-9-55gr.



G36-9-62gr.





Results of Data

for

ATF's Mission

⇒ Weapon of choice

Colt M4

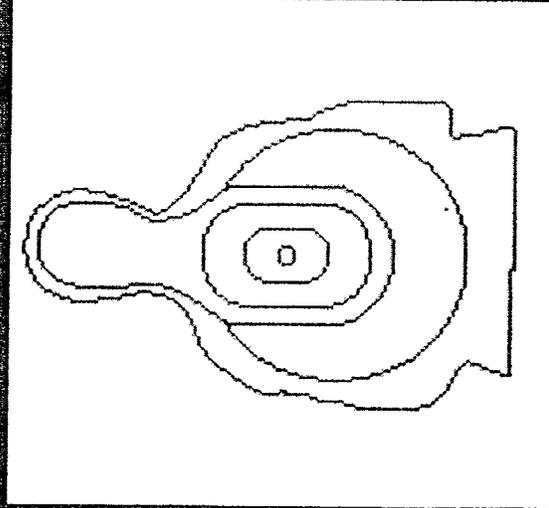


EXHIBIT 11

(part 5 of 5)

PART I – THE SCHEDULE
SECTION C – DESCRIPTION/SPECIFICATIONS/STATEMENT OF WORK

1.0 SCOPE

The scope of this contract is to provide a total of up to 7,000 5.56x45mm North Atlantic Treaty Organization (NATO) personal defense weapons (PDW) throughout the life of this contract to numerous Department of Homeland Security components. This Statement of Work delineates performance criteria and testing to be used for the evaluation of the firearm.

2.0 APPLICABLE DOCUMENTS

- 2.1 General. This Statement of Work lists all performance requirements for the acquisition of a DHS 5.56x45mm NATO personal defense weapon.
- 2.2 Government Documents. The following documents form a part of this document to the extent specified herein:

MIL-STD-810G: Department of Defense Test Method Standard for Environmental Engineering Considerations and Laboratory Tests

MIL-STD-1913: Dimensioning of Accessory Mounting Rail for Small Arms Weapons

- 2.3 Non-Government publications. The following documents form a part of this document to the extent specified herein:

ANSI/SAAMI Z299.4-1992: Voluntary Industry Performance Standards for Pressure & Velocity of Centerfire Rifle Sporting Ammunition for the Use of Commercial Manufacturers
Sporting Arms and Ammunition Manufacturer's Institute (SAAMI)
555 Danbury Road
Wilton, CT 06897

ANSI/ASQ Z1.4-2008: Sampling Procedures and Tables for Inspection by Attributes
American Society for Quality
600 North Plankinton Avenue
Milwaukee, Wisconsin 53203

ISO 9001:2008, Quality Management Systems Requirements
International Organization for Standardization
1, rue de Varembe, Case postale 56
CH-1211 Geneva 20, Switzerland

(Non-Governmental standards and other publications are normally available from the organizations that prepare or distribute the documents. These documents may also be available in or through libraries, Internet search, or other informational services).

- 2.4 Order of Precedence. In the event of a conflict between the text of this Statement of Work and the references cited herein, this solicitation/contract takes precedence.



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SECTION C – DESCRIPTION/SPECIFICATIONS/STATEMENT OF WORK

3.0 REQUIREMENTS AND TESTING STANDARDS

- 3.1 General. DHS and its components have a requirement for a 5.56x45mm NATO, select-fire firearm suitable for personal defense use in close quarters and/or when maximum concealment is required. Only one specific nomenclature firearm from each Contractor shall be submitted for solicitation testing and considered for contract award.
- 3.2 Testing. The specifications that are subject to testing under this contract are set forth in Table I, Requirements Verification Test Matrix on page 4. The National Firearms and Tactical Training Unit (NFTTU) will conduct all testing; however, NFTTU reserves the right to use an outside laboratory to conduct performance verification if it deems necessary.

The awardee or awardees of the subject contract agrees to allow DHS to release testing data of their firearm samples to Federal agencies, Military, and law enforcement. Release of this data will be on a case-by-case basis and will only be forwarded after receipt of a request on official agency or department letterhead. Requests to DHS will state that the "Information is requested for official use only and will not be disseminated outside the requesting agency (i.e. Federal agencies, etc.) or department.

- 3.2.1 Solicitation Test. The solicitation testing will verify that initial firearm samples supplied by each competing Contractor meet the minimum requirements of this SOW. Contractor's samples will then be rated on their ability to surpass all performance parameters in Table I, Requirements Verification Test Matrix, on page 4. Those performance characteristics listed under Basic Compliance criteria shall be certified by the Contractor, and/or evaluated by Non-Destructive Inspection (NDI) conducted by the NFTTU. Major performance characteristics are requirements that will be ascertained by functional testing of the firearms. Testing may be halted for any sample (and the associated samples rejected) if a firearm fails any Basic Compliance or Major requirement (as determined by NFTTU). Testing will be halted for any sample (and the associated samples rejected) if a firearm from that Contractor exhibits hazardous and/or unsafe attributes (as determined by NFTTU). All solicitation samples from awardee of the subject contract will become property of DHS/ICE NFTTU upon receipt and will not be returned. Samples from the unsuccessful offerors will be returned.
- 3.2.2 First Article Test (FAT). The specifications annotated for FAT in Table I will be verified for First Article samples received under the contract. All FAT samples must meet the requirements set forth in this solicitation and exhibit performance that is comparable to what was demonstrated during solicitation testing for all requirements during FAT. The Government reserves the right to decrease the amount of testing it performs under the FAT regime. All samples submitted pursuant to FAT will become property of DHS/ICE NFTTU upon receipt and will not be returned. The Government may invoke its right to demand the Contractor conduct a FAT for the following conditions:
- a. First twelve production samples after solicitation.
 - b. Design change of the firearm or components.
 - c. Design change of manufacturer's production process and/or equipment.
 - d. Relocation of manufacturer's production facility.
 - e. Major firearm quality defects, recalls, and/or any other substandard performance issues.

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- f. Manufacturer changes supplier of critical components (barrel, receiver, internal mechanism parts that affect firing).
- g. A production lapse of six months or more.

The Government will be responsible for conducting a FAT if it is invoked for condition "a". The Contractor will be responsible (under Government supervision) for conducting the FAT for all other conditions and will be responsible for all associated expenses to include testing, shipping costs, administrative/processing costs, and any other expenses associated with FAT and/or firearm quality issues.

- 3.2.3 Limited Technical Inspection (LTI). The specifications annotated for LTI in Table I will be verified for each production sample received during the duration of the contract. All contract production samples must meet the requirements set forth in this solicitation and exhibit performance that is comparable to what was exhibited during solicitation testing for all requirements during LTI. The Government reserves the right to increase the amount of testing it performs under the LTI regime up to the full amount of testing set forth in the "Solicitation" column. The Government also reserves the right to decrease the amount of testing it performs under the LTI regime. Firearms will be inspected in their entirety for general compliance.
- 3.2.4 Retest FAT. Any retest of FAT requested by the Contractor will be at the Contractor's expense. ICE reserves the right to send representatives to observe the retest if testing is performed at the Contractor's location.

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Table I: Requirements Verification Test Matrix

	Performance Characteristic	Requirement Paragraph	Test Method	Solicitation	FAT	LTI
Basic Compliance	Quality System	3.3	4.2	X	X	
	Sample Size	3.5	4.3	X	X	
	Documentation	3.6	4.4	X	X	
	Supplemental Items	3.7	4.5	X	X	
	Action/Mechanism	3.9	4.6	X	X	X
	Fire Control Selector	3.10	4.7	X	X	X
	Trigger	3.11	4.8	X	X	
	Overall Length	3.12	4.9	X	X	
	Weight	3.13	4.10	X	X	
	Barrel	3.14	4.11	X	X	
	Caliber	3.15	4.12	X	X	X
	Pistol Grip	3.16	4.13	X	X	X
	Buttstock	3.17	4.14	X	X	X
	Forend	3.18	4.15	X	X	X
	Sling Attachments	3.19	4.16	X	X	X
Finish	3.20	4.17	X	X	X	
Magazine	3.21	4.18	X	X	X	
Sights	3.22	4.19	X	X	X	
Major	Reliability	3.24	4.20	X	X	
	Durability	3.25	4.21	X	X	
	High Temperature	3.26	4.22	X	X	
	Low Temperature	3.27	4.23	X	X	
	Salt Water Immersion	3.28	4.24	X	X	
	Sand & Dust	3.29	4.25	X	X	
	Parts Interchange	3.30	4.26	X	X	
	Drop Test	3.31	4.27	X	X	
Accuracy	3.32	4.28	X	X		

- 3.3 **Quality Management System (QMS).** The manufacturer shall have a QMS in place that enables the organization to identify, measure, control and improve key manufacturing processes.
- 3.3.1 **Quality Control (QC)/Quality Assurance (QA).** The Contractor shall provide a current QC/QA process synopsis including examples of their quality plans for the manufacturing of DHS firearms with their solicitation sample. Submission of a complete copy of the manufacturer's Quality Manual or a copy of the manufacturer's ISO certification would fulfill this requirement.
- 3.4 **Warranty.**
- 3.4.1 The Contractor shall warrant the firearm for at least one (1) year from the date of delivery of the firearm to the Government. The manufacturer shall repair or replace firearms due to defects in material or workmanship.
- 3.4.2 During the period of the warranty, the Government will ship defective item (s) back to the manufacturer's facility for repair or replacement. The Contractor shall be responsible for all return shipping charges.
- 3.5 **Sample Size.**
- 3.5.1 **Solicitation Test.** The sample size for the solicitation submittal shall be twelve (12) firearms and ten (10) magazines per firearm.

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3.5.2 First Article Test (FAT). The sample size for the FAT submittal shall be twelve (12) firearms and ten (10) magazines per firearm.

NOTE: Samples shall be delivered to: NFTTU, 320 East Chestnut Avenue, Altoona, Pennsylvania 16601.

3.6 Documentation. The following documentation shall be supplied with each firearm model submitted for solicitation (unless otherwise noted):

- Technical proposal containing the following (supplied with solicitation only):
 - Company profile for the Contractor
 - Description of manufacturing facilities and capabilities of the manufacturer
 - Description of proposed firearm (product data sheet)
- Operators/User's Manual (one per firearm)
- Technical Package
 - Parts list detailing all firearms components nomenclature
 - An exploded view drawing detailing the assembly of the firearm parts.
 - Engineering drawing package for all firearm components. The drawing package of awardee of the subject contract will be retained by the Government for source control through the contract period of performance and returned to the Contractor at the conclusion of the contract. Drawings submitted by unsuccessful offerors will be returned with the solicitation firearm samples. All engineering drawing package material will be treated as confidential and proprietary items. Drawing package shall be submitted as an electronic copy on disc.
- Maintenance procedures detailing a preventative maintenance regimen for replacement or adjustment of parts and recommended solvents and lubricants. This will be the basis for the Contractor to determine the quantity of spare parts to supply with the firearm samples and will be adhered to during solicitation reliability/durability function fire testing.
- Armorer's Overhaul/Rebuild Manual (supplied with FAT only). Six printed copies and one electronic copy on disc shall be provided. The manual shall detail all procedures and gaging requirements necessary for overhaul/repair of the firearm.
- Copy of manufacturer's QC/QA process synopsis, Quality Manual, or ISO certificate as detailed in Section 3.3.1.
- Certificate of Conformance (C of C) stating that the firearm samples meet all Statement of Work Basic Compliance requirements.
- Certificate of Conformance (C of C) stating that the Contractor has function fired a minimum of 7,500 rounds of 5.56mm through a PDW sample with no Class 4 malfunctions (see Table II). The Contractor's test firearm shall be the same model as the solicitation sample submission.
- Repair Parts Price List as detailed in Section 3.23.

NOTE: All Certificate of Conformance (C of C) shall be signed by a designated company official authorized to bind the company.

NOTE: All solicitation sample packaging and documentation sent with the samples shall clearly be identified with the Contractor's name and solicitation number.

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- 3.7 Supplemental Items. The following items shall be supplied with each firearm model submitted for solicitation and FAT testing:
- All potential spare parts (excluding trigger assembly, barrel, bolt, bolt carrier assembly, and receiver) needed to support reliability/durability testing outlined in Sections 3.23/3.24. The quantity of spare parts supplied by the Contractor should be based on the Contractor's recommended maintenance intervals for a 7,500 round test.
 - Two (2) sets of special tools, if needed, for complete disassemble/reassemble of the firearm.
- 3.8 Training. The Contractor shall provide armorer training within thirty days of contract award. Training shall be provided to no less than twelve (12) designated armorers, on-site at the NFFTU Altoona, PA location. Training duration shall be up to five (5) days in length and will cover all aspects of maintenance, repair, and overhaul/rebuild of the firearm. Training will include firearm design, operation, assembly/disassembly, maintenance, malfunctions, and gaging. The Contractor shall provide two (2) cut-away models of the firearm at the time of on-site training and these will become the property of the NFFTU.
- 3.9 Action/Mechanism.
- 3.9.1. The firearm shall be able to be operated by a left or right-handed user without permanent modification.
 - 3.9.2 The action shall be select-fire (capable of semi-automatic and automatic fire).
 - 3.9.3 The action shall fire from a closed bolt.
 - 3.9.4 The action shall be gas operated.
 - 3.9.5 The action shall have a bolt catch that automatically locks the bolt to the rear upon firing the last round in the magazine. The operator shall be able to manually use the bolt catch to lock the bolt to the rear with the magazine removed from the firearm. When the bolt catch is depressed the bolt shall return to battery position.
 - 3.9.6 The magazine catch shall securely retain the magazine in the magazine well. The magazine release shall be spring loaded and be designed to prevent inadvertent activation. The magazine release, when depressed, shall disengage the magazine catch and permit the magazine to fall free from the magazine well.
 - 3.9.7 The action shall possess a firing pin designed to prevent accidental discharges if the firearm is dropped.
 - 3.9.8 The firearm shall be designed in such a way that the operator can clear a malfunction using immediate action without the use of special tools.
 - 3.9.9 The firearm shall be able to be safely operated by a shooter wearing gloves.
 - 3.9.10 The action shall be capable of accepting all standard NATO STANAG 20 and 30 round M16 magazines (NSN 1005-00-921-5004) and Magpul 30 round PMAG (NSN 1005-01-576-5159). The magazine well shall be designed to allow easy insertion of a magazine.
 - 3.9.11 The receiver top shall be equipped with an integral MIL-STD-1913 Picatinny rail for mounting sights and other accessories.
 - 3.9.12 The firearm shall be capable of being field stripped without the use of special tools.

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- 3.9.13 The firearm shall be designed so that components cannot be readily assembled incorrectly or in reverse, thus rendering the firearm inoperable.
- 3.10 Fire Control Selector.
- 3.10.1 The fire control selector shall have three positions; safe, semi-automatic, and automatic. The selector shall have positions which are clearly labeled for the mode of fire.
- 3.10.2 The selector shall operate manually without binding from one position to another when the hammer is cocked.
- 3.10.3 The selector shall remain in place in each position under spring detent.
- 3.10.4 The selector shall be capable of being checked for position both visually and by feel.
- 3.10.5 The selector shall be movable between the mode of fire positions by the operator without moving the firing hand from the shooting position.
- 3.10.6 The selector shall be designed to allow for operation by left and right handed shooters with no parts changes or modification.
- 3.11 Trigger
- 3.11.1 The trigger shall return to its normal forward position under spring action after partial or complete trigger pull.
- 3.11.2 The trigger pull shall not be less than 5.5 pounds and not exceed 9.5 pounds.
- 3.12 Overall Length.
- 3.12.1 The overall length of the firearm shall not exceed 30 inches with the stock fully extended.
- 3.12.2 The overall length of the firearm shall not exceed 20 inches with the stock fully retracted and/or folded.
- 3.13 Weight. The unloaded weight of the firearm (without magazine) shall not exceed 7 pounds.
- 3.14 Barrel.
- 3.14.1 The barrel shall have a rifling twist rate of 1 in 7 inches.
- 3.14.2 The barrel bore and chamber shall have a corrosion resistant and wear resistant coating or treatment that is equal to or better than chrome plating.
- 3.14.3 The barrel shall be equipped with a flash suppressor and/or muzzle brake. The muzzle device will be rated on its ability to reduce muzzle signature. It is desired that the muzzle device effectively reduces muzzle rise during firing.
- 3.14.4 A minimum barrel length is not specified. It is desired that the barrel length be as long as possible while maintaining the overall length requirements of Section 3.12.
- 3.15 Caliber. The firearm shall be chambered for 5.56x45mm NATO.
- 3.16 Pistol Grip.
- 3.16.1 The pistol grip shall be a fixed, vertical pistol grip constructed of a durable material.
- 3.16.2 The pistol grip shall be designed for use by right or left handed shooters.

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3.17 Buttstock.

- 3.17.1 The buttstock shall be easily adjustable for length of pull.
- 3.17.2 The buttstock shall be either collapsible or folding.
- 3.17.3 The firearm shall be fully operational with the buttstock either fully extended and/or collapsed/folded.
- 3.17.4 The buttstock, if a folding design, shall not readily move from the folded position.
- 3.17.5 The buttstock, whether collapsible or folding design, shall be able to be deployed using the non-firing hand without removing the firing hand from the pistol grip.
- 3.17.5 The butt plate shall either be serrated, checkered, or be manufactured from a non-slip material.

3.18 Forend.

- 3.18.1 The front forend shall incorporate MIL-STD 1913 Picatinny rails on the top, bottom, and both sides to accommodate the attachment of optics or accessories.
- 3.18.2 It is desired that the forend Picatinny rail sections be capable of being removed or added. If rail sections are removable, the sections shall be designed/constructed to not readily loosen.
- 3.18.3 The forend shall be constructed of durable, heat resistant material.
- 3.18.4 A one-piece monolithic forend/upper receiver is acceptable.

3.19 Sling Attachments.

- 3.19.1 The buttstock shall have slots capable of accepting a 1 ¼” wide sling and/or have the capability to mount a removable sling attachment.

3.20 Finish.

- 3.20.1 The external finish shall be a non-reflective black, dark grey, or dark earth color.
- 3.20.2 The firearm exterior and interior shall be protected with a durable corrosion resistant coating or made from durable corrosion resistant material.
- 3.20.3 The coating and materials shall be abrasive, impact, and chemical resistant equal to or greater than phosphated steel or anodized aluminum.
- 3.20.4 The interior and exterior surfaces shall be free of rough surfaces, voids, cracks or other manufacturing defects.

3.21 Magazine.

- 3.21.1 Magazines shall be compatible with standard NATO STANAG M16 design.
- 3.21.2 The magazine shall have a capacity to hold thirty (30) 5.56x45mm NATO rounds.
- 3.21.3 Two (2) magazines shall be supplied with each firearm shipped under contract.

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3.22 Sights.3.22.1 Front Sight Assembly.

The front sight shall have a black or dark gray non-reflective finish. The front sight shall be capable of being removed and/or be a fold down design. The front sight post shall be protected.

3.22.2 Backup Rear Sight Assembly.

The rear sight shall have a black or dark gray non-reflective finish. The rear sight shall have at least one aperture of no less than 0.20 inches diameter. The rear sight shall be capable of being removed and/or be a fold down design. The rear sight shall be mounted at the rear of the receiver. The rear sight shall not interfere with the mounting of optics. The rear sight shall be adjustable for windage and from at least 100 to 300 yards/meters elevation.

3.23 Repair Parts.

3.23.1 The Contractor shall provide a price list (by nomenclature description) of all firearms components and assemblies to be used by DHS for repair and maintenance of the firearm throughout its anticipated service life. Pricing shall be good for a five (5) year period.

3.23.2 The awardee or awardees of the subject contract shall provide notice of design changes to any component and a First Article Test (FAT) will be required as outlined in Section 3.2.2.

3.24 Reliability.

3.24.1 Samples shall be tested with 4,000 rounds (per firearm). The firearms shall collectively exhibit no more than twenty (20) Class 1, nine (9) Class 2, or two (2) Class 3 malfunctions (see Table II). The firearms shall exhibit no Class 4 malfunctions. If any firearm experiences a Class 4 malfunction, testing of that Contractor's samples will be discontinued. The number/type of firearm attributed malfunctions and parts breakages shall be recorded and used to rate performance. Malfunction classes are listed in Table II. The Contractor shall supply a minimum of six (6) trained shooters to participate in solicitation reliability testing. A Contractor's representative shall be available during testing to assist NFFTU personnel with maintenance and firearm repairs (using supplied replacement parts). The headspace of each firearm shall be monitored throughout reliability testing. The bolt shall not fully close on the "field max" 1.4730 inch headspace gage (NSN 5220-00-070-7814). Testing shall be discontinued for a firearm if replacement parts are not available.

3.24.2 Cycles Completed - Reliability. Each firearm will be rated for its ability to complete 250 round firing cycles without repair or replacement of parts.

3.25 Durability.

3.25.1 Three (3) samples used during reliability shall be tested with an additional 3,500 rounds (per firearm). The firearms shall collectively exhibit no more than fifteen (15) Class 1, six (6) Class 2, or one (1) Class 3 malfunctions (see Table II). The firearms shall exhibit no Class 4 malfunctions. If any firearm experiences a Class 4 malfunction, testing of that Contractor's samples will be discontinued. The number/type of firearm attributed malfunctions and parts breakages shall be recorded and used to rate performance. The Contractor shall supply a minimum of three (3) trained shooters to participate in solicitation durability testing. A

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Contractors' representative can be available during testing to assist NFFTU personnel with maintenance and firearm repairs (using supplied replacement parts). The headspace of each firearm shall be monitored throughout durability testing. The bolt shall not fully close on the "field max" 1.4730 inch headspace gage (NSN 5220-00-070-7814). Testing shall be discontinued for a firearm if replacement parts are not available.

- 3.25.2 Cycles Completed - Durability. Each firearm will be rated for its ability to complete 250 round firing cycles without repair or replacement of parts. Rating will be cumulative based on the total of 30 cycles from reliability and durability.

NOTE: Contractor supplied shooters shall be familiar with the firearm's function and safety features as well as standard range safety practices.

NOTE: The total duration of the firearm reliability/durability testing will be a minimum of 5 weekdays. NFFTU will coordinate with each Contractor regarding testing schedule and location.

Table II: Malfunction and Type Allowance

Class	Type
1	Malfunction can be cleared by the operator within 10 seconds.
2	Malfunction that cannot be cleared by operator within 10 seconds; but can be cleared by operator with equipment immediately available to a law enforcement officer in the field (i.e., Leatherman-type tool or pocketknife).
3*	Malfunction not correctable by operator and requires a higher level of maintenance. This may include the replacement or repair of a part other than the barrel, bolt, action assembly, or receiver.
4	Catastrophic malfunction that requires replacement of the barrel, bolt, receiver, and/or anything that affects safe operation.

*Parts replacement(s) in accordance with the manufacturer's recommendation for preventative maintenance does not constitute a Class 3 malfunction.

- 3.26 High Temperature. Samples shall be tested with 60 rounds (per firearm), after temperature soaking of the firearm for 8 hours at 125°F. The number/type of firearm attributed malfunctions and parts breakages shall be recorded and used to rate performance. The firearm shall not exhibit any Class 4 malfunctions.
- 3.27 Low Temperature. Samples shall be tested with 60 rounds (per firearm), after temperature soaking of the firearm for 8 hours at -45°F. The number/type of firearm attributed malfunctions and parts breakages shall be recorded and used to rate performance. The firearm shall not exhibit any Class 4 malfunctions.
- 3.28 Salt Water Immersion. Samples shall be tested with 60 rounds (per firearm), after immersion in a 5% saline solution at a depth of 6 inches for one minute followed by 24 hours in an environmental chamber at 70°F and 70% humidity. The number/type of firearm attributed malfunctions and parts breakages shall be recorded and used to rate performance. The firearm shall not exhibit any Class 4 malfunctions.
- 3.29 Sand & Dust. Samples shall be tested with 60 rounds (per firearm), after being subjected to a blowing sand and dust environment in accordance with MIL-STD-810G. The number/type of firearm attributed malfunctions and parts breakages shall be recorded and used to rate performance. The firearm shall not exhibit any Class 4 malfunctions.
- 3.30 Parts Interchange. All firearm components subjected to disassembly shall be 100% interchangeable between firearms without additional fitting or alternation (excluding the bolt/barrel). Upon reassembly, the firearm shall be fully functional.

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3.31 Drop Test. The firearm shall be equipped with a discharge control mechanism that is designed to prevent the firearm from firing as a result of an impact, while the hammer is in the cocked position, with the safety off. Additionally, the firearm shall be serviceable and exhibit no major damage as the result of being dropped on a concrete pad from a height of three feet in the following orientations:

- a. Muzzle facing the concrete pad.
- b. Butt of stock down facing the concrete pad.
- c. Top of the receiver and barrel facing the concrete pad.

NOTE: Major damage is defined as damage that would result in the gun being unsafe to fire, discharging during testing, or malfunctioning during firing.

3.32 Accuracy.

3.32.1 Accuracy. Each firearm will be rated for its initial accuracy at 50 yards. The average extreme spread of five 5-shot groups shall be no greater than 2.5 inches.

4.0 VERIFICATION

- 4.1 Performance verification. Table I details all performance criteria. Except as otherwise specified, the Government reserves the right to perform any of the inspections and tests set forth in this Statement of Work, throughout the duration of the contract, where such inspections and tests are necessary to ensure that supplies and services conform to prescribed requirements.
- 4.2 Quality Management System. The Government will analyze the manufacturer's quality management system for basic compliance. If the Contractor is ISO 9001:2008 certified, they shall submit written proof of ISO certification from an accredited agency. NOTE: ISO certification is not required, but will suffice for compliance with 3.3. Additionally, Government personnel or a third-party representative may perform a QC system audit after contract award. If conducted, the audit will be performed at the Contractor's manufacturing facility.
- 4.3 Sample Size. All samples submitted will be visually inspected.
- 4.4 Documentation. All required documentation as listed in Section 3.6 shall accompany the sample and will be examined to verify compliance.
- 4.5 Supplemental Items. All items will be inspected to verify compliance.
- 4.6 Action/Mechanism. All samples submitted will be visually and physically examined to verify compliance.
- 4.7 Fire Control Selector. All samples submitted will be visually and physically examined to verify compliance. The safety mechanism of all samples submitted will be tested for compliance by actuating and checking for function every 250 rounds during the reliability/durability test phase.
- 4.8 Trigger. The trigger pull of all samples submitted will have the trigger pull measured by a calibrated Dvorak TriggerScan trigger pull tester. Initial and post reliability/durability trigger pull shall be measured and recorded on all samples. The average of three (3) trigger pulls per sample will be used to verify compliance.
- 4.9 Overall Length. All samples submitted will have the overall length measured with a steel ruler to verify compliance.

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- 4.10 Weight. All samples submitted will be weighed using an electronic scale to verify compliance.
- 4.11 Barrel. All samples submitted will have the barrel verified by physical inspection and the use of a bore scope. Barrel length will be measured from the face of the closed bolt to the barrel muzzle. A Phantom v7 high-speed camera will be utilized to detect visible muzzle flash emitted from the muzzle while firing. Five rounds of Lake City M855 5.56mm will be fired in a darkened range with the firearm mounted in a rest.
- 4.12 Caliber. All samples submitted will have the chamber dimensions verified by physical inspection and the use of certified headspace gages. Initial and post reliability/durability headspace shall be measured and recorded on all samples. The gage shall be inserted in the cleaned chamber and the bolt returned to the battery position. Only finger pressure shall be used to close the bolt. Maximum headspace: bolt shall not fully close.
- 4.13 Pistol Grip. All samples submitted will be visually and physically examined to verify compliance.
- 4.14 Buttstock. All samples submitted will be visually and physically examined to verify compliance.
- 4.15 Forend. All samples submitted will be visually and physically examined to verify compliance.
- 4.16 Sling Attachments. All samples submitted will be visually and physically examined to verify compliance.
- 4.17 Finish. All samples submitted will be visually and physically examined to verify compliance.
- 4.18 Magazine. All samples submitted will be visually and physically examined to verify compliance. The magazine shall be capable of holding thirty (30) 5.56x45mm NATO rounds.
- 4.19 Sights. All samples submitted will be visually and physically examined to verify compliance.
- 4.20 Reliability. Six (6) samples will undergo a 4,000 round (per firearm) reliability test in multiples of 250 round firing cycles. The following ammunition types will be utilized: Speer 24450 64 grain .223 Remington, Speer XM223SP1 62 grain .223 Remington, Federal XM223T3 62 grain .223 Remington, and Lake City M855 5.56mm. Ammunition will be supplied by DHS. The firing cycle shall be 60% automatic mode and 40% semi-automatic mode. Sustained rate of fire will be maintained throughout each cycle and each 250 round cycle will be fired within 5 minutes. The firearms will be cooled and cleaned after each firing cycle. A detailed inspection will be performed after every fourth (4th) firing cycle. All recommended maintenance procedures will be adhered to and parts will be changed at the Contractor recommended maintenance interval (using supplied replacement parts). All malfunctions will be analyzed by two (2) NFFTU armorers to determine the malfunction type/cause and malfunctions attributed to the firearm(s) will be recorded. Firearms experiencing a Class 3 malfunction will be repaired (using Contractor supplied replacement parts) and will continue testing. Non-destructive testing will be conducted on each firearm after completion of the reliability test. The key firearm components (barrel, bolt, and receiver) shall be free of cracks, seams and other defects. The headspace shall be measured using certified headspace gages.
- 4.21 Durability. Three (3) randomly selected samples used in the reliability test will undergo an additional 3,500 round (per firearm) durability test in multiples of 250 round firing cycles. The following ammunition types will be utilized: Speer 24450 64 grain .223 Remington, Speer XM223SP1 62 grain .223 Remington, Federal XM223T3 62 grain .223 Remington, and Lake City M855 5.56mm. The firing cycle shall be 60% automatic mode and 40% semi-automatic mode. Sustained rate of fire will be maintained throughout each cycle and each 250 round cycle will be fired within 5 minutes. All

PART I – THE SCHEDULE**SECTION C – DESCRIPTION/SPECIFICATIONS/STATEMENT OF WORK**

firing shall be from the shoulder. The firearms will be cooled and cleaned after each firing cycle. A detailed inspection will be performed after every second (2nd) firing cycle. All recommended maintenance procedures will be adhered to and parts will be changed at the Contractor's recommended maintenance interval (using supplied replacement parts). All malfunctions will be analyzed by two (2) NFFTU armorers to determine the malfunction type/cause and malfunctions attributed to the firearm(s) will be recorded. Firearms experiencing a Class 3 malfunction will be repaired (using supplied replacement parts) and will continue testing. Testing shall be discontinued for a firearm if replacement parts are not available. If any firearm experiences a Class 4 malfunction, testing of that Contractor's samples will be discontinued. Non-destructive testing will be conducted on each firearm after completion of the durability test. The key firearm components (barrel, bolt, and receiver) shall be free of cracks, seams and other defects. The headspace shall be measured using certified headspace gages.

- 4.22 High Temperature. Three (3) randomly selected samples will be temperature conditioned in an environmental chamber at 125 ±5°F and 0% humidity for 8 hours. After 8 hours of temperature conditioning each firearm will be used to fire 60 rounds of ammunition within 2 minutes after removal from the environmental chamber. The ammunition used will also be temperature conditioned at 125°F for 8 hours. Any malfunction will be recorded and analyzed by NFFTU armorers.
- 4.23 Low Temperature. Three (3) randomly selected samples will be temperature conditioned in an environmental chamber at -45 ±5°F and 0% humidity for 8 hours. After 8 hours of temperature conditioning each firearm will be used to fire 60 rounds of ammunition within 2 minutes after removal from the environmental chamber. The ammunition used will also be temperature conditioned at -45°F for 8 hours. Any malfunction will be recorded and analyzed by NFFTU armorers.
- 4.24 Salt Water Immersion. Three (3) randomly selected samples will be immersed in 5% (by weight) saline solution at a depth of 6 inches for one minute. Upon removal from the saline solution, the firearms will be subjected to environmental conditioning at 70 ±5°F and 70% humidity for 24 hours in an environmental conditioning chamber. After environmental conditioning, each firearm will be used to fire 60 rounds of ammunition within 2 minutes after removal from the environmental chamber. Any malfunction observed will be recorded and analyzed by NFFTU armorers.
- 4.25 Sand & Dust. Three (3) randomly selected samples will be subjected to blowing sand and dust per Method 510.5 detailed in MIL-STD-810G . After sand and dust conditioning, each firearm will be used to fire 60 rounds of ammunition. Any malfunction observed will be recorded and analyzed by NFFTU armorers.
- 4.26 Parts Interchange. Prior to reliability testing, an NFFTU armorer will disassemble all samples. All parts and assemblies, excluding barrels and bolts, will be sorted and placed in individual bins. All parts and assemblies will be inspected for burrs, sharp edges and workmanship. A second NFFTU armorer will reassemble the firearms using randomly selected components. Any components found not to be interchangeable and the need for any tools needed to disassemble/reassemble the firearm will be noted. A Contractors' representative can be available during parts interchange testing to assist NFFTU personnel with disassembly and assembly.
- 4.27 Drop Test. Three (3) randomly selected samples will undergo 3-foot drop testing onto a concrete pad. One firearm will be oriented to drop so as to land on the muzzle, one firearm will be oriented to drop so as to land on the butt of the firearm stock, and one firearm will be oriented to drop so as to land on the top of the barrel/receiver. Each firearm will contain a magazine loaded with dummy ammunition.

PART I – THE SCHEDULE**SECTION C – DESCRIPTION/SPECIFICATIONS/STATEMENT OF WORK**

A cartridge case containing a live primer will be in the chamber during the drop test. After drop testing, the firearms will undergo a LTI by NFFTU armorers and 5 rounds of ammunition will be fired in each firearm. Any discharges during drop testing and malfunctions during subsequent firing will be recorded and analyzed by NFFTU armorers.

- 4.28 Accuracy. Three (3) randomly selected samples will be subjected to initial accuracy testing. Accuracy will be evaluated at 50 yards by shooting five (5) 5-shot groups. The ammunition used for accuracy testing will be Speer 24450 64 grain .223 Remington. The firearm will be accuracy tested mounted in a machine rest that is designed to securely clamp the receiver top of Colt M4 type carbines. If the sample firearm is of such a design that the NFFTU machine rest cannot be utilized, the Contractor will be notified and will have an opportunity to supply one of their own design for use in accuracy testing. An Oehler optical target or equivalent system will be used to record the groups.

5.0 REPORTING REQUIREMENTS

The Contractor shall submit a monthly report providing the Contracting Officer (CO) and Contracting Officer's Representative (COR) status of all orders placed under the respective contracts by all DHS components to include; delivery order number; delivery order date, quantity for each Contract Line Item Number (CLIN); total delivery order obligation amount; and delivery order due date.

PART I – THE SCHEDULE
SECTION C – DESCRIPTION/SPECIFICATIONS/STATEMENT OF WORK

Definitions

American National Standards Institute (ANSI) – Organization that oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States.

Certificate of Conformance (C of C) – Contractor’s assurance that the equipment provided meets the contract’s specifications.

National Firearms Tactical Training Unit (NFTTU) – Organization responsible for the facilitation and execution of ICE law enforcement responsibilities by providing personnel with firearms, intermediate force weapons, protective equipment, training, logistical support and guidance that will testing to ensure that firearms, body armor, and ammunition carried by ICE agents – and officers and agents at other DHS components meet or exceed the highest level of standards.

Personal Defense Weapon (PDW) - 5.56x45mm NATO, select-fire firearm suitable for personal defense use in close quarters and/or when maximum concealment is required.

Quality Management System – Organizational structure, procedures, processes and resources needed to ensure the product manufactured meets the needs of the customer.

Sporting Arms and Ammunition Manufacturers Institute Inc. (SAAMI)– Organization of the United States leading manufacturers of firearms, and ammunition. Responsible for creating and publishing industry standars for safety, interchangeability, reliability, and quality.

 Chicago Police Department		Uniform and Property U04-02-05	
POLICE CARBINE OPERATOR PROGRAM			
			
ISSUE DATE:	14 June 2012	EFFECTIVE DATE:	14 June 2012
RESCINDS:	U04-02-02 version dated 13 August 2008		
INDEX CATEGORY:	Uniform and Personal Equipment		

I. PURPOSE

This directive:

- A. continues the:
 - 1. Police Carbine Operator Program .
 - 2. Carbine Operator Course .
 - 3. Carbine Operator Requalification Course .
 - 4. Carbine Familiarization Course .
 - 5. Personal Carbine Operator Zeroing Course .
- B. provides specifications for:
 - 1. Department-issued carbines .
 - 2. personally owned duty carbines.
 - 3. ammunition.
 - 4. optional accessories.
- C. delineates responsibilities and procedures for the training, maintenance, transport, security, and use of Department-approved carbines.
- D. defines certain terms relative to this directive.

II. POLICY

- A. The Police Carbine Operator Program is provided to enhance the Department's ability to protect the lives, property, and rights of all people, to maintain order, and to enforce the laws impartially. Additionally, the program enhances officer safety in high-threat confrontations involving heavily armed or multiple offenders, active shooting incidents, and violent offenders who are utilizing body armor, shielding, or distances beyond reasonable pistol range.
- B. Police carbine operators may arm themselves with a carbine when:
 - 1. the operator reasonably believes that he or she is confronting or may soon confront a threat that may require the use of deadly force; and



2. consistent with the carbine operator's training, the carbine is the appropriate firearm for the situation.

NOTE: The nature of the assignment or situation can be enough to warrant the operator's actions.

III. GENERAL INFORMATION

- A. The Police Carbine Operator Program authorizes qualified members to deploy and arm themselves with either a Department-issued carbine or a personal duty carbine while on routine patrol.
- B. The program is open to all sworn members who meet the requirements established in this directive.
- C. The Carbine Operator Course , Carbine Familiarization Course , and Carbine Requalification Course , are in-service training programs.
- D. After successfully completing the Carbine Operator Course, members must complete the Carbine Operator Requalification Course every six months, by the last day of the sixth month, to maintain their qualification status.
- E. Members are expected to exercise the same high level of judgment as they would with their handguns and be mindful of public perception.
- F. Members are not required to complete any documentation solely for arming themselves with a carbine.
- G. Sergeants and lieutenants are encouraged to attend training to be qualified as police carbine operators . However, supervisors are not required to be carbine-operator qualified to supervise and enforce compliance with this directive.
- H. Upon written authorization of the Chief, Bureau of Patrol, Department members assigned to SWAT will not be limited by any provisions of this directive.

IV. CARBINE FAMILIARIZATION COURSE

To ensure compliance with the Police Carbine Operator Program , Bureau of Patrol exempt members will ensure that any members within their command whose duties include handling carbines attend the Carbine Familiarization Course .

V. PROGRAM QUALIFICATIONS

To qualify for the Police Carbine Operator program , sworn members must be in full-duty nonprobationary status.

VI. APPROVED CARBINES AND AMMUNITION - SPECIFICATIONS

- A. Department-issued carbines will conform to the following specifications:
 1. AR-15/M-4 type, semiautomatic carbine chambered in 5.56 mm;
 2. A minimum 16-inch barrel, not to exceed 20 inches, with a 1/7 to 1/9 twist;
 3. Single-stage triggers with a minimum 5-pound trigger pull;
 4. Telescoping or fixed stock;

5. Adjustable tactical sling ;
6. Iron sights;
NOTE: Department-issued carbines will have iron sights only, with a secure effective zero for any Department member issued the carbine.
7. Ambidextrous safeties may be installed to support left and right side operation;
8. Two magazines (20 or 30 round capacity);
9. Approved (optional) magazine carrier.
10. No modifications or adjustments will be made to the carbines other than those completed by a member of the Firearms Training Unit, Education and Training Division.
11. Attached flash suppressor.

B. Personally Owned Duty Carbines

Personally owned duty carbines will conform to the following specifications:

1. An AR-15/M-4 type, semiautomatic carbine, primarily black in color, chambered in 5.56 mm.
2. Complete rifles manufactured by one of the following:
 - a. Colt
 - b. Smith & Wesson
 - c. Bushmaster
 - d. Defense Procurement Manufacturing Services (DPMS)
 - e. Rock River
 - f. Lewis Machine & Tool
 - g. DS Arms
 - h. Armalite
 - i. L.W.R.C.
 - j. LaRue Tactical
 - k. Ruger
 - l. Saber Defense
 - m. Stag Arms

- n. Daniel Defense
 - o. CMMG
 - p. Spike's Tactical.
3. A minimum 16-inch barrel, not to exceed 20 inches, with a 1/7 to 1/9 twist;
 4. Single-stage triggers with a minimum 5-pound trigger pull;
 5. Telescoping or fixed stock;
 6. Adjustable tactical sling;
 7. Two magazines (20 or 30 round capacity) as follows:
 - a. polymer, aluminum, or stainless steel
 - b. self-leveling followers.
 8. One ChamberSafe .
 9. The component parts on the personal carbines must be of such size as to be securable in the Department's vehicle gun locks.
 10. Iron sights
 - a. At the members' discretion, carbines may be equipped with an optical sighting system , but the carbine must also be equipped with a fixed or flip-up rear iron sight that has the same effective zero as the optical sighting system and can be utilized quickly if the optical sighting system fails.
 - b. Members must zero their carbines at a Department range under instructor supervision for both iron sights and, if applicable, optical sighting systems.
 11. **Before any personally owned duty carbine is authorized for on-duty use, the carbine must be registered as a duty weapon and zeroed in the presence of a Chicago Police Department carbine instructor consistent with the Personal Carbine Operator's Zeroing Course.**
 12. Attached flash suppressor.
 13. The use or addition of a compensator is prohibited.
- C. Optional accessories for personally owned duty carbines
1. Optical sighting systems
 - a. The following optical sighting systems (without magnification):
 - (1) Aimpoint Comp M, Comp ML, Pro, and Micro series
 - (2) EOTech HWS Series / "Bushnell's" EOTech

- (3) Trijicon
- (4) C-More Systems
- (5) Meprolight Mepro21
- (6) Leopold Tactical Prismatic.
- (7) Elcan SpecterRD

- b. The following optical sighting system with magnification power of 1.50 or less: Trijicon.

NOTE: Optical sighting systems with magnification of 1.50 power or less must be mounted in such a way that they can be easily removed, without tools, if an optical sighting system fails.

2. D-fender D-Ring for extractor enhancement;
3. Ambidextrous selector lever;
4. A mounted department approved flashlight;
5. A mounter vertical foregrip
6. Any other accessories must be approved by the Deputy Chief, Education and Training Division, or their designee. **Subsequent modifications to the carbine require a recertification of the carbine.**
7. Lasers, bipods, or competition muzzle breaks are **not** authorized on any Department-approved duty carbines.
8. For any articuable reason regarding safety, the Deputy Chief, Education and Training Division, (or designee), has the authority to deny authorization of any personally owned carbine.

D. Authorized Ammunition

1. Department members will load only the following Department-approved ammunition :
 - a. 55 grain full metal jacket manufactured by one of the following:
 - (1) Remington/UMC
 - (2) Winchester
 - (3) Federal/Lake City Arsenal
 - (4) Hornady
 - (5) CCI-Speer.
 - b. 64 grain Winchester Power-Point

NOTE: Tungsten, steel, or frangible ammunition is not approved.

2. Department members will be issued the appropriate amount of duty ammunition to load two Department-approved magazines upon qualification and once each year thereafter.

VII. CARBINE REGISTRATION PROCEDURES

A. Prior to registering personally owned duty carbines , members will:

1. present a completed Firearms Registration Application (CPD-31.562) to the member's station supervisor for approval.
2. submit the Firearms Registration Application in accordance with the Department directive entitled "Department Approved Weapons and Ammunition."

NOTE: Members will not carry or deploy their carbine until after the Police Carbine Operator Program has been completed.

3. submit a To-From-Subject report to the Commanding Officer, Gun Registration Unit, detailing the:
 - a. successful completion of the forty-hour Carbine Operator Course session dates,
 - b. Police Carbine Operator Personal Carbine Zeroing Course date, and
 - c. lead instructor's name.

B. The Gun Registration Unit, Records Services Division, will:

1. upon receiving a Firearms Registration Application for a personally owned duty carbine, designate the carbine as "registration pending."
2. upon confirmation from the Firearms Training Unit, Education and Training Division, that the requesting member is a qualified police carbine operator and the carbine has been zeroed , designate the carbine as "registered."

NOTE: Upon successful completion as a qualified carbine operator, the weapon will be classified as a duty weapon.

VIII. TRAINING

A. The Deputy Chief, Education and Training Division, will ensure continuous and regular schedules are maintained for the in-service:

1. Police Carbine Operator Course
2. Carbine Familiarization Course
3. Police Carbine Operator Requalification Course
4. Police Carbine Operator Personal Carbine Zeroing Course .

- B. The Deputy Chief, Education and Training Division, or the authorized designee will determine which members assigned to field duties have priority in attending the Police Carbine Operator Course.

NOTE: All requests will require station supervisor approval.

- C. Course registration

1. Members seeking to register for the Carbine Operator Course or the Carbine Operator Requalification Course will use the In-Service Training module of the CLEAR application.
2. Members seeking to register for the Carbine Operator Familiarization Course or the Personal Carbine Operator Zeroing Course will use the eLearning module under Training Resources.

- D. Members will be notified of scheduled training via the automated notification system.

IX. RESPONSIBILITIES AND PROCEDURES

- A. Requirements

1. Members who successfully complete the Police Carbine Operator Program are required to deploy with either a Department-issued carbine or a personally owned duty carbine during regular field duties.
2. Supervisors will not prevent qualified members from deploying with a carbine unless the:
 - a. nature of the assignment clearly indicates that it is inappropriate to do so (e.g., a parade detail).
 - b. member is displaying unsafe or inappropriate carbine-handling skills.

NOTE: The supervisor will document this on a To-From-Subject report addressed, through the chain of command, to the Deputy Chief, Education and Training Division.

- c. unit does not have a vehicle with an operational gun lock available.

NOTE: Station supervisors will make every effort to match qualified officers wishing to deploy a carbine with a vehicle that has a gun lock.

- d. member is assigned to participate in the execution of a search warrant. In this case, the search team supervisor will have final authority in determining who, if anyone, will be equipped with a carbine.

NOTE: Search Team supervisors will consult with a SWAT supervisor when high-risk entries are anticipated.

- B. Securing and Issuing Department-Owned Carbines

1. Department-owned carbines and magazines will be stored in locked racks in the secure location designated by the district/unit commander.

2. The ChamberSafe will remain in the carbine with the bolt eased forward.
3. The selector lever will be on safe and a magazine loaded two rounds short of full capacity.
4. At the start of each tour of duty, a station supervisor or their designee will issue a carbine and two magazines to members qualified as carbine operators.
 - a. Department vehicles will have one gunlock; only one carbine per vehicle will be authorized for routine field duties.
 - b. If two or more officers assigned to a vehicle are qualified, either officer may be armed with the carbine.

NOTE: If a personal carbine has been placed in the vehicle's gunlock, only the owner will arm that carbine unless exigent circumstances exist. If exigent circumstances exist, either qualified member assigned to the vehicle may be armed with the carbine.

- c. The station supervisor has final authority to determine which member will deploy with a carbine should there be two officers on the same beat with personally owned carbines.
5. Members issued carbines will sign out the carbine using the Personal Equipment Log (CPD-21.919).
- C. Department Vehicle Storage
1. The carbine will be secured in the designated vehicle gunlock installed in the Department vehicle.
 2. Carbines will not be left in Department vehicles between watches or overnight.
- D. Securing Personally Owned Duty Carbines
1. Personally owned duty carbines will be transported to and from duty assignments or secured in an assigned unit locker as follows:
 - a. the selector lever on safe;
 - b. a ChamberSafe inserted;
 - c. the magazine well empty; and
 - d. secured in a plain black padded nylon bag or hard case.
 2. Members transporting carbines to and from duty assignments are responsible for its security. Members are prohibited from leaving carbines unattended in their personal vehicles.
 3. Members are responsible for securing their duty carbines at home in the same manner as their duty handguns as delineated in the Department directive entitled, "Department Approved Weapons and Ammunition," and are required to exercise sound judgment and caution to prevent unauthorized access to firearms.

E. Issuance of Carbines

1. Carbines will be issued with **no round in the chamber**, a ChamberSafe device placed in the chamber and visible from the ejection port, and one loaded magazine remaining in the magazine well.
2. All police carbines, whether Department-issued or personally owned, will have a minimum of two magazines (20 or 30 round capacity), each loaded two rounds short of capacity.

NOTE: Magazines are loaded two rounds short of full capacity to ensure proper seating of the magazine.
3. Unless authorized by a supervisor, carbines will be properly secured in the gunlock located in the Department vehicle.

NOTE: Station supervisors will ensure that police carbine operators are given priority assignment to Department vehicles equipped with gunlocks.
4. Whenever possible, members will notify the dispatcher when they are assigned to citizen-dress field operations and are arming themselves with carbines.

F. Carbine Arming

1. When arming a carbine, members will:
 - a. unlock the gunlock and remove the carbine;
 - b. remove the ChamberSafe; and
 - c. chamber a round while pointing the carbine in a safe direction with the finger off the trigger.
2. The carbine will remain on safe and the finger off the trigger until the operator has made the decision to fire.
3. Members will utilize a tactical sling whenever carrying a carbine.
4. Members will make every reasonable effort to avoid making physical contact with an offender while carrying a carbine. Members carrying carbines will act in a cover-officer capacity whenever possible.
5. Members assigned to citizen-dress field operations will have clearly visible identification, utilizing a warrant team vest or other appropriate Department-approved specialized personal garment.
6. Upon termination of the event in which the carbine was armed, the operator will:
 - a. when clearing the weapon, relocate to a safe and discrete location minimizing the likelihood of personal injury or property damage in the event of an unintentional discharge.
 - b. inspect the unchambered round and remove it from service if damage or defects are observed.

G. Carbine Accessibility

1. Members may carry an armed carbine in the passenger compartment of a vehicle, with the selector in the "safe" position, when:
 - a. assigned to a directed mission, and
 - b. the assigned mission consists of two or more vehicles, and
 - c. the member is under the direct supervision of a member the rank of sergeant or higher.

NOTE: The supervisor assigned to the directed mission will determine which members are authorized to carry the armed carbine in the passenger compartment of a vehicle, consistent with that on-scene supervisor's training.

2. Members traveling to and from the location where a search warrant is to be executed may transport an armed carbine in the passenger compartment of a vehicle, with the selector in the "safe" position.

H. Care and Maintenance

1. Members are responsible for the care and maintenance of their personally owned duty carbines.
2. All qualified members are responsible for the care and maintenance of Department carbines within their control, including cleaning them after firing.
3. All other maintenance will be the responsibility of the Firearms Training Unit, Education and Training Division.

NOTE: The Firearms Training Unit, Education and Training Division, will be responsible for the routine inspection and repair of Department-owned carbines except those assigned to SWAT.

I. Recertification

Department members certified as police carbine operators are responsible for keeping their certification current.

Garry F. McCarthy
Superintendent of Police

10-072 JAB

GLOSSARY TERMS:

1. Police Carbine Operator Program - The overall program developed by the Department for the approval, procurement, training, security, issuance, use, and maintenance of Department-approved carbines.
2. Carbine Operator Course - A voluntary five-day course members must initially pass to be qualified to participate in the Police Carbine Operator Program.

3. Carbine Operator Requalification Course - A block of training required for members in the Police Carbine Operator Program. This course is taken subsequent to the Carbine Operator Course and must be completed to maintain qualification.
4. Carbine Familiarization Course - A block of instruction relative to the safe handling, loading, and unloading of the carbine as well as placement and removal from gun racks and locks.
5. Personal Carbine Operator Zeroing Course - A block of instruction required for police carbine operators who own personal carbines that must be zeroed before approval for duty use.
6. Carbine - A short-barreled, lightweight semiautomatic rifle.
7. Police Carbine Operator - A member trained by the Department to be armed with a carbine while assigned to routine field duties.
8. Arm/Arming - Removing a carbine from a Department vehicle and chambering a round.
9. Deployment - The act of issuing / placing a carbine into a Department vehicle gun lock for duty.
10. Tactical Sling - A device used to carry the rifle in a hung position in front of the body.
11. Zero/Zeroed - At a prescribed distance, the point of aim is aligned with the point of bullet impact.
12. ChamberSafe® - A high-visibility device, normally orange in color, used to readily identify, from a distance, that a rifle chamber is empty and safe.
13. Personal Carbine - A duty carbine purchased, registered, and owned by a member participating in the Police Operator Carbine Program.
14. Optical Sighting System - A device mounted or attached to a rifle that assists a shooter with quick target acquisition. An optical sighting system is **NOT** a laser sight.

CITY OF
HIGHLAND PARK
ILLINOIS



PROPOSED ANNUAL BUDGET
CALENDAR FISCAL YEAR 2014

JANUARY 1, 2014 TO DECEMBER 31, 2014



- The City Manager's Office will pursue a minimum of two intergovernmental agreements to share resources, reduce expenses and/or improve efficiencies among the City and partner organizations.

Finance Department

- The Finance Department will outsource additional payment processing through a bank lockbox and an ACH receivership product, which will allow the City to receive additional payments electronically.
- An Electronic Document Management System will be selected to centralize storage for all City Departments, starting with the Clerk's Office and the Building Division.

Police Department

- The Police Department will evaluate the findings of Phase 2 of the police and fire dispatch consolidation study and support elected officials in making decisions on consolidation.
- The department will install an electronic crash reporting system from New World Systems which will integrate with the Illinois Department of Transportation.
- The Police Department will replace current pistol caliber patrol carbines with rifle caliber carbines for use by officers in emergent and/or active shooter situations. All personnel will be trained in use of the new weapons using an outdoor range facility in Bristol, Wisconsin. Range upgrades are proposed in 2015 to accommodate the new caliber carbines.

Fire Department

- The Fire Department will manage the beginning stages of the replacement of the current Fire Station #32 located at 692 Burton Avenue.
- The Fire Department has restructured their staff to reclassify the existing Fire Marshall to an inspector, yielding savings. The additional inspector will help department to attain its goal of conducting life safety inspections of structures considered to be high hazard occupancies annually and all other structures every two years, beginning with the 2014 budget year.

Community Development

- Increases in building permit activity have strained the Building Division given that staff levels were reduced by attrition during the economic downturn. In order to provide services at a lower cost with limited impact to budget, a part-time plumbing inspector is included in the 2014 Proposed Budget.

Public Works

- The Public Works Department will evaluate the feasibility of sharing a corporation yard with the Park District and School Districts.
- The Facilities Division will work cooperatively with the Library to reduce costs and gain efficiencies by combining capital and maintenance projects whenever possible.

Five-Year Capital Improvement Program

This section serves as a management tool to promote advanced planning and provide adequate lead-time for project design. Additionally, this section is helpful in forecasting future revenue requirements. Each plan is formulated to be comprehensive, policy-driven, coordinated, and mindful of its impact on the operational budget.

Typical Wound Profiles After Penetrating Interior Wall Intermediate Barrier

9 mm 147 gr JHP at 1040 f/s

.45 ACP 230 gr JHP at 835 f/s

5.56 mm M855 62 gr FMJ
at 2925 f/s

223 Winchester 69 gr OTM
at 2750 f/s

12 ga Federal #0 Buckshot
9 pellet Tactical at 1145 f/s

308 155 gr Hornady AMAX
at 2850 f/s

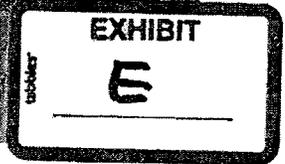
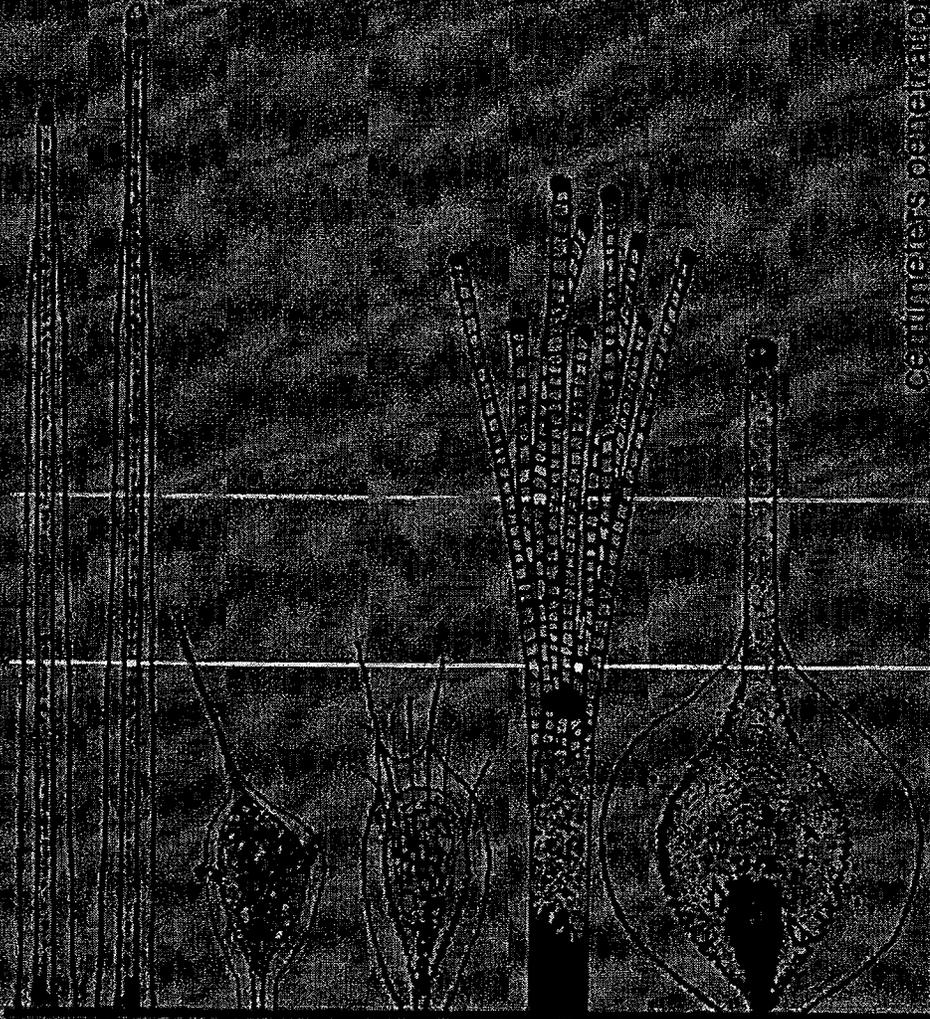


EXHIBIT 12

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ARIE S. FRIEDMAN, M.D. and)	
the Illinois State Rifle Association)	
)	
Plaintiffs,)	
)	No: 13-cv-9073
v.)	
)	
CITY OF HIGHLAND PARK,)	
)	
Defendant.)	

SUPPLEMENTAL AFFIDAVIT OF GARY KLECK

If sworn as a witness, I could competently testify to the following:

1. I have reviewed the Declaration of Mark D. Jones submitted by the City of Highland Park. I thought I was familiar with all of the experts on the topics of guns, violence, and gun control, and therefore was surprised see him named as an expert in this area. I have never heard of him. After reading his *curriculum vitae*, I found that he has never published a word on these topics. He is not an expert on any of them, and his experience as a police officer, a security agent and as explosives specialist at the Bureau of Alcohol, Tobacco, Firearms and Explosives has little or no bearing on the relevant issues in this case.

2. Jones states in paragraph 11 of his Declaration that “[t]he City of Highland Park enacted the Ordinance to address the potential threat of mass shootings involving a semi-automatic assault weapon.” He thereafter offers the view, without any analysis, that “[s]uch events are demonstrably more catastrophic when the assailant uses a semi-automatic assault

weapon than when other firearms are used.” Jones relies exclusively on a September 2013 report prepared by Mayors Against Illegal Guns (MAIG), *Analysis of Recent Mass Shooting*.

3. The MAIG report ignores the central methodological difficulty of assessing the impact of assault weapons and large capacity magazines on the outcomes of shootings. The central difficulty in determining whether associations found in the report reflect an actual causal effect of assault weapons/large capacity magazine use on the number of persons killed and injured, or whether they are spurious, *noncausal* associations, and merely reflect the common impact of the shooter’s lethality of intentions on both (1) the outcomes of shootings, and (2) the weapons and magazines that shooters choose to use in their crimes.

4. I know of no one who questions that shooters who want to shoot more people are, on average, more likely to actually do so. That is, the stronger the person’s intention to hurt many victims, the more victims they will hurt. Yet given the extensive planning that goes into the more serious mass shootings, one would expect that these same intentions to shoot more people would also cause the shooter to prepare to do so by selecting weaponry and magazines they believed (correctly or not) were better suited to the task. I know of no one who has studied these issues who denies that criminals planning to hurt many people are more likely to choose weapons and magazines that they believe will be suited to doing so.

5. These propositions imply, in short, that the lethality of a shooter’s intentions has a positive causal effect on (a) use of assault weapons and large capacity magazines, and (b) the number of victims hurt in shootings. This means that lethality of intent will create a spurious positive association between (a) use of assault weapons or large capacity magazines and (b) the number of victims killed or injured. Unless an analyst statistically controls for lethality of intent, he will fail to detect the spurious character of the association between (a) and (b), and will

erroneously conclude, as MAIG apparently did, that the association instead reflected an actual causal effect of (a) on (b). The MAIG analysis never controlled for lethality of the shooter's intent, and thus did nothing to rule out the possibility that the association between (a) and (b) is entirely spurious.

6. The MAIG report compares a tiny sample of 14 assault weapon or large capacity magazine incidents (in which at least four people were killed) with 79 non-assault weapon or large capacity magazine incidents occurring between January 2009 and September 2013. (Jones erroneously states that the 14 incidents involved semi-automatic or fully automatic assault weapons. Actually, just 11 of the incidents involved assault weapons. Handguns with magazine capacities larger than 10 rounds were used in three of the incidents.) Careful analysts are aware that when very small samples are used, results may be extremely sensitive to the inclusion or exclusion of just a few cases. A prudent step to take in response to this probability is to re-estimate results with a few outliers deleted, to see if results are substantially affected by this modest change in the composition of the sample. MAIG did not do this.

7. I tested how sensitive the MAIG conclusions about assault weapon/large capacity magazine use and death toll in mass shootings are to the exclusion of just three incidents from the sample. The MAIG conclusion was that there were on average of 7.8 deaths per assault weapon/large capacity magazine incident, compared to just 4.8 deaths in non-assault weapon/large capacity magazine incidents – a ratio of 1.63. When the Newtown, CT shooting by Adam Lanza (27 deaths), the Binghamton, NY shooting by Jiverly Wong (14 deaths) and the Aurora, Colorado shooting by James Holmes (12 deaths) are excluded, the average number of deaths per assault weapon/large capacity magazine incident drops to 5.1, virtually the same as the non- assault weapon/large capacity magazine average of 4.8 deaths per incident. The ratio

drops from 1.63 to 1.1 when these three incidents are excluded.

8. The MAIG conclusion that the death toll in assault weapon involved shootings is substantially larger than the death toll in non-assault weapon incidents relies almost entirely on the inclusion of these three cases. Had MAIG chosen to do an analysis of incidents occurring between May 2009 and June 2012, they would not even have been included. The point is not that it was wrong to include them, but rather that they could have easily been absent from the sample examined by MAIG, and had they been absent, support for MAIG's case for a substantial difference in death tolls would have collapsed. Thus, MAIG's claim is highly sensitive to slight changes in sample composition and should not be considered robust enough to draw conclusions about the effect of assault weapon use in mass shootings.

9. Mass shootings are fortunately quite rare in absolute terms. For the most recent ten-year period for which we have complete data, 2003-2012, there were 31 incidents with more than six persons shot. (see Appendix). Further, mass shootings account for only a tiny share of all homicides in the U.S. For the 2003-2012 period, mass shootings resulted in the murder of 233 persons (see Appendix), while FBI data indicate there were a total of 159,927 murders and non-negligent manslaughters committed in the U.S. over the same time period. Thus, mass shootings were responsible for just 1/7th of 1% of the nation's criminal homicides, whether committed with a gun or not. Even as a share of gun homicides, mass shootings account for well under 1% of the killings.

10. Even in the extremely rare mass shootings in which large numbers of victims were shot, the shooters virtually never needed large capacity magazines to injure or kill as many victim as they did, because they either (a) possessed multiple guns, (b) possessed multiple magazines, or (c) had ample time and opportunity to reload, using smaller magazines.

Therefore, even the hypothetical potential for reducing harm or improving public safety by limiting magazine capacity to no more than 10 rounds can be fairly described as being limited to no more than a very small subset of already very rare events.

11. I did a study of every mass shooting (more than six victims wounded or killed) that occurred in the U.S. over a ten year period (1984-1993 inclusive) and found that offenders possessed multiple guns in thirteen of the fifteen incidents (about 87%), and in one of the two remaining cases (the Colin Ferguson case in New York in 1993) the offender reloaded at least once. Thus, the killers in mass shootings did not need large capacity magazines to quickly fire large numbers of rounds or wound large numbers of victims – they either just switched loaded guns or reloaded their guns without interference from bystanders. (Kleck, Gary. 1997. *Targeting Guns: Firearms and their Control*. NY: Aldine de Gruyter, pp. 124-126, 144).

12. I have updated the analysis of mass shootings beyond this published analysis covering 1984-1993. All shooting incidents involving more than six victims shot (fatally or non-fatally, not including the offenders) for the period 1994 through July 2103 were examined based on news media accounts, and occasionally official reports. The incidents were confined to those involving more than six victims because the proposition that the use of a large capacity magazine affects the number of people killed or wounded is most likely to be supported in incidents with many victims. The cut-off of six victims was chosen because it would be virtually impossible to shoot more than six victims using a typical 6-shot revolver without reloading.

13. I supplemented my list of mass shootings with a list of mass shootings that involved use of large capacity magazines compiled by the Violence Policy Center (VPC), an advocacy organization that favors strong gun control laws and specifically supports bans on large capacity magazines. I used this list to supplement my list because VPC was well-motivated to

locate every mass shooting involving use of a large capacity magazine, as they clearly favor the notion that the use of a large capacity magazine leads to a larger death toll in mass shootings. Thus, I sought to compile as comprehensive a list of such incidents as possible.

14. The updated results (see Appendix) confirmed the conclusions of the 1984-1993 analysis - large capacity magazines were not needed for mass shooters to kill or injure as many victims as they did. The killer in every single mass shooting was either armed with multiple guns, had multiple magazines, or actually reloaded during the incident.. There were a total of 57 mass shootings in the U.S. in 1994-2013. The shooters used one or more magazines with a capacity of more than 10 rounds in 22 of those incidents; no large capacity magazine was known to have been used in the other 35 incidents (or about 61%). Of the 22 mass shootings in which large capacity magazines were used, the shooter possessed only one gun in just four, or perhaps five incidents (see Appendix, those dated 11-2-96, 12-5-07, 1-8-11, 9-6-11, and possibly 2-12-05). In the other 17 or 18 incidents, the shooter possessed multiple guns and therefore could continue firing large numbers of rounds simply by switching guns, even if they had not possessed a large capacity magazine. Of the 22 mass shootings in which large capacity magazines were used, the shooter possessed only one magazine in just *one* incident (dated 2-7-08). In the other 21 large capacity magazine incidents, the shooter possessed multiple magazines, and could therefore continue firing large numbers of rounds simply by switching magazines. *Finally, there was not a single mass shooting in which the offender used a large capacity magazine, and was known to have possessed just one gun and just one magazine in his immediate possession.* Thus, even if large capacity magazines had not been available, all of the shooters could have quickly fired large numbers of rounds simply by firing multiple guns or using a single gun but changing smaller capacity magazines.

15. One circumstance in which the use of a large capacity magazine could affect the number of casualties even if the shooter possessed multiple guns or multiple magazines is if there were bystanders willing to tackle the shooter during his attempt to change magazines or firearms. The use of a large capacity magazine prior to that time could affect the number of victims shot, since the killer could have fired more rounds before needing to reload or switch guns. The only mass shooting in this 20-year period in which this definitely occurred was the Springfield, Oregon murders on May 21, 1998, in which the shooter (Kip Kinkel) used a large capacity magazine, but was tackled while attempting to reload. In this single case, the shooter's possession of a large capacity magazine may have affected the number of casualties because he was able to fire more rounds before needing to reload, and there were bystanders willing and able to intervene when he did try to reload. Thus, merely having multiple smaller capacity magazines would not have been, in this incident, a complete substitute for a large capacity magazine, since the casualty count was a function of the capacity of the magazine before the bystanders stopped the shooter.

16. There was also one other mass shooting in this period in which bystanders intervened, but key details are in dispute, making it unclear whether bystanders intervened while the shooter was reloading. In the Tucson Arizona shooting in January 2011 in which Rep. Gabrielle Giffords was wounded, the shooter was tackled by bystanders. In this incident, a large capacity magazine that the shooter attempted to use failed due to a broken spring. (*New York Times* January 10, 2011, p. A1). Since magazines of any size can malfunction, banning large capacity magazines and leaving smaller ones available to be substituted would not increase the rate at which such a malfunction occurred and consequently save lives. Thus, the Tucson shooting serves to support a large capacity magazine ban only if the shooter was reloading when

tackled, rather than struggling with a malfunctioning magazine. The evidence available from news accounts of this incident does not allow us to tell whether bystanders were able to tackle the shooter because he was reloading, or because he was struggling with a defective magazine. There are no other mass shootings known to me in this 20-year period in which the shooter was disrupted by bystanders while attempting to reload or switch guns.

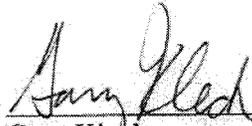
17. In sum, use of large capacity magazines arguably affected the number of persons killed or injured in just one, or possibly two, of the 57 mass shootings occurring in the United States in 1994-2013. Synopses of the mass shootings for 1994-2013, and the sources relied upon can be found in the Appendix.

18. Jones asserts in paragraph 14 of his Declaration that assault weapons were used in 1 to 8% of crimes in 1994 but he misinterprets the data on which he relies. Koper merely referenced the numerous studies examining the use of assault weapons in crime and stated that “depending on the specific AW definition and data source used” assault weapons accounted for “up to 8% of guns used in crime.” Jones fails to note that Koper thereafter states that a “compilation of 38 sources indicated that AWs accounted for 2% of crime guns on average.” More specifically, the compilation of data revealed that “less than 2% of crime guns are ‘assault weapons’ (the median is 1.8%) and well under 1% are ‘assault rifles.’” (Kleck, Gary. 1997. *Targeting Guns: Firearms and their Control*. NY: Aldine de Gruyter, p. 112). Jones also fails to mention that only *two* of the 38 estimates of the percentage of assault weapons used in crime were over 4.3% and the 8% estimate was unreliable because the sample was “neither an unselected population nor a representative sample of crime guns and not comparable to other estimates.” (Id. at p. 142 fn. ***).

19. Jones also misinterprets source data in addressing the percentage of police

related estimates in particular. In sum, actual empirical evidence indicates precisely the opposite of the conclusion that Cusick drew based entirely on one-sided speculation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 19, 2014.



Gary Kløck

Appendix - Synopses of Mass Shootings, 1994-July 2013 Inclusive (more than six victims shot fatally or nonfatally in a single incident)

Mass Shootings in 1994

- The *Washington Post*: “5 Arrested in Shooting at Market; NE Men Charged with First Degree Murder,” April 11, 1994
 - Date: March 31, 1994
 - Shooters: Unknown (Up to 4)
 - Number of Guns Used: Unknown
 - Types of Guns Used: Tec-9 semi-automatic (found but no confirmation it was used during the shooting)
 - Number of Magazines: Unknown
 - Capacity of Magazines: Unknown
 - Number of Shots Fired: 30+
 - Did Offender Reload: Unknown
 - Time from Start to End: Unknown
 - How Gun was Acquired: Unknown
 - Number Killed: 1
 - Number Wounded: 9
 - Notes: This was a gang-related incident. Some reports indicate that other guns were found and there was more than one shooter but nothing was confirmed. The shooters had 5 specific targets, 4 of which they hit.
-
- The *New York Times*: “Gunman Kills 2 and Hurts 19 on Air Force Base,” June 21, 1994
 - Date: June 20, 1994.
 - Shooters: 1
 - Number of Guns Used: 1
 - Type of Gun Used: AK style Rifle, another “unspecified 'single shot' weapon” (unused)
 - Number of Magazines: Unknown
 - Capacity of Magazine(s): Unknown
 - Number of Shots Fired: Unknown
 - Did Offender Reload: Unknown
 - Time From Start to End: Unknown
 - How Gun Was Acquired: Unknown
 - Number Killed: 4 (5 including gunman)
 - Number Wounded: 19
 - Notes: Another New York Times article entitled “An Airman's Revenge: 5 Minutes of Terror” published on June 22, 1994 alters some of the above information. The count of those killed remains the same, but the injured was increased to 23 and states that the gunman was motivated to kill two specific people. His gun was also listed as a MAK-90 instead of an AK-47. The article also states that the gun was acquired from a federally licensed gun dealer legally for \$400 and the 70 round magazine was acquired from another dealer legally.
-
- The *Washington Post*: “Gunman Kills 2, Wounds 5 in Attack on Abortion Clinics,”

December 31, 1994

- Shooters: 1
- Number of Guns Used: 1 (A second was found at the scene but unused)
- Type of Gun Used: .22 caliber rifle, miscellaneous handgun
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown
- Time from Start to End: Unknown
- How Guns were Acquired: Unknown
- Number Killed: 2
- Number Wounded: 5
- Notes: This was a target on two abortion clinics with not specific target.

Mass Shootings in 1995 - none

Mass Shootings in 1996 – none

Mass Shootings in 1997

- *CNN*: “Gunman Shoots 7, Kills Self at Empire State Building,” February 24, 1997.
 - Date: February 23, 1997
 - Shooters: 1
 - Number of Guns Used: 1
 - Type of Gun Used: .380 caliber Beretta
 - Number of Magazines: Unknown
 - Capacity of Magazines: Unknown
 - Number of Shots Fired: Unknown
 - Did Offender Reload: Unknown
 - Time from Start to End: Unknown
 - How Gun was Acquired: Purchased in Florida (Legality unknown)
 - Number Killed: 1 (2 including gunman)
 - Number Wounded: 6
 - Notes: None
-
- Police Magazine: “5 Gunfights That Changed Law Enforcement,” May 4, 2011.
 - Date: February 28, 1997
 - Shooters: 2
 - Number of Guns Used: Unknown (At least 4)
 - Types of Guns Used: Fully automatic AIM AK-47, Norinco Type 56 S-1, semi-automatic HK-91, and a Bushmaster XM15 E2S (modified)
 - Number of Magazines: Unknown
 - Capacity of Magazines: Unknown (at least 3,300 rounds in box and drum magazines)
 - Number of Shots Fired: 1,101
 - Did Offenders Reload: Yes
 - Time from Start to End: 44 minutes
 - How Guns were Acquired: Unknown
 - Number Killed: 0 (2 including gunmen)
 - Number Wounded: 18

- Notes: The shooters had an arsenal that the police could not compete with. Many of their weapons were fully automatic and the magazines were likely high capacity. Accounts differ on the number of shots fired.

- The *Associated Press*: “Man to be Executed Friday for Plant Shootings,” October 30, 2005
- Date: September 15, 1997
- Shooters: 1
- Number of Guns Used: 1
- Type of Gun Used: semi-automatic pistol
- Number of Magazines: 4 empty
- Capacity of Magazines: 8 rounds
- Number of Shots Fired: Unknown
- Did Offender Reload: Yes
- Time from Start to End: 2.5 hours
- How Gun was Acquired: Unknown
- Number Killed: 4
- Number Wounded: 3
- Notes: The shooter was fired and sought revenge. By some accounts he had four other magazines for a total of 8 magazines with 8 rounds.

- *Reuters News*: “Six Charged in Mississippi High School Shooting,” October 7, 1997
- Date: October 1, 1997
- Shooters: 1
- Number of Guns Used: 1
- Type of Gun Used: Rifle
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: Unknown
- Time from Start to End: Unknown
- How Gun was Acquired: Unknown (possibly from parents)
- Number Killed: 2 (3 if mother included in separate killing, no gun used)
- Number Wounded: 7
- Notes: Six were charged, but with conspiracy. There was only one shooter and his target was an ex-girlfriend.

- The *New York Times*: “Gunfire Inside a School Kills 3 and Wounds 5,” December 2, 1997
- Date: December 1, 1997
- Shooters: 1
- Number of Guns Used: 1 (shooter also had 4 other guns)
- Type of Guns Used: .22 caliber handgun (shooter also had two rifles and two shotguns)
- Number of Magazines: Unknown (shooter had extra ammunition so more than 1)
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: No
- Time from Start to End: Unknown
- How Guns were Acquired: Unknown

- Number Killed: 3
- Number Wounded: 5
- Notes: According to a CNN article entitled “Kentucky School Shooter 'Guilty but Mentally Ill,’” October 5, 1998, the shooter stole the guns from different homes. According to The St. Petersburg Times: “Programmed to Kill,” December 1, 1997, the shooter shot 8 to 10 rounds. According to The New York Times: “Forgiveness, After 3 Die in Shootings in Kentucky,” printed on December 3, 1997, the shooter shot up to 12 rounds.
- The *New York Times* “Dismissed Worker Kills 4 and Then Is Slain,” December 20, 1997.
- Date: December 18, 1997
- Shooters: 1
- Number of Guns Used: 1
- Type of Gun Used: AK-47
- Number of Magazines: Unknown
- Capacity of Magazine(s): Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: Unknown
- Time from Start to End: Unknown
- How Gun was Acquired: Unknown
- Number Killed: 4 (5 including gunman)
- Number Wounded: 3
- Notes: Employer was dismissed from Caltran's and a subsequent job. He then returned to the work site and randomly shot employees. He battled with police as well, for at least a minute, before his was killed. A Los Angeles Times article titled “Aftermath of Killer's Fury” claims the gunman shot over 300 times and was armed with an AK-47, a shotgun and a handgun.

Mass Shootings in 1998

- The *New York Times*: “From Wild Talk and Friendship to Five Deaths in a Schoolyard,” March 29, 1998
- Date: March 24, 1998
- Shooters: 2
- Number of Guns Used: At least 4 (shooters had access to 10 guns and a crossbow)
- Type of Guns Used: Remington .30-60 hunting rifle, Ruger .44 Magnum rifle
- Number of Magazines: 3 .30 caliber magazines (19 .44 caliber shells, 41 .357 shells, 49 .380 shells, 16 .30 special shells, 26 .357 magnum shells, 6 .30 caliber shells)
- Capacity of Magazine(s): 30 round
- Number of Shots Fired: At least 26
- Did Offenders Reload: Unknown
- Time from Start to End: Unknown
- How Guns were Acquired: Stolen From Parents
- Number Killed: 5
- Number Wounded: 11 (15 hit)
- Notes: The History Channel has an article entitled “A School Shooting in Jonesboro, Arkansas, Kills Five. This article states that the two youths had “thirteen fully loaded guns including three semi automatic rifles, and 200 rounds of ammunition.” The weapons were taken from the Golden family's home.

- The *New York Times*: “Sorrowful Town Honors Teen-Ager Killed in School Shooting,” May 26, 1998.
Location: Springfield, OR.
- Date: May 21, 1998
- Shooters: 1 (Kip Kinkel)
- Number of Guns Used: 2
- Type of Guns Used: .22 Caliber Rifle, Handgun
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: 51
- Did Offender Reload: Attempted to do so, tackled by bystanders
- Time from Start to End: Unknown
- How Guns were Acquired: From Parents
- Number Killed: 2 (4 including the parents who were killed the night before)
- Number Wounded: 22
- Notes: According to PBS' Frontline (<http://www.pbs.org/wgbh/pages/frontline/shows/kinkel/kip/cron.html>) the shooter “carried 3 guns: a .22 caliber semi-automatic Ruger rifle, his father's 9mm Glock pistol and a .22 caliber Ruger semi-automatic pistol.” The article states that he used a 50 round magazine and injured 25 students.

Mass Shootings in 1999

- The *New York Times*: “3 are Killed and 5 Hurt in Shootout in Utah City,” April 16, 1999
- Date: April 15, 1999
- Shooters: 1
- Number of Guns Used: 1
- Type of Gun Used: .22 caliber semi-automatic handgun
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: Unknown
- Time from Start to End: 1-2 hours
- How Gun Was Acquired: Unknown
- Number Killed: 2
- Number Wounded: 5
- Notes: Numerous other sources list the wounded as 4 and not 5. According to The South Florida Sun-Sentinel: “Gun Sale Issues Raised After Salt Lake City Shooting,” the shooter likely purchased the gun, a .22 caliber Ruger and had previously had a gun confiscated due to a misdemeanor gun offense.
- *CNN* Special: Using a copy of the Jefferson County Website with Details about the Columbine Massacre.
(http://www.cnn.com/SPECIALS/2000/columbine.cd/Pages/EQUIPMENT_TEXT.htm)

- Date: April 20, 1999
- Shooters: 2
- Number of Guns Used: 4
- Types of Guns Used: Intratec TEC-DC-9 9-mm semi-automatic handgun, Hi-Point 995 9mm carbine rifle, Savage-Springfield 67H 12 gauge pump action shot gun, Stevens 311D double barreled shot gun.
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: 188
- Did Offenders Reload: Yes
- Time from Start to End: 49 minutes
- How Guns were Acquired: From Friends
- Number Killed: 13 (15 including shooters)
- Number Wounded: 21
- Notes: This is obviously one of the most reported and well known mass shootings. Details are solidified through official reports by the Jefferson County Sheriffs' Department and the FBI. Some of the above information was taken from additional published sources.

- *CNN*: "‘Mental Breakdown’ Defense Hinted in Georgia School Shooting," May 24, 1999
- Date: May 20, 1999
- Shooters: 1
- Number of Guns Used: 2
- Types of Guns Used: .22 caliber rifle, .357 magnum handgun
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: 14
- Did Offender Reload: No
- Time from Start to End: Unknown
- How Guns were Acquired: Stolen from parents
- Number Killed: 0
- Number Wounded: 6
- Notes: None
- *The New York Times*: "Shootings in Atlanta: The Overview; Gunman in Atlanta Slays 9, then Himself," July 30, 1999
- Date: July 29, 1999
- Shooters: 1
- Number of Guns Used: 2
- Types of Guns Used: 9mm semi-automatic pistol, .45 caliber handgun
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: Unknown
- Time from Start to End: 5.5 hours
- How Guns were Acquired: Unknown
- Number Killed: 9 (13 including family, but they were not shot, 14 including gunman who shot himself)
- Number Wounded: Unknown
- Notes: *CNN*: "Shooter Lost \$105,000 in Month, but Motive Still a Mystery," July 30,

1999 states that 13 were wounded. This same article claims there were a total of four guns in the car with over 200 rounds of ammunition. There was a Glock 9mm handgun, a Colt .45 handgun, a H&R .22 caliber revolver, and a Raven .24 caliber pistol. The H&R was legally purchased by the shooter in a pawn shop in 1976 and someone else purchased the Raven from another pawn shop in 1992. The Glock and Colt were used during the shootings but there is no information regarding how they were obtained.

- *Time Magazine*: "Terror In The Sanctuary," September 20, 1999
 - Date: September 15, 1999
 - Shooters: 1
 - Number of Guns Used: 2
 - Types of Guns Used: 9-mm semi-automatic handgun and a .380 caliber handgun
 - Number of Magazines: Unknown
 - Capacity of Magazines: Unknown
 - Number of Shots Fired: Unknown
 - Did Offender Reload: Yes
 - Time from Start to End: Unknown
 - How Guns were Acquired: Purchased (Unknown source)
 - Number Killed: 7 (8 including the gunman)
 - Number Wounded: 7
 - Notes: According to a Houston Press article entitled "Faith's Fusillade" from November 4, 1999, the gunman had purchased the guns seven years before the shooting in Grand Prairie. He took 10 magazines with him. They state that the 9mm gun was a Ruger and that the event lasted 10 minutes. According to the official Wedgwood Baptist Church website, the gunman fired over 100 rounds.
-
- *The New York Times*: "Man Opens Fire in Xerox Office, Killing 7," November 3, 1999.
 - Date: November 2, 1999
 - Shooters: 1
 - Number of Guns Used: 1
 - Types of Gun Used: 9mm pistol
 - Number of Magazines: Unknown
 - Capacity of Magazines: Unknown
 - Number of Shots Fired: Unknown
 - Did Offender Reload: Unknown
 - Time from Start to End: Less than 30 minutes
 - How Guns were Acquired: Legally Purchased and Registered 17 of the 18
 - Number Killed: 7
 - Number Wounded: 0
 - Notes: The shooter was a registered owner of 17 guns, but 18 were recovered from his home including 11 handguns, 5 rifles and 2 shotguns. According to The Honolulu Advertiser's article "No Closure Yet for Families Suing Uyesugi" published on November 1, 2004, the gun was a Glock. According to TruTV's Crime Library in an article entitled "Examining Workplace Homicide: The Xerox Murders," the shooter fired 10 rounds.
-
- *The New York Times*: "Gunman Kills 5 in Rampage Starting at Florida Hotel," December 31, 1999
 - Date: December 30, 1999

- Shooters: 1
- Number of Guns Used: 2
- Types of Guns Used: 9mm semi-automatic handgun, .38 caliber handgun
- Number of Magazines: Unknown but more than one
- Capacity of Magazine: Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: Yes
- Time from Start to End: Unknown
- How Guns Were Acquired: Legally purchased at a flea market and a local store
- Number Killed: 5
- Number Wounded: 3
- Notes: None

Mass Shootings in 2000

- *The Baltimore Sun* "Police Arrest Teen Suspect in National Zoo Shooting," April 26, 2000
- Date: April 24, 2000
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: 9mm (Gun was never recovered, but 9mm shells were found on the scene along with a holster)
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: According to a witness 6-8 (See video here: <http://www.c-spanvideo.org/program/156805-1>)
- Did Offender Reload: Unknown but unlikely
- Time from Start to End: Unknown
- How Gun was Acquired: Unknown (Since the shooter was a minor it was likely illegally obtained)
- Number Killed: 0
- Number Wounded: 7
 - Notes: Two groups of teens had a fight early in the day and this event was believed to be related and some form of retaliation.
- *CNN* "Two Suspects in Wendy's Shootings Arrested," May 26, 2000
- Date: May 24, 2000
- Shooters: 2
- Number of Guns Used: 1
- Types of Guns Used: Bryco-Jennings .380 caliber semi-automatic pistol
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown (Each victim was shot once in the head so likely 5)
- Did Offender Reload: Unknown but unlikely
- Time from Start to End: Less than 1.5 hours
- How Gun was Acquired: Unknown
- Number Killed: 5
- Number Wounded: 2

- Notes: This was connected to a robbery, but the shooters knew ahead of time that they would execute each of the employees.
- *The Washington Post* “Gay Shooting Said Linked to Jokes,” September 27, 2000
- Date: September 22, 2000
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: 9mm Ruger semi-automatic handgun
- Number of Magazines: 1
- Capacity of Magazines: Unknown but more than 9
- Number of Shots Fired: Unknown (Victims suffered wounds from at least 9 shots see *Roanoke Times* “Grand Jury Indicts Suspect in Bar Shootings if Convicted on All Charges, He Could Face 180-Year Sentence,” 2000
- Did Offender Reload: No
- Time from Start to End: Less than 10 minutes
- How Gun was Acquired: Unknown
- Number Killed: 1
- Number Wounded: 6
 - Notes: A Vietnam vet who suffered from post traumatic stress disorder who was unable to get medication hated that his last name was “Gay” and that people teased him for that.
- *The New York Times* “A Deadly Turn to a Normal Work Day,” December 28, 2000, *Boston Herald* “Wakefield Massacre; Accused Shooter Amassed Arsenal at His Home, Work”, December 28, 2000
- Date: December 26, 2000
- Shooters: 1
- Number of Guns Used: 3
- Types of Guns Used: AK-47 style rifle, a Winchester 12 gauge pump-action shotgun and a .32 caliber semi-automatic pistol
- Number of Magazines: 4+
- Capacity of Magazines: 30
- Number of Shots Fired: 37
- Did Offender Reload: Yes
- Time from Start to End: 5-8 minutes
- How Guns were Acquired: Unknown
- Number Killed: 7
- Number Wounded: 0
 - Notes: The shooter claimed that he heard voices and that his victims were Nazis from the past. The jury didn't believe he was mentally ill and the prosecution showed he was intelligent and executed this plan targeting specific people and it was due to owing upwards of \$5,000 in back taxes that were to be garnished from his wages.

Mass Shootings in 2001

- *ABC News* “Ex-Employee Kills 4, Self in Rampage,” February 6, 2001, *Chicago Tribune* “Navistar Gunman Got Past Cracks in Gun Law,” February 7, 2001, *Chicago Tribune* “Weapon Used at Navistar Traced to Shorewood Man,” March 1,

2001

- Date: February 5, 2001
- Shooters: 1
- Number of Guns Used: 1 (Carried 4 total)
- Types of Guns Used: SKS semi-automatic rifle, Remington shotgun, .30 caliber hunting rifle, .38 caliber revolver
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: 25-30
- Did Offender Reload: Unknown
- Time from Start to End: 8-15 minutes
- How Guns were Acquired: The Remington shotgun and .30 caliber hunting rifle were purchased legally in 1993 from a dealer. The SKS rifle was transferred illegally.
- Number Killed: 4 (5 including shooter)
- Number Wounded: 4

Notes: The shooter claimed that he heard voices and that his victims were Nazis from the past. The jury didn't believe he was mentally ill and the prosecution showed he was intelligent and executed this plan targeting specific people and it was due to owing upwards of \$5,000 in back taxes that were to be garnished from his wages.

- *ABC News* "Exclusive: Santana School Shooter," October 10, 2001
- Date: March 5, 2001
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: .22 caliber revolver
- Number of Magazines: N/A
- Capacity of Magazines: N/A
- Number of Shots Fired: ~24
- Did Offender Reload: Yes
- Time from Start to End: 6 minutes
- How Guns were Acquired: Stolen from shooter's father
- Number Killed: 2
- Number Wounded: 13

Notes: The shooter was a 15 year old freshman who claimed he was bullied and wanted to prove that he was strong enough to fend for himself. He reloaded the revolver three times and had a total of 40 bullets with him at the time.

Mass Shootings in 2002 – none

Mass Shootings in 2003

- *The New York Times* "Man Kills 5 Co-Workers at Plant and Himself," July 9, 2003, *The Clarion-Ledger* "Meridian Rampage: Investigation Winds Down," November 17, 2003
- Date: July 8, 2003
- Shooters: 1
- Number of Guns Used: 1 (Shooter had a total of 5, 3 in his car)

- Types of Guns Used: Winchester 12 gauge pump-action shotgun (did not fire but had a Mini-14 .223 semi-automatic; in the car he had a .22 Magnum derringer, a .45 caliber Ruger, and a .22 rifle)
- Number of Magazines: Unknown (He wore a bandolier to store ammunition)
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: Yes
- Time from Start to End: ~10 minutes
- How Guns were Acquired: Unknown
- Number Killed: 5 (7 including a woman who died from her wounds a week later and the shooter)
- Number Wounded: 8

Notes: This was a racially motivated work place shooting. The shooter was heavily armed but used only the pump-action shotgun during the shooting.

Mass Shootings in 2004

- *The Associated Press* "Suspect Says Hunters Shot at Him First," November 23, 2004, *Duluth News Tribune* "Timeline of Sunday's Shootings," November 23, 2004, *The Associated Press* "Murder Trial of Hmong Immigrant Accused of Killing Six Hunters Opens in U.S.," September 10, 2005
- Date: November 21, 2004
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: SKS 7.62mm semi-automatic rifle
- Number of Magazines: 1-2
- Capacity of Magazines: 10 rounds
- Number of Shots Fired: 20+
- Did Offender Reload: Yes
- Time from Start to End: Unknown (Captured four hours after the shooting)
- How Guns were Acquired: Unknown
- Number Killed: 6
- Number Wounded: 2

Notes: Some accounts claim that the shooter had a 20 round magazine. However, the AP report states that prosecutors displayed a 10 round magazine in court and claimed that he shot at least 20 rounds.

Mass Shootings in 2005

- *The New York Times* "Police Search for Answers in Wisconsin Shooting," March 13, 2005, *The New York Times* "After Shootings in Wisconsin, a Community Asks 'Why,'" March 14, 2005
- Date: March 12, 2005
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: 9mm semi-automatic handgun
- Number of Magazines: 2
- Capacity of Magazines: Unknown (Based on shots fired, they must have been 11+)
- Number of Shots Fired: 22

- Did Offender Reload: Yes
 - Time from Start to End: Less than a minute
 - How Guns were Acquired: Unknown
 - Number Killed: 7 (8 including shooter)
 - Number Wounded: 4
- Notes: None.

- *CBS News* "Red Lake Massacre Took 3 Minutes," February 11, 2009
- Date: March 12, 2005, *CNN Anderson Cooper 360 Degrees*, Aired March 22, 2005
- Shooters: 1
- Number of Guns Used: 3
- Types of Guns Used: Ruger .22 caliber semi-automatic handgun, Glock .40 caliber semi-automatic handgun, Remington 12 gauge shotgun (The brands were listed on Wikipedia but the articles only list the caliber and types)
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: 45 (13 more were used to kill his grandfather and his friend)
- Did Offender Reload: Unknown
- Time from Start to End: 9 minutes (This is for the school shooting. He killed his grandfather and his grandfather's friend that morning as well)
- How Guns were Acquired: Stolen from grandfather
- Number Killed: 7 (9 including grandfather and grandfather's friend, 10 including shooter)
- Number Wounded: 5

Notes: Another school shooting by a troubled teen. He killed his grandfather by shooting him twice in the head and ten times in the chest with the .22. He then shot and killed his grandfather's friend before going to the school.

Mass Shootings in 2006

- *Panel Report on the Shooting* (See <http://seattletimes.nwsourc.com/ABPub/2006/07/17/2003133196.pdf>)
- Date: March 25, 2006
- Shooters: 1
- Number of Guns Used: 2 (Others found in his car)
- Types of Guns Used: Winchester Defender pump-action 12 gauge shotgun, Ruger P-94 .40 caliber handgun (He had an AR-15 in his car)
- Number of Magazines: 2 bandoliers containing 15 rounds of 00 buckshot shotgun and 3 total magazines for the Ruger (Shotgun was reloaded twice with 8 rounds and the handgun was reloaded once)
- Capacity of Magazines: Unknown
- Number of Shots Fired: 9+ from the shotgun (one to kill himself) 8+ from the Ruger
- Did Offender Reload: Yes
- Time from Start to End: ~5 minutes
- How Guns were Acquired: Purchased legally
- Number Killed: 7
- Number Wounded: 2

Notes: Perhaps one of the most detailed shootings given the full report. The magazines seemed to hold less than 15 rounds given the number fired and when they

were reloaded. Most of the damage was done with the shotgun, but the shooter did use both guns on victims who didn't die. It is unknown why he didn't use the AR-15 but carried ammunition for it.

- *The Washington Post* “Pa. Killer had Prepared for 'Long Siege,’” October 4, 2006, *Fox News* “Gunman Reportedly Bent on 'Revenge' Kills Girls, Self at Amish School,” October 3, 2006, *Vancouver Sun* “Man Takes Own Life at End of Killing Spree,” October 3, 2006
- Date: October 2, 2006
- Shooters: 1
- Number of Guns Used: 2 (3 reported by some accounts)
- Types of Guns Used: 9mm semi-automatic pistol, 12 gauge shotgun (*Vancouver Sun* and Wikipedia reported 3 guns and listed them as a Springfield semi-automatic pistol, a Ruger .30-06 bolt-action rifle and a Browning 12 gauge pump action shotgun)
- Number of Magazines: Unknown (Shooter had a bag with over 600 rounds)
- Capacity of Magazines: Unknown
- Number of Shots Fired: 17-8 rounds (One coroner report lists at least 24 shots in one child which differs from the police reports)
- Did Offender Reload: Unknown
- Time from Start to End: ~1 hour
- How Guns were Acquired: 9mm purchased legally, others unknown
- Number Killed: 3 (1 died later that night, and another died later that week for a total of 5 girls; he killed himself bringing the total to 6)
- Number Wounded: 5

Notes: The shooter broke into the school, forced the boys and older women to leave and then made the remaining ten girls line up facing the chalkboard. He planned on molesting the girls, but attempted to execute them all instead.

Mass Shootings in 2007

- *The New York Times* “After a Rampage, Trying to Grasp What Led a Son to Kill,” February 20, 2007, *The Associated Press* “Agents Say Pistol had Changed Hands Many Times,” March 29, 2007, *Desert Morning News* “Gun Dealer to Plead in Trolley Square Gun Case,” November 20, 2007, *The Associated Press* “Man Pleads Guilty to Selling Handgun to Mall Shooter,” October 25, 2007
- Date: February 12, 2007
- Shooters: 1
- Number of Guns Used: 2
- Types of Guns Used: Maverick Arms Model 88 12 gauge shotgun, Smith and Wesson .38 caliber pistol
- Number of Magazines: N/A (Shooter had “backpack full of ammunition” and “bandolier of shotgun shells”)
- Capacity of Magazines: N/A
- Number of Shots Fired: Unknown
- Did Offender Reload: Unknown but unlikely
- Time from Start to End: 6 minutes
- How Guns were Acquired: Shotgun purchased legally, handgun stolen from a man's

father to trade for drugs and eventually sold to shooter(Sources differ on the shotgun's legality. The shotgun had a pistol grip and the shooter was 18 thus making it illegal. If that is the case, both guns were illegally possessed by the shooter)

- Number Killed: 5 (6 including shooter)
- Number Wounded: 4
 - Notes: The shooter went to Trolley Square and opened fire with no known motive. An off-duty police officer fired at him and stopped him from killing others until the SWAT team showed up and killed the shooter.

- *Virginia Tech Review Panel* (See <http://www.governor.virginia.gov/TempContent/techPanelReport.cfm>)
- Date: April 16, 2007
- Shooters: 1
- Number of Guns Used: 2
- Types of Guns Used: Glock 19 9mm semi-automatic pistol, Walther P22 .22 caliber pistol
- Number of Magazines: 19
- Capacity of Magazines: 10 or 15 rounds
- Number of Shots Fired: c. 174
- Did Offender Reload: Yes
- Time from Start to End: 2 hours 36 minutes
- How Guns were Acquired: The Walther P22 was purchased online and picked up at a pawn shop, the Glock 19 was purchased at a gun shop.
- Number Killed: 32 (33 including shooter)
- Number Wounded: 23 (17 by gunfire)
 - Notes: All the information here is taken from the official panel review. The panel review also states that if Cho had only used 10 round magazines, it was unlikely that the outcome would have been different.

- *CNN* "Computers May Yield Clues About Mall Shooter," December 7, 2007, *The New York Times* "Details of Omaha Shooting Emerge," December 6, 2007
- Date: December 5, 2007
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: AK-47 style semi-automatic rifle
- Number of Magazines: 2 (Some reports indicate that the magazines were taped together "jungle style")
- Capacity of Magazines: 30 rounds
- Number of Shots Fired: ~30
- Did Offender Reload: Unknown but likely (Police report that the shooter likely shot more than 30 rounds)
- Time from Start to End: ~6 minutes
- How Guns were Acquired: Stolen from father
- Number Killed: 8 (9 including shooter)
- Number Wounded: 5
- Notes: A depressed and suicidal teen randomly picked this mall and opened fire. There was no clear motive.

- 7 News “Ammo Shipped to P.O. Box Put Murray on Police Radar,” December 12, 2007
- Date: December 9, 2007, *The Denver Post* “Church Shooter Wanted to be Missionary,” December 10, 2007
- Shooters: 1
- Number of Guns Used: 2 (2 others that were not used)
- Types of Guns Used: Bushmaster XM15 rifle (used), AK-47 style rifle (unused), Beretta .40 caliber semi-automatic handgun (unused), Springfield Armory 9mm semi-automatic handgun (used)
- Number of Magazines: Unknown (He had over 1,000 rounds)
- Capacity of Magazines: Unknown
- Number of Shots Fired: ~27
- Did Offender Reload: Unknown
- Time from Start to End: 12 hours (Shootings were in two different locations about 75 miles apart. Shooter posted threats online between shootings)
- How Guns were Acquired: The Bushmaster was purchased at Sportsman's Warehouse, the AK was purchased at Robert's Firearms, the Beretta was purchased at Sportsman's Warehouse, the Springfield Armory was purchased at Dave's Guns.
- Number Killed: 4 (5 including shooter)
- Number Wounded: 5
- Notes: None.

Mass Shootings in 2008

- *St. Louis Dispatch* “Thornton Used Stolen Gun in Kirkwood Killings,” February 28, 2008, *The Los Angeles Times* “Killer of Five Left Note: 'Truth will win' The Gunman had a Long-Running Feud with City Officials,” February 9, 2008
- Date: February 7, 2008
- Shooters: 1
- Number of Guns Used: 2
- Types of Guns Used: .44 caliber revolver (article claims gun's make and model cannot be identified), Smith and Wesson .40 caliber semi-automatic pistol
- Number of Magazines: 1 (Based on the fact that shooter stole the gun from police officer)
- Capacity of Magazines: Unknown (15 would be likely)
- Number of Shots Fired: 15+
- Did Offender Reload: Unknown but unlikely
- Time from Start to End:
- How Guns were Acquired: .44 caliber revolver was stolen over ten years before the shooting (shooter may not have known it was stolen), the .40 caliber handgun was stolen from a police officer the shooter shot
- Number Killed: 6 (7 including shooter)
- Number Wounded: 1
 - Notes: The shooter used all six rounds in his gun, shooting a police officer and taking his gun. It is unknown exactly how many shots he fired from it, but he shot at least 15 total.
- *U.S. Fire Administration/Technical Report Series* (See here

http://www.usfa.fema.gov/downloads/pdf/publications/tr_167.pdf) *Report of the February 14, 2008 Shootings at Northern Illinois University* (See <http://www.niu.edu/feb14report/Feb14report.pdf>)

- Date: February 14, 2008
- Shooters: 1
- Number of Guns Used: 2-4 (Reports indicate that he had 4 but may have only used two; the Remington and the Glock)
- Types of Guns Used: Sig Sauer P232 9mm semi-automatic pistol, HiPoint CF380 .380 caliber semi-automatic pistol, Glock 19 9mm pistol, Remington Sportsman 48 12 gauge shotgun
- Number of Magazines: Unknown (Shooter had at least 6 magazines)
- Capacity of Magazines: Unknown (Shooter had 2 15 round magazines and 2 33 round magazines for the Glock)
- Number of Shots Fired: 56 (6 rounds from the shotgun, 50 rounds from the Glock)
- Did Offender Reload: Yes
- Time from Start to End: 5 minutes
- How Guns were Acquired: Legally purchased from gun store
- Number Killed: 5 (6 including shooter)
- Number Wounded: 21
- Notes
 - Both reports indicate that he fired with the Glock and Remington. Two fully loaded .380 magazines were found on the floor. The shooter was diagnosed with schizophrenia, depression, anxiety and had delusions. It is somewhat unclear what the motive for the killings was.

- *The Los Angeles Times* "Rampage Suspect Called Mentally Ill, the Mother of a Man Held in the Deaths of 6 in Washington Says he had Lived in the Woods," September 4, 2008, *The Seattle Times* "State Moves Killer Isaac Zamora from Mental Hospital to Prison, December 5, 2012, *The Associated Press* "Stolen Guns Used in Fatal Wash. Shooting Rampage," September 11, 2008
- Date: September 2, 2008
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: rifle, handgun
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: Unknown
- Time from Start to End: Unknown
- How Guns were Acquired: Stolen from neighbor
- Number Killed: 6
- Number Wounded: 4
 - Notes: Mentally ill individual broke into neighbors home, stole the two unidentified guns and went on a killing spree.

- *The Associated Press* "Santa Gunman Had Lost Job, Wife Before Gory Attack," December 27, 2008
- Date: December 24, 2008
- Shooters: 1

- Number of Guns Used: 4
- Types of Guns Used: semi-automatic handguns
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown (One news account stated that all four guns were emptied)
- Did Offender Reload: Unknown but unlikely
- Time from Start to End: Unknown
- How Guns were Acquired: Purchased (Unknown if legal or not)
- Number Killed: 9 (10 including shooter)
- Number Wounded: 2
 - Notes: There aren't any news reports indicating the brand or model of the guns or the size of the magazines.

Mass Shootings in 2009

Mobile Press-Register, "Gunman Kills 9, Himself in South Alabama Spree, March 11, 2009; *Opelika-Auburn News*, "DA Says Ala. Shooter had Revenge List," March 11, 2009

Location: Samson, Geneva County, AL

Date: March 10, 2009

Number of Guns Used: 4

Types of Guns Used: Bushmaster AR-15, SKS rifle, shotgun, and .38 caliber pistol

Number of Magazines: Unknown

Capacity of Magazines: Unknown

Number of shots fired: "More than 200"

Did Offender Reload: Unknown

Time from Start to End: "About an hour"

How Guns Were Acquired: Unknown

Number Killed: 10

Number Wounded: 0

Notes: The killings occurred in four different locations, so this is more properly regarded as a series of spree killings than a single mass shooting. The shooter killed 5 people at one location, and one each at 5 other locations.

Fayetteville Observer, "Carthage Killings: A Key Eyewitness Speaks," March 31, 2009.

Carthage, NC

Date: March 29, 2009

Shooters: 1

Number of Guns Used: 2+

Types of Guns Used: Shotgun, at least one other gun

- Number Magazines: Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: Unknown
- Time from Start to End: 15 minutes?
- How Guns were Acquired: Unknown
- Number Killed: 8
- Number Wounded: 3

Santa Clara, CA.
Date: March 29, 2009
Number of Guns Used: 2
Types of Guns Used: .45 caliber semiautomatic pistols
Number of Magazines: Unknown
Capacity of Magazines: Unknown
Did Offender Reload: Unknown
Time From Start to End: Unknown
How Guns Were Acquired: Legally purchased
Number Killed: 5
Number Wounded: 2

- *The New York Times* “Shooting in Binghamton, N.Y.,” April 3, 2009, *Bloomberg* “Binghamton Killer Fired 99 Shots from Two Handguns, Police Say,” April 8, 2009
- Date: April 3, 2009
- Shooters: 1
- Number of Guns Used: 2
- Types of Guns Used: Beretta .45 caliber semi-automatic pistol, Beretta 9mm semi-automatic pistol
- Number of Magazines: 3+
- Capacity of Magazines: 30
- Number of Shots Fired: 99
- Did Offender Reload: Yes
- Time from Start to End: Minutes (It took police hours to secure the building)
- How Guns were Acquired: Legally purchased (Shooter had a license for the two guns)
- Number Killed: 13 (14 including shooter)
- Number Wounded: 4
 - Notes: A somewhat deranged individual who believed police were secretly harassing him entered the immigration office and started shooting. The motive is unclear due to his mental condition and rambling letter. The number of magazines isn't exact, but at least two 30 round magazines were discovered for the 9mm and only 11 shots were fired from the .45.

- *ABC News* “Alleged Fort Hood Shooter Nidal Malik Hasan was 'Calm,' Methodical During Massacre,” November 6, 2009, *The Dallas Morning News* “Investigators Detail Ammo Found at Fort Hood Shooting Scene,” October 21, 2010 (Updated November 26, 2010)
- Date: November 5, 2009
- Shooters: 1
- Number of Guns Used: 1
- Type of Gun Used: FN Herstal 5.7 tactical pistol (Smith and Wesson .357 magnum was found but not used in the shooting)
- Number of Magazines: 15 (6 loaded with 177 rounds, 6 empty with 146 spent casings, 3 empty with 68 casings)

- Capacity of Magazines: 20-30
- Number of Shots Fired: 214
- Did Offender Reload: Yes
- Time from Start to End: Minutes (It took police hours to secure the building)
- How Guns were Acquired: Legally purchased
- Number Killed: 13
- Number Wounded: 38
 - Notes: The widely covered Fort Hood shooting.

Mass Shootings in 2010

The Lynchburg News & Advance, “Law Officers Maintained Dark Vigil to Wait Out Appomattox Shooting Suspect.”

Date: January 19, 2010

Shooters: 1

Number of Guns Used: Unknown

Types of Guns Used: “High-powered rifle”

Number of Magazines: Unknown

Capacity of Magazines: Unknown

Number of Shots Fired: Unknown

Time from Start to End: Unknown

How Guns Were Acquired: Unknown

Number Killed: 8

Number Wounded: 0

Washington Times: Three are Arrested in Drive-by Shooting,” April 1, 2010

Date: March 30, 2010

Shooters: 3

Number of Guns Used: 3

Types of Guns Used: AK-47 “assault rifle,” 9 mm semiautomatic pistol, .45 caliber semiautomatic pistol

Number of Magazines: Unknown

Capacity of Magazines: Unknown

Number of Shots Fired: Unknown

Time from Start to End: Unknown

How Guns Were Acquired: Unknown

Number Killed: 4

Number Wounded: 5

- *The Associated Press* “Police Report: No Racism Before Conn. Shootings,” May 12, 2011, *The Hartford Courant* “Shooter had a Plan, Police: Mass Murderer hinted at His Intentions to Kill Co-Workers,” May 13, 2011, *The Associated Press* “Cops: Conn. Gunman May Have Targeted Some Victims,” August 4, 2010
- Date: August 3, 2010
- Shooters: 1
- Number of Guns Used: 2 (Shooter also had an unused shotgun in his car)
- Type of Gun Used: 2x Ruger 9mm semi-automatic handguns
- Number of Magazines: 3-4 (Uncle stated that he saw 4 17 round magazines the night

- before the shooting but some reports say there was only 1 extra magazine)
- Capacity of Magazines: 17 rounds
 - Number of Shots Fired: 19
 - Did Offender Reload: Unknown (Reports seem to indicate that he only used one of the guns. If so, he reloaded)
 - Time from Start to End: 3 minutes
 - How Guns were Acquired: Legally registered
 - Number Killed: 8 (9 including shooter)
 - Number Wounded: 2
 - Notes: Eyewitness accounts state that he used one gun while carrying his lunchbox which held the other gun, magazines and extra ammo.

The Buffalo News "Two more sought in shootings," August 20, 2010

Buffalo, NY

Date: August 14, 2010

Shooters: 1

Number of Guns used: Unknown

Type of Guns Used: Unknown

Number of magazines: Unknown

Capacity of Magazines: Unknown

Number of Shots Fired: Unknown

Did Offender Reload? Unknown

Time from Start to End: Unknown

How Guns Were Acquired: Unknown

Number Killed: 4

Number Wounded: 4

Miami Herald "Massacre in Hialeah Captured by Cameras," June 9, 2010.

- Date: June 6, 2010
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: .45 caliber semi-automatic handgun
- Number of Magazines: Unknown
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: Unknown
- Time from Start to End: Unknown
- How Guns were Acquired: Unknown
- Number Killed: 4
- Number Wounded: 3

Mass Shootings in 2011

- *NBC News* "Tucson Shooting with High-Capacity Magazines Reignites Gun Debate," January 9, 2011, *Reuters* "TIMELINE: Tucson Shooting Rampage as it Unfolded," January 14, 2011
- Date: January 8, 2011
- Shooters: 1
- Number of Guns Used: 1

- Types of Guns Used: Glock 19 9mm semi-automatic handgun
- Number of Magazines: 4
- Capacity of Magazines: 2x 33, 2x 15
- Number of Shots Fired: Unknown
- Did Offender Reload: Not successfully. Witness reports conflict as to exactly what happened.
- Time from Start to End: 5 minutes
- How Guns were Acquired: Legally purchased
- Number Killed: 6
- Number Wounded: 13

- *Mlive* “Felon Linked to Stolen Gun in Rodrick Dantzler's Killing Spree Pleads to Firearms Charge,” June 11, 2013, *The Grand Rapids Press* “Wife's Intent to Leave May have Set Off Killer, Police Say Gun was Stolen from a Kent County Home, but Motivation Remains Elusive,” July 10, 2011, *Wood TV Channel 8* “Man to Plead to Selling Dantzler a Gun,” June 27, 2013
- Date: July 7, 2011
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: Glock 9mm semi-automatic handgun
- Number of Magazines: 2+
- Capacity of Magazines: 1x 12 round (One report indicates that police had reason to believe he had an “extended” magazine)
- Number of Shots Fired: Unknown
- Did Offender Reload: Yes
- Time from Start to End: 8 hours (4 hour standoff with police and hostages before committing suicide)
- How Guns were Acquired: Stolen
- Number Killed: 7 (8 including shooter)
- Number Wounded: 2
 - Notes: No clear motive and not much evidence regarding the magazines or their capacity.

- *CNN* “Gunman Kills 3, Wounds Other at Nevada IHOP,” September 7, 2011
- September 6, 2011, *RGJ* “IHOP Shooting One Year Later: 85 Seconds that Changed Carson City,” September 12, 2012
- Date: September 6, 2011
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: Norinco MAK 90 (Illegally modified to be fully automatic)
- Number of Magazines: 3
- Capacity of Magazines: 2x 30, 1x Unknown (likely 30)
- Number of Shots Fired: 60+
- Did Offender Reload: Yes
- Time from Start to End: 1 minute 25 seconds
- How Guns were Acquired: Unknown
- Number Killed: 4 (5 including shooter)

- Number Wounded: 14
 - Notes: Shooter had been diagnosed with paranoid schizophrenia at age 18 and had used medication. The toxicology reports show no medication in his system.
- *The Los Angeles Times* “Prosecutors Seek Death Penalty in Salon Shooting Case,” October 15, 2011, *The Press Telegram* “DA to Seek Death Penalty for Alleged Seal Beach Shooter,” October 14, 2011
- Date: October 14, 2011
- Shooters: 1
- Number of Guns Used: 2-3
- Types of Guns Used: Springfield 9mm semi-automatic handgun, Heckler and Koch .45 caliber handgun, Smith and Wesson .44 Magnum
- Number of Magazines: 5+ (Reports say he had “extra magazines”)
- Capacity of Magazines: Unknown
- Number of Shots Fired: Unknown
- Did Offender Reload: Yes
- Time from Start to End: 2 minutes
- How Guns were Acquired: Legally purchased and registered
- Number Killed: 8
- Number Wounded: 1
 - Notes: Upset over a custody battle, the father executed his ex-wife and several employees at a salon. It is unclear how many magazines he had at the time or their capacities. It is also unclear how many shots were fired.

Mass Shootings in 2012

- *Reuters* “Accused Gunman in Oakland Shooting Unfit for Trial: Judge,” January 7, 2013, *The San Jose Mercury News* “California’s Tough Gun Laws Could Not Prevent East Oakland Tragedy,” April 5, 2012
- Date: April 2, 2012
- Shooters: 1
- Number of Guns Used: 1
- Types of Guns Used: Unknown .45 caliber handgun
- Number of Magazines: 4
- Capacity of Magazines: Unknown (News sources described them as “fully loaded”)
- Number of Shots Fired: Unknown
- Did Offender Reload: Yes
- Time from Start to End: Minutes (Shooter was apprehended 2 hours later)
- How Guns were Acquired: Legally purchased (Police are still confirming the gun they found that has a matching serial number to the one purchased by the shooter was used in the murders)
- Numbers Killed: 7
- Number Wounded: 3
 - Notes: The *San Jose Mercury News* states that the magazines were 8 round magazines. California law prohibits magazines larger than 10 rounds. The shooter has been diagnosed as paranoid schizophrenic and is currently unfit to stand trial.
- *The Denver Post* “12 Shot Dead, 58 Wounded in Aurora Movie Theater During

Batman Premier,” July 21, 2012, *ABC Channel 7 News* “Aurora, Colo Theater Shooting Timeline, Facts,” July 26, 2012

- Date: July 20, 2012
- Shooters: 1
- Number of Guns Used: 3
- Types of Guns Used: Remington tactical shotgun, Smith and Wesson M&P semi-automatic rifle, Glock .40 caliber semi-automatic handgun
- Number of Magazines: Unknown
- Capacity of Magazines: 1x 100 round magazine, which jammed. others unclear
- Number of Shots Fired: Unknown
- Did Offender Reload: Yes
- Time from Start to End: ~6 minutes
- How Guns were Acquired: Purchased legally
- Numbers Killed: 12
- Number Wounded: 58
 - Notes: Some information has not been released or determined yet. While the shooter had purchased 6,295 rounds (2,600 for the Glocks, 375 for the Remington, and 3,370 for the Smith and Wesson) it is unknown how many were with the shooter at the time, how many magazines were with him, and how many shots were fired.

- *The Los Angeles Times* “Sikh Temple Shooting: Gun Shop Owner Says Wade Page Seemed Normal,” August 8, 2012
- Date: August 5, 2012
- Shooters: 1
- Number of Guns Used: 1
- Type of Gun Used: Springfield Armory XDM 9mm semi-automatic handgun
- Number of Magazines: 3
- Capacity of Magazines: 19
- Number of Shots Fired: 19+
- Did Offender Reload: Yes
- Time from Start to End: Unknown
- How Guns were Acquired: Purchased legally
- Numbers Killed: 6 (7 including shooter)
- Number Wounded: 3
 - Notes: The final FBI report has not been released yet. Several news outlets describe “several empty clips” but there is no evidence suggesting how many, how large or how many rounds were fired.

Associated Press, Minnesota state wire 9-29-12

Date: 9-27-12

Shooters: 1

Number of Guns Used: 1

Types of Guns Used: Glock 9 mm semiautomatic pistol

Number of Magazines: Unknown

Capacity of Magazines: Unknown

Number of shots fired: At least 46

Did Offender Reload: Yes

Time from Start to End:

How gun was acquired: Legally purchased at gun store a year earlier

Number killed: 6

Number wounded: 2

- *The New York Times* “Children were All Shot Multiple Times with a Semiautomatic, Officials Say,” December 15, 2012, *CNN* “Newton Shooting Details Revealed in Newly Released Documents,” March 29, 2013
- Date: December 14, 2012
- Shooters: 1
- Number of Guns Used: 3
- Types of Guns Used: Bushmaster .223 caliber semi-automatic rifle, 10mm Glock semi-automatic handgun, Sig Sauer 9mm handgun
- Number of Magazines: 12+
- Capacity of Magazines: 10x 30 round, Unknown
- Number of Shots Fired: 154+
- Did Offender Reload: Yes
- Time from Start to End: ~5 Minutes
- How Guns were Acquired: Stolen from mother
- Numbers Killed: 26 (27 including shooter's mother, 28 including shooter)
- Number Wounded: 2
 - Notes: The investigation from this shooting has not been completed yet. However, the above information is accurate given what has been released. The shooter seemed to have used mostly the Bushmaster and 154 casings for it were found. That is the minimum number of shots fired. (Considering he shot himself with the Glock, 155 would be the minimum) Of the 30 round magazines, 3 were found completely full, three were completely empty, and the others had 10, 11 or 13 rounds left in them.

Mass Shootings in 2013 (January 1 through July 31)

- *The Los Angeles Times* “Santa Monica Shooting Suspect, Possible Motive Identified, Officials Say,” June 8, 2013, *U.S. News* “Five Dead, Including Gunman, in Shooting Rampage Near Los Angeles,” June 8, 2013; Wikipedia entry for John Zaahri, the shooter.
- Date: June 7, 2013
- Shooters: 1
- Number of Guns Used: 1-2 (possessed at least 3)
- Types of Guns Used: AR-15 style rifle, Remington revolver, other handgun(s)
- Number of Magazines: 2+ (Shooter had 1,300 rounds of ammunition)
- Capacity of Magazines: Unknown
- Number of Shots Fired: 70+
- Did Offender Reload: Unknown
- Time from Start to End: ~20 minutes
- How Guns were Acquired: Unknown
- Numbers Killed: 5 (6 including shooter)
- Number Wounded: 4
 - Notes: Young male murdered his father and brother, set their home on fire, then hijacked a car to a local community college. Along the way he fired randomly

out the window and continued shooting on campus. He was eventually killed by police. The motive had something to do with a family dispute. Since this event was so recent, there isn't anything listed about the other gun (although Wikipedia lists a Remington .44 revolver with an expired link), or the magazines. Shooting occurred in 3 different locations, so it arguably does not qualify as having more than 6 victims in a single incident.

EXHIBIT 13

Listed in FBI SHR	City	State	Date	Year	Handgun	Assault Weapon	Other	Unknown	HCM	AW or HCM	Killed	Injured
	Washington	DC	9/16/2013	2013	1		1		N		12	5
	Crab Orchard	TN	9/11/2013	2013	1				U		4	0
	Oklahoma City	OK	8/14/2013	2013	1				U		4	0
	Dallas	TX	8/7/2013	2013	1				U		4	4
	Clarksburg	WV	7/26/2013	2013	1				U		4	0
	Hialeah	FL	6/26/2013	2013	1				U		6	0
	Santa Monica	CA	6/7/2013	2013	1	1	3		Y	Y	5	4
	Fernley	NV	5/13/2013	2013	1				U		5	0
	Waynesville	IN	5/11/2013	2013			1		U		4	0
	Ottawa	KS	4/28/2013	2013				1	U		4	0
	Manchester	IL	4/24/2013	2013			3		U		5	1
	Federal Way	WA	4/21/2013	2013	1		1		U		4	0
	Akron	OH	4/18/2013	2013				1	U		4	0
	Herkimer	NY	4/13/2013	2013			1		N		4	2
	Albuquerque	NM	1/19/2013	2013		1	3		U	Y	5	0
	Tulsa	OK	1/7/2013	2013	1				U		4	0
	Newtown	CT	#####	2012	2	1	1		Y	Y	27	2
	Tule River Reservation	CA	12/8/2012	2012	1				U		4	2
	Detroit	MI	12/4/2012	2012				1	U		4	0
	Northridge	CA	12/2/2012	2012					U		4	0
	New Town	ND	#####	2012			1		N		4	1
	Minneapolis	MN	9/27/2012	2012	1				U		6	2
	Oak Creek	WI	8/5/2012	2012	1				Y	Y	6	3
	Aurora	CO	7/20/2012	2012	2	1	1		Y	Y	12	58
	Newton Falls	OH	7/6/2012	2012				1	U		4	0
	Tempe	AZ	6/2/2012	2012	2				U		4	0
	Seattle	WA	5/20/2012	2012	1				U		5	0
	Leivasy	WV	5/19/2012	2012				1	U		4	0
N	Port St. John	FL	5/15/2012	2012					N		4	0

EXHIBIT 14



Bureau of Justice Statistics

Special Report

September 2010, NCJ 227379

National Crime Victimization Survey

Victimization During Household Burglary

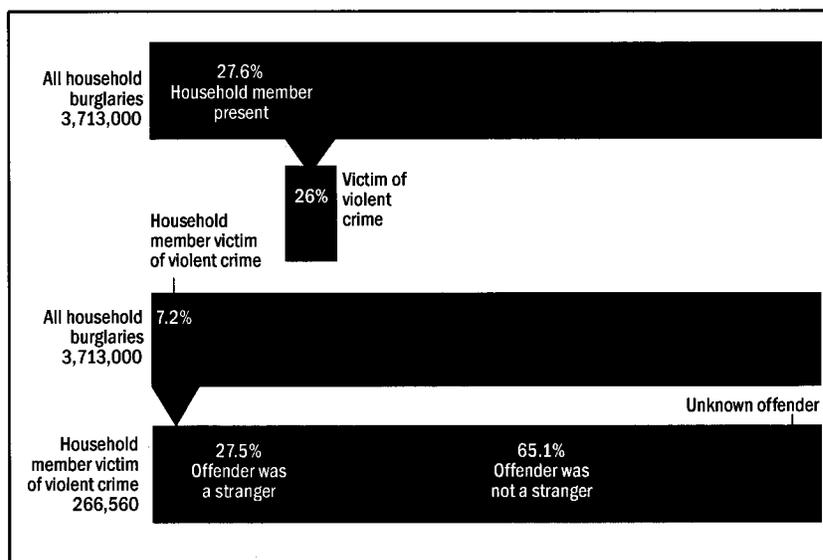
Shannan Catalano, Ph.D.,
BJS Statistician

An estimated 3.7 million household burglaries occurred each year on average from 2003 to 2007. In about 28% of these burglaries, a household member was present during the burglary. In 7% of all household burglaries, a household member experienced some form of violent victimization (figure 1).

These estimates of burglary are based on a revised definition of burglary from the standard classification in the National Crime Victimization Survey (NCVS). Historically, burglary is classified as a property crime except when someone is home during the burglary and a household member is attacked or threatened. When someone is home during a burglary and experiences violence, NCVS classification rules categorize the victimization as a personal (rape/sexual assault, robbery, and aggravated and simple assault) rather than a property crime (household burglary, theft, and motor vehicle theft). In this report, the definition of household burglary includes burglaries in which a household member was a victim of a violent crime (see *Methodology*).

Figure 1.

Number and percent distribution of household burglaries, 2003–2007



Highlights

- An estimated 3.7 million burglaries occurred each year on average from 2003 to 2007.
- A household member was present in roughly 1 million burglaries and became victims of violent crimes in 266,560 burglaries.
- Simple assault (15%) was the most common form of violence when a resident was home and violence occurred. Robbery (7%) and rape (3%) were less likely to occur when a household member was present and violence occurred.
- Offenders were known to their victims in 65% of violent burglaries; offenders were strangers in 28%.
- Overall, 61% of offenders were unarmed when violence occurred during a burglary while a resident was present. About 12% of all households violently burglarized while someone was home faced an offender armed with a firearm.
- Households residing in single family units and higher density structures of 10 or more units were least likely to be burglarized (8 per 1,000 households) while a household member was present.
- Serious injury accounted for 9% and minor injury accounted for 36% of injuries sustained by household members who were home and experienced violence during a completed burglary.

“Home invasion” has been used widely to describe an array of victimizations

“Home invasion” has been used broadly to describe any crime committed by an individual unlawfully entering a residence while someone is home. More narrowly, home invasion has been used to describe a situation where an offender forcibly enters an occupied residence with the specific intent of robbing or violently harming those inside.

The limited numbers of states incorporating the term “home invasion” into their state statutes include the intent on the part of the offender in their definition. In part, these statutes have defined intent as—

- A person enters or remains unlawfully in a dwelling with the intent of committing a violent crime;
- A person knowingly enters the dwelling place of another with the knowledge or expectation that someone (one or more persons) is present;
- The unauthorized entering of any inhabited dwelling or other structure belonging to another with the intent to use force or violence upon the person of another.

Public perception and media reports of home invasion do not necessarily include intent

Public perception and media reports of home invasion do not necessarily include intent on the part of the offender. Situations reported by the media as home invasion include—

- An offender forcibly enters a home to rob the household of specific items, including cash, drugs, or other items— *specific households or residents may become a target either to “settle a score” or because residents are perceived as vulnerable, such as persons with disabilities and the elderly.*
- An offender enters a residence falsely believing no one is home and a confrontation occurs between the resident and the offender.

- A household member returns home while a burglary is in progress and a confrontation occurs between the household member and the offender.

National Crime Victimization Survey (NCVS) estimates of nonfatal crimes and the consequences to victims do not include offender motivation

The NCVS provides estimates of nonfatal violent and property crime and the consequences to victims. If a victim suffers violence during a burglary, NCVS classification rules categorize the victimization as a personal rather than a property crime. Some of these burglaries measured by the survey may fall under the broad definition of home invasion.

Between 2003 and 2007—

- A household member was home in 28% of the 3.7 million average annual burglaries that occurred between 2003 and 2007 (table 1).
- In nonviolent burglaries, household members knew the offender in 30% of the burglaries taking place while someone was home; the offender was a stranger in 24%. The identity of the offender was unknown in 46% of burglaries.
- On average, household members became victims of violent crimes in about 266,560 burglaries annually. Offenders known to their victims accounted for 65% of these burglaries; strangers accounted for 28%.

Because the NCVS does not determine offender motivation for entering an occupied household, the survey cannot address the more stringent application of the term “home invasion” that includes offender intent. Additionally, the NCVS does not distinguish between a household member who is present when the offender gains entry and one who arrived home unexpectedly while the burglary was in progress.

Table 1.

Household burglaries, by type, 2003–2007

Type of burglary	Average annual number of burglaries	Percent of burglaries	
		Household member present	Household member experienced violence
Household burglary	3,713,000	27.6 %	7.2 %
Completed	3,083,750	26.7 %	8.0 %
Forcible entry	1,134,230	15.5	4.9
Unlawful entry	1,949,520	33.3	9.7
Attempted forcible entry	629,250	32.0 %	3.4 %

Note: Percent present is calculated as the number of households in which someone was home during a burglary (N=1,025,520) divided by the number of household burglaries (N=3,713,000). Percent experiencing violence is calculated as the number of households experiencing violence (N=266,560) divided by the number of household burglaries (N=3,713,000).

Findings include household characteristics of burglaries of both occupied and unoccupied residences

The findings on household burglary in this report are presented in three parts. *Household characteristics* of burglaries of both occupied (household member present) and unoccupied (household member not present) residences are examined in Tables 1 through 4. *Burglary characteristics of occupied households*, such as method of entry and type of damage, are examined in Tables 5 through 14. *Characteristics of violence* during household burglaries that took place while someone was home are examined in Tables 15 through 20.

Violence during household burglaries remained stable from 2000 to 2007

Between 2000 and 2007 the rate of household burglary of unoccupied households declined from 25.8 to 21.2 victimizations per 1,000 households (figure 2). In contrast, the rate of household burglary when someone was home remained stable between 2000 (8.5 per 1,000 households) and 2007 (8.3 per 1,000 households). The percentage of these burglaries that included violence remained stable between 2000 (6.3%) and 2005 (5.7%). Between 2005 and 2007, however, there is some indication of an increase in the percentage of violent burglaries from 5.7% to 7.7%.

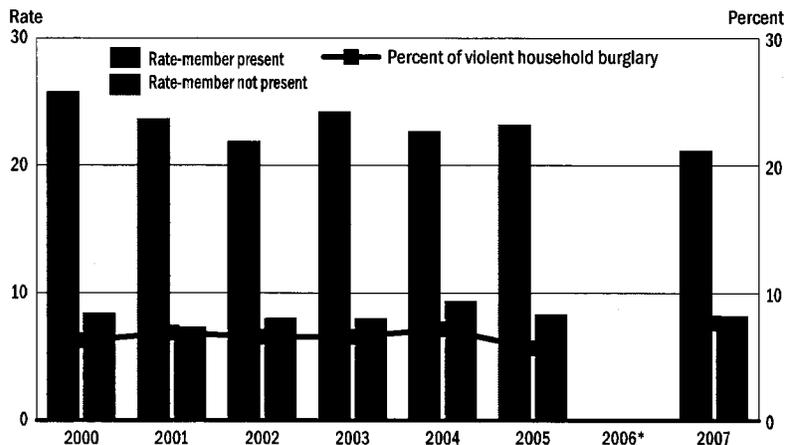
Households composed of single females with children had the highest rates of burglary while someone was present

Households composed of married couples without children experienced the lowest rates of both types of burglary—when no one was home (14 per 1,000 households) and while a household member was present (4 per 1,000 households) (table 2). Households composed of single males were more likely than those composed of single females to experience a burglary while no one was home. However, households composed of single males and single females were equally likely to experience a burglary while the residence was occupied.

Single heads of households—male (59 per 1,000 households) and female (54 per 1,000 households)—living with children experienced the highest rates of burglary while no household member was present. Households composed of single females with children had the highest rate of burglary while someone was home (22 per 1,000 households). There was no consistent pattern in the risk of being present during a

Figure 2.

Household burglary, 2000-2007



*See *Criminal Victimization, 2006—Technical Notes*, BJS Web, 12 December 2007.

Table 2.

Average annual household burglary, by household composition and head of household characteristics, 2003-2007

Characteristics	Average annual number of households	Rate per 1,000 households	
		Household member not present	Household member present
Household composition			
Households without children	58,104,000	17.3	5.8
Married couples	26,018,350	13.5	3.7
Single male	14,219,630	24.6	6.9
Single female	17,866,020	17.1	8.0
Households with children	29,405,670	28.2	10.5
Two-parent	22,395,420	19.9	7.2
Single male	1,041,190	58.7	13.7
Single female	5,969,060	54.1	22.3
Other ^a	29,365,170	29.0	12.9
Race of head of household^b			
White	116,874,850	23.0	8.8
Black	96,089,150	21.6	8.5
American Indian/Alaska Native	14,556,460	32.5	10.3
American Indian/Alaska Native	671,650	57.0	19.6
Asian Pacific Islander	4,546,100	12.6	5.2
More than one race	1,011,500	45.4	18.1
Hispanic/Latino origin head of household			
Hispanic or Latino	116,248,780	23.0	8.8
Hispanic or Latino	12,335,710	26.4	11.9
Non-Hispanic or Latino	103,913,070	22.6	8.4
Age of head of household			
12-19	116,874,850	23.0	8.8
12-19	1,085,100	58.8	26.9
20-34	26,609,020	30.2	11.2
35-49	36,445,680	32.4	12.9
50-64	29,341,680	19.9	7.0
65 or older	23,393,370	12.2	4.8

^aIncludes a combination of children, adult relatives, and other adults not related to household members living together. The NCVS is unable to disentangle these more complex household structures involving common law marriages, domestic partnerships, and alternative familial living arrangements.

^bHead of household is a classification defining one and only one person residing in each housing unit as the head. It implies that the person is either the homeowner (or in the process of buying the unit) or the person responsible for renting the unit. The head of household must be age 18 or older with two exceptions: all household members are under age 18 or the head of household is under age 18 and married to someone age 18 or older.

burglary between households composed of single males with children and other household compositions.

Residences with an American Indian or Alaska Native head of household experienced higher rates of burglary

Households having an American Indian or Alaska Native head of household (57 per 1,000 households) experienced higher rates of burglary when no one was home than any other race.

A slightly different pattern in the likelihood of experiencing a burglary was observed for households victimized while occupied. Residences having an American Indian, Alaska Native, or a person of more than one race as the head of household were equally likely to be home during a burglary.

Households with a white head of household were somewhat less likely than those with a black head of household to experience a burglary while a household member was present. Asian and Pacific Islander head of households were the least likely to be present during a burglary.

Households with a head of household ages 12 to 19 had the highest rates of burglary; ages 65 or older had the lowest rates

Burglary rates declined for households with heads of households in older age groups. Households with a head of household age 65 or older had the lowest rates of burglary—12 per 1,000 households while no one was home and 5 per 1,000 households while the residence was occupied. Households with a head of household age 12 to 19 had the highest rates of burglary—59 per 1,000 households when no one was present and 27 per 1,000 households while the residence was occupied.

Higher income households experienced lower rates of burglary

Rates of household burglary were generally lower for higher income households than lower income households (table 3).

Across all categories, the risk of burglary was higher for households living in rental properties. Households living in rental properties experienced higher rates of burglary when no one was home and while the residence was occupied than those who owned or were in the process of buying their homes.

Table 3.

Average annual household burglary, by household income and ownership, 2003–2007

Characteristics	Average annual number of households	Rate per 1,000 households	
		Household member not present	Household member present
Household income			
Less than \$7,500	4,992,420	47.2	18.5
\$7,500 to \$14,999	8,294,260	34.3	15.9
\$15,000 to \$24,999	11,407,660	29.4	11.7
\$25,000 to \$34,999	11,074,270	23.8	10.0
\$35,000 to \$49,999	14,045,700	23.9	9.0
\$50,000 to \$74,999	15,364,730	18.6	7.0
\$75,000 or more	21,336,190	16.8	5.7
Home ownership			
Own	80,230,680	18.9	6.7
Rent	35,012,820	33.5	13.9

Table 4.

Average annual household burglary, by type of housing and number of units in the structure, 2003–2007

Housing structure	Average annual number of households	Rate per 1,000 households	
		Household member not present	Household member present
Type of housing			
House or apartment	110,403,770	22.1	8.5
Hotel, motel, or rooming house	127,160	36.5 ^	3.1 ^
Mobile home	5,656,090	32.4	11.1
Student quarters	453,450	4.3	1.3 ^
Other units ^a	234,380	3.6	2.9
Number of units^b			
1	79,766,660	22.1	7.9
2	5,638,510	31.3	13.0
3	1,602,980	26.0	15.8
4	3,462,380	28.7	13.5
5-9	5,950,620	25.1	10.4
10 or more	14,415,580	19.7	8.3
Group quarters unit	408,570	41.4	29.3

^aBased on 10 or fewer sample cases.

^aIncludes residences that are temporarily unoccupied, quarters that are not a house such as a condo or duplex, temporary living quarters, and general quarters.

^bA housing unit is a group of rooms or a single room occupied as separate living quarters or intended for occupancy as separate living quarters. To be considered separate living quarters, the occupant must live and eat separately from all other persons on the property and have direct access to their living quarters from the outside or through a common hall or lobby.

Single-unit housing and housing with 10 or more units were least likely to be burglarized while someone was home

Household members living in mobile homes (32 per 1,000 households) were more likely than those living in any other type of housing to experience a burglary while no one was home, with one exception—hotels, motels, and rooming houses. Households living in mobile homes were equally likely as those staying in a hotel, motel, or rooming house to experience a burglary while no one was present (table 4).

Households residing in houses or apartment complexes (9 per 1,000 households) were somewhat less likely than those living in mobile homes (11 per 1,000 households) to be burglarized while someone was home.

There was no consistent pattern in the risk of experiencing a burglary when no one was home by the number of units in a housing structure. However, a pattern was observed when a household member was home. Households residing in single-family units and households residing in higher density structures consisting of 10 or more units (8 per 1,000 households) generally had lower rates of household burglary while a household member was present.

Damaging or removing a door was the most common type of entry in forcible and attempted forcible entry burglaries

Removing or damaging a window screen during a forcible entry was equally likely to occur whether the residence was occupied (11%) or unoccupied (9%) (table 5). In comparison, tampering with a door handle was less likely to occur while a household member was present (20%) than when no one was home (26%).

Attempted forcible entry burglaries differed somewhat from forcible burglaries. Damaging or removing window screens were an equally likely method of an attempted entry by an offender to occupied (22%) or unoccupied (18%) residences (table 6). However, burglars were more likely to attempt to enter a household by tampering with door handles or locks when household members were not in the residence (30%) than while the residence was occupied (19%).

Table 5.

Method of entry and type of damage in completed household burglary involving forcible entry, 2003–2007

Method of entry and type of damage	Household member not present		Household member present	
	Average annual number	Percent	Average annual number	Percent
Window	462,430	48.8 %	80,670	47.0 %
Pane damaged or removed	284,340	30.0	47,360	27.6
Screen damaged or removed	83,250	8.8	19,380	11.3
Lock damaged or unlocked	71,720	7.6	9,780	5.7
Other damage*	23,120	2.4	4,150	2.4 ^
Door	696,290	73.4 %	120,800	70.4 %
Damaged or removed	412,860	43.5	76,050	44.3
Screen damaged or removed	15,800	1.7	6,970	4.1
Handle/lock removed or tampered	242,660	25.6	33,700	19.6
Other damage*	24,970	2.6	4,080	2.4 ^
Other entry*	13,060	1.4 %	4,420	2.6 %^

Note: Forcible entry is a completed burglary in which force, such as breaking a window or slashing a door screen, is used to gain entry to a residence. Percentages will not add to 100 because households may report more than one type of damage.

^Based on 10 or fewer sample cases.

*Other unspecified entry or damage.

Table 6.

Method of entry and type of damage in attempted household burglary involving forcible entry, 2003–2007

Method of entry and type of damage	Household member not present		Household member present	
	Average annual number	Percent	Average annual number	Percent
Window	187,800	44.1 %	105,550	56.1 %
Pane damaged, broken, removed, or cracked	85,920	20.2	46,650	24.8
Screen damaged or removed	75,440	17.7	40,460	21.5
Lock damaged or tampered	17,090	4.0	7,940	4.2
Other damage*	9,350	2.2	10,500	5.6
Door	316,890	74.5 %	108,080	57.5 %
Damaged or removed	159,810	37.6	56,270	29.9
Screen damaged or removed	16,450	3.9	9,570	5.1
Handle/lock removed or tampered	125,550	29.5	35,340	18.8
Other damage*	15,080	3.5	6,900	3.7
Other entry*	5,100	1.2 %^	3,340	1.8 %^

Note: Attempted forcible entry is a burglary in which force was used in an unsuccessful attempt to gain entry to a residence. Percentages will not add to 100 because households may report more than one type of damage.

^Based on 10 or fewer sample cases.

*Other unspecified entry or damage.

Table 7.**Method of entry in household burglary involving unlawful entry, by presence of household member, 2003–2007**

Method of entry	Household member not present		Household member present	
	Average annual number	Percent	Average annual number	Percent
Total	1,217,030	100.0 %	623,520	100.0 %
Someone let the offender in	19,960	1.6 %	109,810	17.6 %
Offender pushed way inside	2,750	0.2 ^	73,790	11.8
Open door or window	209,430	17.2	168,560	27.0
Unlocked door or window	481,230	39.5	174,760	28.0
Had key	95,740	7.9	22,490	3.6
Picked lock or window	49,600	4.1	14,020	2.2
Unknown means through locked door or window	64,340	5.3	10,720	1.7
By other means	260,870	21.4	38,890	6.2
Don't know	33,110	2.7	10,480	1.7

Note: Unlawful entry is a completed burglary committed by someone having no legal right to be on the premises even though no force was used to gain entry. An offender may gain access to a residence when household members are not present by being let in by an individual not living in the household, such as a visiting guest, housekeeper, or repair person. Totals may not add to 100% due to rounding.

^Based on 10 or fewer sample cases.

Offenders used an open door or window to gain unlawful entry in 17% of unoccupied residences

In 40% of unlawful entries to unoccupied residences, offenders gained access through an unlocked door or window (table 7). A smaller percentage (5%) of unlawful entries while no one was home was through a locked door or window by unknown means; 8% of offenders used a key to the residence to gain access.

For households occupied at the time of the burglary, offenders were equally likely to gain unlawful entry through an open (27%) or unlocked (28%) door or window. Respondents in 18% of burglaries of occupied residences stated that someone inside the home let the offender in; 12% stated that someone inside opened the door and the offender pushed their way in. Nearly 4% stated that the offender had a key to the residence and used the key to gain access.

Household members were at work during a quarter of burglaries that took place while no one was home

In households in which no one was home about a quarter stated that household members were at work when the burglary occurred (table 8). A similar percentage (23%) of households were away from their residences and engaged in leisure activities when the burglary took place.

Victims in 38% of households burglarized while someone was home were asleep at the time of the burglary while 44% of households stated that household members were engaged in other activities in the home when the offender gained entry to the residence.

Households burglaries that occurred when no one was home were more likely to occur between the daytime hours of 6 am and 6 pm (43%) than between the hours of 6 pm to 6 am (26%) (table 9). Conversely, a household member was more likely to be present during a nighttime burglary (61%) than during one that occurred between the daytime hours of 6 am and 6 pm (33%).

Table 8.**Victim activity during household burglaries, by presence of household member, 2003–2007**

Type of activity	Household member not present		Household member present	
	Average annual number	Percent	Average annual number	Percent
Total	2,612,060	100.0 %	1,024,230	100.0 %
Working or on duty	656,180	25.1 %	38,470	3.8 %
On the way to or from work	38,460	1.5	14,160	1.4
On the way to or from school	36,840	1.4	1,630	0.2
On the way to or from other place	53,990	2.1	9,000	0.9
Shopping/errands	176,280	6.7	16,980	1.7
Attending school	39,860	1.5	1,560	0.2
Leisure activity away from home	607,640	23.3	48,120	4.7
Sleeping	144,370	5.5	389,880	38.1
Activities at home	80,190	3.1	450,910	44.0
Other activity*	167,380	6.4	26,590	2.6
Don't know	610,870	23.4	26,920	2.6

Note: Respondents may report at home activities when someone other than a household member is in the residence at the time of the burglary. Totals may not add to 100% due to rounding.

*The other activity category is specified when it is not clear what the respondent was doing or where the respondent was at the time of the victimization. Examples include the respondent was in the hospital or taking care of a sick friend.

Table 9.**Time of occurrence of household burglaries, by presence of household member, 2003–2007**

Time of day	Household member not present		Household member present	
	Average annual number	Percent	Average annual number	Percent
Total	2,683,270	100.0 %	1,021,430	100.0 %
Daytime (6 am - 6 pm)	1,159,450	43.2 %	336,340	32.9 %
Nighttime (6 pm - 6 am)	697,940	26.0	626,150	61.3
Don't know time of day	825,880	30.8	58,940	5.8

With the exception cash, items were more likely to be stolen when residents were not home at the time of a burglary

Purses, wallets, credit cards (29%), electronics (33%), and personal items (31%) made up a larger percentage of items stolen during a burglary that occurred when no one was home compared to burglaries that took place when a household member was present (table 10). Firearms were stolen in 4% of burglaries of unoccupied households. Cash was equally likely to be stolen regardless of whether a household was occupied or unoccupied during the household burglary. Fifty-five percent of households burglarized while a resident was home, stated that no items were taken during the burglary compared to 25% of households burglarized while no one was home.

Households burglarized while no one was home were more likely to suffer greater economic losses

Households burglarized while no one was home were more likely to suffer greater economic losses than those burglarized while occupied (table 11). Thirty percent of households burglarized while no one was home had stolen items valued at more than \$1,000; 17% of burglaries with household members present experienced thefts of \$1,000 or greater. Households burglarized while a household member was present were more likely to suffer losses of less than \$250, compared to other categories.

About three-quarters of all household burglaries by forcible entry while no one was home were reported to the police

The percentages of burglaries reported to the police, forcible, unlawful, and attempted forcible entry burglaries were equally likely to be reported regardless of whether a household member was home at the time of the burglary (table 12). However, differences were observed among forcible entry, unlawful entry, and attempted forcible entry in the percentages of burglaries by household members being present and household members not being present.

For households burglarized while no one was home, forcible entry burglaries (73%) were more likely to be reported to the police than unlawful (41%) or

attempted forcible (41%) entry burglaries. More than three-quarters (78%) of households with members present during a forcible burglary reported the crime, 52% reported unlawful burglary, and 62% reported attempted forcible entry. These differences were not statistically significant.

Table 10.

Type of items taken, 2003-2007

Type of item	Household member not present		Household member present	
	Average annual number	Percent	Average annual number	Percent
No items taken	676,360	25.2 %	566,300	55.2 %
Cash	147,410	5.5	58,590	5.7
Purse, wallet, credit cards	774,610	28.8	106,700	10.4
Electronics	876,650	32.6	131,460	12.8
Jewelry, watches, keys	355,430	13.2	54,080	5.3
Personal items ^a	823,890	30.7	164,190	16.0
Household items ^b	597,890	22.2	86,340	8.4
Firearms	94,960	3.5	7,630	0.7
Food/liquor	92,460	3.4	14,330	1.4
Other items taken	178,260	6.6	31,770	3.1

Note: Totals may exceed 100% because households may report more than one item stolen.

^aIncludes stamps, coin collections, recreational equipment, clothing, luggage, bicycles or bicycle parts, and animals or livestock.

^bIncludes silver, china, tools, machinery, and farm or garden produce.

Table 11.

Economic loss in household burglaries where property was stolen, 2003-2007

Property value	Household member not present		Household member present	
	Average annual number	Percent	Average annual number	Percent
Total	2,011,130	100.0 %	459,230	100.0 %
No property loss	20,700	1.0 %	6,690	1.5 %
Less than \$10	26,520	1.3	8,720	1.9
\$10 to \$49	145,130	7.2	53,720	11.7
\$50 to \$249	496,530	24.7	140,610	30.6
\$250 to \$999	535,110	26.6	114,370	24.9
\$1,000 or more	601,860	29.9	79,570	17.3
Monetary value not known	185,280	9.2	55,540	12.1

Note: Includes cash and non-cash property. Households may report both cash and non-cash losses. Totals may not add to 100% due to rounding.

Table 12.

Household burglary reported to police, by type of entry, 2003-2007

Type of burglary	Percent of household burglaries while—	
	Member not present	Member present
All burglary	52.4 %	58.6 %
Completed burglary	54.5 %	57.8 %
Forcible entry	73.1	78.2
Unlawful entry	40.8	52.2
Attempted forcible entry	40.8 %	62.2 %

Table 13.

Reasons for not reporting household burglary to police, by presence of household member, 2003–2007

Reason	Percent of reasons for not reporting when—	
	Member not present	Member present
Not important enough to report		
Minor crime	29.5	28.6
Not clear a crime occurred	4.4	5.9
Inconvenient	5.3	4.5
Private or personal matter	7.5	17.6
Police could not help		
Could not identify offender/lack of proof	17.9	14.6
No insurance, loss less than deductible	4.3	3.1
Could not recover or identify property	8.5	4.1
Police would not help		
Police ineffectiveness	6.8	4.6
Police biased	1.5	2.6
Police would not bother	14.6	13.1
Crime was discovered too late	10.1	6.4
Reasons related to the offender		
Child offender	1.8	2.7
Protect offender	2.3	4.5
Afraid of reprisal	0.9	6.1
Offender was a police officer	0.1 [^]	--
Other reasons		
Don't know why I did not report it	1.5	1.4
Other reason given	0.1 [^]	0.3 [^]
Other reason not listed	11.5	12.1
Total not reported	1,181,990	396,170

Note: Percent may exceed 100% because households may report more than one reason for not reporting to the police.

--No cases were present for this category.

[^]Based on 10 or fewer sample cases. Totals may not add to 100% due to rounding.

For households burglarized while residents were not present, the most common reasons for not reporting the victimization to the police were that the burglary was considered a minor crime (30%), the resident could not identify the offender or the resident lacked proof (18%), the police would not bother investigating the crime (15%), or that the crime was discovered too late (10%) (table 13).

Offenders were known to their victims in a third of households burglarized when a household member was present

Offenders were known to their victims in about a third of the 1 million average annual burglaries from 2003 to 2007 that took place with a household member present (table 14). About a quarter of households with a member present during a completed rather than an attempted burglary stated that the offender was a stranger; 42% stated that the offender was unknown.

Households were less likely to know the offender in attempted forcible entry burglaries. The offender was known to household members in about 13% of households that experienced an attempted forcible entry; the relationship to the offender was unknown in 62% of these entries.

Violence during the course of a burglary may be examined by two different means

The general risk of violence may be examined as a percentage of all household burglaries of residences that were occupied (household member present) and unoccupied (household member not present) during the burglary. The specific risk of violence may be examined as a percentage of the number of burglaries with a household member present during the course of the burglary (see *Methodology*).

Table 14.

Household burglary of occupied residences, by victim-offender relationship, 2003–2007

Relationship	All burglary	Type of burglary	
		Completed ^a	Attempted forcible entry
Total	1,025,520	824,320	201,200
Offender known to the victim	29.5 %	33.5 %	13.1 %
Intimates (current or former)	10.6	11.9	5.0
Relatives/known acquaintances	18.9	21.6	8.0
Strangers	24.2	24.1	24.5
Unknown offender^b	46.3	42.4	62.4

Note: Totals may exceed 100% because estimates include multiple offenders. Percentages are calculated as the number of households victimized by each victim offender category divided by the number of households burglaries in which someone was present.

^aIncludes forcible entry and unlawful entry without force.

^bSurvey respondents may not have been able to provide information on the offender because the respondents were not the household members present during the burglary, or the respondents may not have been able to see the offender clearly because of dim lighting (darkness), concealed identity, or other reasons.

An assault occurred in 5% off all household burglaries

In 7% of all household burglaries, someone was home at the time and experienced a violent victimization (figure 1, table 15). This translates to about 266,560 household burglaries out of about 3.7 million taking place each year on average.

Simple assault (15%) was the most common form of violence during a completed burglary when a resident was home

A household member was present in roughly 1 million burglaries from 2003 to 2007. Of these households, 26% (or 266,560) experienced some form of a violent victimization during the burglary (figure 1, table 16).

The type of violence against household members present at the time of a burglary varied by burglary category. Simple assault was the most common form of violence experienced by household members present during completed (15%) and attempted (6%) burglaries. Robbery was more likely to occur when a burglary was completed rather than attempted. A robbery occurred in 7% of completed burglaries, compared to 1% of attempted forcible entries. An aggravated assault against a household member was equally likely to occur during a completed or an attempted burglary. A rape or sexual assault occurred in about 3% of households experiencing a completed burglary.

Residents present during a burglary were equally likely to be victimized by an intimate partner (current or former) as they were by a stranger

One or more household members knew the offenders in some manner in 65% of the 266,560 burglaries that took place while someone was present and experienced violence (table 17). Overall, household members knew approximately a third of these offenders as intimates (current or former) (31%), or relatives,

Table 15.

Type of violence that occurred during household burglaries, by type of burglary, 2003-2007

Type of violence	Type and percent of burglaries		
	All burglary	Completed*	Attempted forcible entry
Total	7.2 %	8.0 %	3.4 %
Rape/sexual assault	0.6 %	0.7 %	- %
Robbery	1.6 %	1.9 %	0.3 %
Assault	5.0 %	5.3 %	3.1 %
Aggravated assault	1.3	1.3	1.1
Simple assault	3.7	4.0	2.0
Average annual number of burglaries	3,713,000	3,083,750	629,250

Note: Estimates may not add to total due to rounding. Percentages are calculated as the number of households in which someone experienced a violent crime during a household burglary divided by the number of household burglaries.

--No cases were present for this category.

*Includes forcible entry and unlawful entry without force.

Table 16.

Type of violence that occurred during household burglaries when someone was home, by type of burglary, 2003-2007

Type of violence	All burglary	Type of burglary	
		Completed*	Attempted forcible entry
Total	26.0 %	29.7 %	10.6 %
Rape/sexual assault	2.2 %	2.7 %	- %
Robbery	5.8 %	7.0 %	0.9 %
Assault	18.0 %	20.0 %	9.7 %
Aggravated assault	4.6	4.9	3.4
Simple assault	13.3	15.1	6.3
Total average annual number of burglaries of occupied residences	1,025,520	824,320	201,200

Note: Percentages are calculated as the number of households that experienced a violent crime divided by the number of burglaries in which households were occupied.

--No cases were present for this category.

*Includes forcible entry and unlawful entry without force.

Table 17.

Victim-offender relationship in violent household burglary, 2003-2007

Relationship	All burglary	Type of burglary	
		Completed ^a	Attempted forcible entry
Victim knew offender	65.1 %	66.2 %	51.7 %
Intimates (current or former)	31.1	31.5	26.3
Relatives/known acquaintances	34.0	34.7	25.5
Strangers	27.5	26.5	39.7
Unknown offender^b	7.4	7.3	8.5
Total average number of burglaries where someone experienced violence	266,560	245,180	21,380

Note: Percentages are calculated as the number of households victimized by each victim offender relationship category divided by the number of violent household burglaries.

^aIncludes forcible entry and unlawful entry without force.

^bSurvey respondents may not have been able to provide information on the offender because the respondents were not the household members present during the burglary.

well-known individuals, or household acquaintances (34%). A stranger perpetrated the violence in 28% of households burglarized while someone was home and violence occurred.

Findings for completed burglaries were similar to those for all burglaries. Household members

knew offenders in some manner in two-thirds of completed burglaries involving violence. Despite the apparent differences between victim-offender relationships, when violence occurred during a completed household burglary, individuals present were equally likely to be victimized by an intimate partner (current or former) (32%) as they were by a stranger (27%).

Victims in violent burglaries were equally likely to report knowing the offender in some manner in an attempted forcible burglary as they were to report the offender as a stranger.

Thirty percent of individuals experiencing violence during a completed burglary faced an armed offender

Overall, 61% of offenders were unarmed when burglarizing a home while residents were present and violence occurred (table 18). Household members faced an offender with a firearm in about 12% of all households burglarized while someone was home and violence occurred.

Household members present during a completed burglary were less likely to face an armed offender (30%) than an unarmed offender (63%). Those present and violently victimized during an attempted forcible entry were equally likely to face an armed or an unarmed offender (38%). Offenders were armed with a firearm in 23% of burglaries in households (73,000 on average) burglarized by a stranger where violence occurred (table 19).

Table 18.

Presence of weapon in violent household burglary, by type of burglary, 2003-2007

Type of weapon	All burglary	Type of burglary	
		Completed*	Attempted forcible entry
No weapon present	60.5 %	62.6 %	37.6 %
Weapon present	30.1 %	29.5 %	37.7 %
Firearm	12.4	12.5	10.8 ^
Sharp weapon	10.6	10.1	16.3 ^
Other weapon type	7.2	6.8 ^	10.6 ^
Do not know if offender had weapon	9.3 %	8.0 %	24.7 %^
Total average number of burglaries where someone experienced violence	266,560	245,180	21,380

^Based on 10 or fewer sample cases.

*Includes forcible entry and unlawful entry without force.

Table 19.

Presence of weapons in violent household burglary committed by a stranger, by type of burglary, 2003-2007

Type of weapon	All burglary	Type of burglary	
		Completed*	Attempted forcible entry
No weapon present	40.2 %	40.2 %	40.2 %
Weapon present	45.5 %	46.6 %	37.4 %^
Firearm	23.3	25.5	6.2 ^
Sharp weapon	15.8	13.8	31.2 ^
Other weapon type	6.5 *	7.3 *	-
Do not know if offender had weapon	14.2 %	13.2 %*	22.3 %^
Total	73,360	64,860	8,500

^Based on 10 or fewer sample cases.

--No cases were present for this category.

*Includes forcible entry and unlawful entry without force.

Table 20.

Injury in violent household burglary, by type of burglary, 2003-2007

Type of injury	All burglary	Type of burglary	
		Completed*	Attempted forcible entry
Not injured	55.7 %	52.5 %	92.3 %
Injured	44.3 %	47.5 %	7.7 %
Serious injury	8.5	9.2	-
Minor injury	33.4	35.6	7.7 ^
Rape/sexual assault without other injuries	2.4 ^	2.6 ^	-
Total	266,160	244,780	21,380

--No cases were present for this category.

^Based on 10 or fewer sample cases.

*Includes forcible entry and unlawful entry without force.

Federal Bureau of Investigation, Supplementary Homicide Reports, 2003-2007

According to the FBI's Supplementary Homicide Reports, 430 burglary-related homicides occurred between 2003 and 2007 on average annually. This number translates to less than 1% of all homicides during that period.

Between 2003 and 2007, approximately 2.1 million household burglaries were reported to the FBI each year on average. Household burglaries ending in homicide made up 0.004% of all burglaries during that period.

Household members were injured in almost half of all completed burglaries involving violence

Household members were more likely to be injured during a completed burglary (48%) than an attempted forcible entry burglary (8%) when a household member was present and violence occurred (table 20). Serious injury accounted for 9% and minor injury accounted for 36% of injuries sustained by household members who were home and experienced a violent crime during a completed burglary. Most household members who were present during a violent burglary (92%) were not injured.

Methodology

Data sources

The National Crime Victimization Survey (NCVS) gathers data on crimes against persons ages 12 or older and their households, reported and not reported to the police, from a nationally representative sample of U.S. households. The survey provides information about victims (age, gender, race, Hispanic origin, marital status, income, and education level), offenders (genders, race, approximate age, and victim-offender relationship), and the nature of the crime (time and place of occurrence, use of weapons, nature of injury, and economic consequences). Between 2003 and 2007, 40,320 households were interviewed annually on average with a 91% household response rate.

Except for data on homicides, all estimates presented in this report were generated from the NCVS. For more information on NCVS *Methodology*, see the *Methodology* section of Criminal Victimization Statistical Tables on the BJS Web site. Homicide data are from the Supplementary Homicide Reports (SHR) to the

Uniform Crime Reporting Program (UCR), which are collected by the Federal Bureau of Investigation (FBI).

Definition of household burglary in the NCVS

The legal definition for “household burglary” may vary among jurisdictions. For the NCVS, household burglary is defined as the entry or attempted entry to a residence or adjacent structure when a person has no right to be there. This crime usually, but not always, involves theft.

Forcible entry is a completed burglary in which force, such as breaking a window or slashing a door screen, was used to gain entry to the residence. Unlawful entry is a completed burglary committed by someone having no legal right to be on the premises even though no force was used to gain entry. Attempted forcible entry is a burglary in which force was used in an unsuccessful attempt to gain entry.

Missing data in the National Crime Victimization Survey

As with any data collection, in the NCVS missing data vary by survey item. The impact of missing data depends on the specific survey item under examination. In *Victimization During Household Burglary*, there was no missing data associated with any of the burglary or violent crime estimates that occurred when residents were present in the household. In contrast, the variable ‘Household Income’ is consistently characterized by high levels of missing data due to reluctance on the part of survey respondents to disclose their income. In this report, 22% of income data was missing for households victimized while no one was home and 20% for households that were victimized while someone was present in the household.

Appendix Table 1.

Standard errors and confidence intervals for key estimates in victimization during household burglary.

Characteristic	Estimate	One standard error	95%-confidence interval	
			Lower	Upper
Household member present	27.6 %	1.72 %	24.23 %	30.97 %
Percent violent of all household burglary	7.2	0.94	5.37	9.03
Percent violent of occupied household burglary	26.0	2.98	20.17	31.83

Note: Standard errors were calculated using programs developed by the Census Bureau to calculate NCVS general variance parameters.

This report, *Victimization During Household Burglary*, differs from other NCVS reports in that a different coding approach was constructed to combine burglaries where a household member was present and experienced a violent crime with burglaries that took place while no one was home. Presenting the analyses in this manner allows for a comparison of the characteristics of present and non-present burglaries and the examination of the co-occurrence of a resident's presence and subsequent victimization. As a result, estimates presented in this report are not comparable to victimization estimates of burglary or personal crime contained in other NCVS reports. This approach was used previously in *Household Burglary, 1985* (NCJ 96021).

Household member is defined as a household member if the individual is using the sample address as his or her usual place of residence at the time of the interview or is staying temporarily at the sample address at the time of the interview and does not have a usual place of residence elsewhere.

Household burglary with household member not present is defined as any household burglary (as classified in this report) that is committed while a residence is not occupied by any household members.

Household burglary with a household member present is defined as any household burglary committed while one or more household members are present in the household.

Violent household burglary is defined as any household burglary committed while one or more household members are present and violence occurs between the offender and household members.

General and specific risk

The estimates of risk in this report use measures that may include multiple victimizations per household, and as such do not represent a true risk measure based on the prevalence of victimizations in the population. However, the two estimates are close.

For example, in 2005, approximately 2.5% of households experienced a household burglary victimization (<http://bjs.ojp.usdoj.gov/content/pub/pdf/cnh05.pdf>) while the current report estimates a rate of 3.2 household burglaries per 100 households (32 per 1,000 households), including ones in which violence occurred.

Standard error computations

Comparisons of percentages and rates were tested to determine if observed differences were statistically significant. Differences described as higher, lower, or different passed a test at the 0.05 level of statistical significance (95%-confidence level). Differences described as somewhat, lightly, or marginally passed a test at the 0.10 level of statistical significance (90%-confidence level). Caution is required when comparing estimates not explicitly discussed in the report. Estimates based on 10 or fewer cases have high relative standard errors. Care should be taken when comparing these estimates to other estimates, especially when both are based on 10 or fewer sample cases.

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This report in portable document format and in ASCII and its related statistical data and tables are available at the BJS World Wide Web Internet site: <<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2172>>.

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