



BRADY CENTER TO PREVENT GUN VIOLENCE LAW ENFORCEMENT RELATIONS UPDATE

Fall 2007

More Officers Killed by Firearms in 2007

The number of law enforcement officers feloniously killed by firearms has increased at an alarming rate, according to preliminary research by the National Law Enforcement Officers Memorial Fund (NLEOMF). There have been 142 officer fatalities in the U.S. through October 1st of this year, with 59 killed with a firearm. In all of 2006, 145 officers died in the line of duty, 52 with a firearm. According to the FBI Uniform Crime Reports (UCR), in 2005, 50 officers were killed with firearms, 54 in 2004, and 45 in 2003. In fact, in the first nine months of this year, the total number of officers killed in the line of duty by a firearm has exceeded the total for every year since 2001, when 61 officers were killed. The NLEOMF reported in July

that preliminary data showed the first half of 2007 was the deadliest six months for law enforcement since the 1970s.

On September 13th, Miami-Dade Police Sergeant Jose Somohano was killed with an MAK-90, a modified version of the AK-47, three years to the day after the federal assault weapons ban expired.

“...in the first nine months of this year, the total number of officers killed in the line of duty by a firearm has exceeded the total for every year since 2001...”

More officers are killed by felonious use of a firearms than from any other single cause. According to the most recent UCR, there has been a steady increase in non-fatal assaults on law enforcement with firearms as well. In 2005, there were 2,145 officers assaulted with a firearm. 161 federal agents were also accosted with firearms that year.

A chart of officers feloniously killed by firearms by year is on page 2.

Brady Center to Honor Law Enforcement

The Brady Center to Prevent Gun Violence will honor law enforcement professionals at its “Stand Up for A Safe America” galas in New York City and Los Angeles. Each year former Presidential Press Secretary James S. Brady recognizes outstanding officers who have worked to make their community safer through proactive gun violence prevention efforts, with the *James S. Brady Law Enforcement Award*. Through their leadership, interaction, and community involvement, these officers have made a significant impact on reducing violence in their communities.

Detective Sergeant Patrick Kissane of the Fort Lee, NJ Police Department is being

honored at the New York City event on October 22nd. Det/Sgt. Kissane is a founding member and current president of the New Jersey Association of School Resource Officers. He has trained officers across the country to work in schools, and teach students how to prevent gun violence to protect our nation’s most valuable asset, our children. He has worked with legislators to help support safe school programs and training, and served as a mentor for thousands of students.

At the Los Angeles event on

November 11th, Los Angeles County Sheriff Lee Baca will be honored for his outstanding service to California. Since the expiration of the Federal Assault Weapons Ban, Sheriff Baca has been keeping track of assault weapon crimes and the types of firearms recovered in Los Angeles County. His years of public service, has made the Los Angeles community a safer place in which to live.

For more information on these events, or to buy tickets, you can go to: www.bradycenter.org/donate/events

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Officer Safety Alert: Pink Guns

Several firearm manufacturers have begun producing guns in a variety of bright colors aimed at female and younger buyers, despite complaints from law enforcement groups. The guns, including semiautomatic pistols, rifles and shotguns, could potentially be mistaken as toys or training weapons because of their bright colors.

The coloring process, which includes applying a thin ceramic coating to a firearm which is then painted, can be beneficial to hunters or law enforcement officers whose firearms are exposed to the elements for an extended period. The problem arose when companies began offering this process in various colors, including pink.

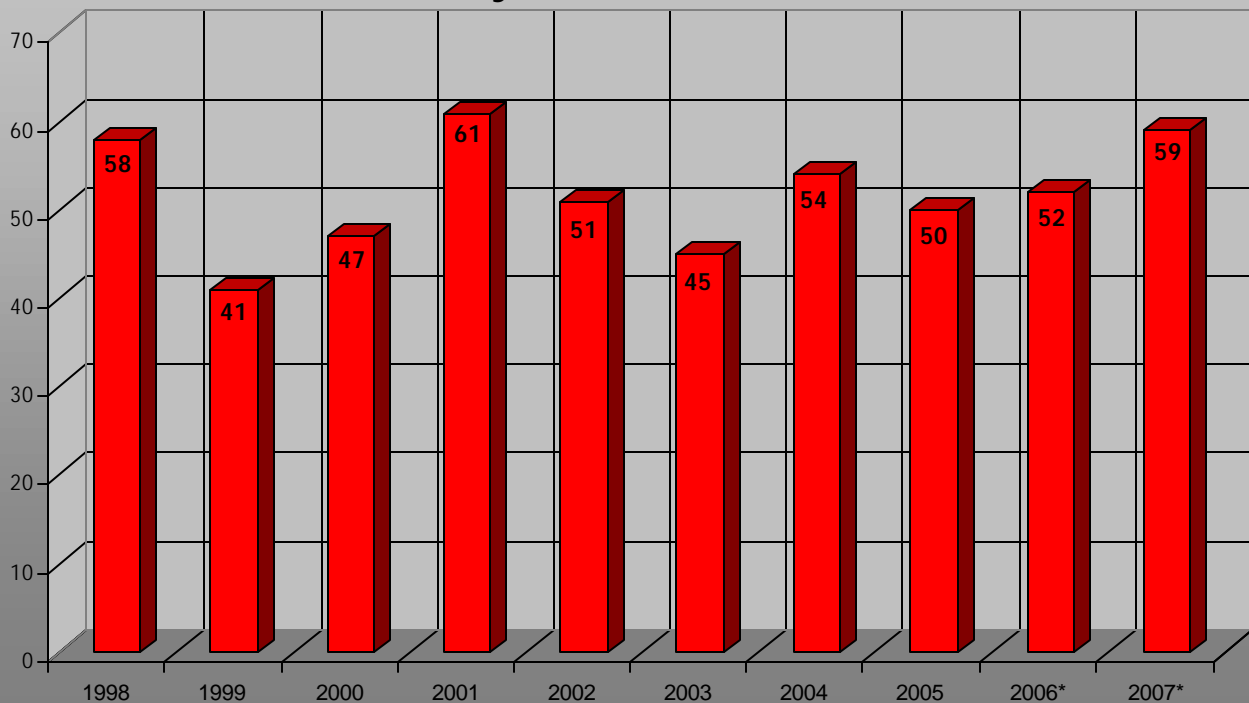
Following an alert sent out by the Brady Center to Prevent Gun Violence Law Enforcement Relations Department to

law enforcement organizations around the country in 2006, a number of companies agreed to either stop coloring guns entirely, or restrict the process to colors that are easily associated with a working firearm. Duracoat of Dayton, NV, however, has no such prohibition.

At a recent National Rifle Association (NRA) Foundation fundraiser event in Northern Virginia, a Duracoat painted Glock 19, 9mm pistol (similar to the one pictured on the right) was auctioned off, raising concerns about these weapons showing up on the street. The Washington, D.C. Examiner recently reported that pink handguns are becoming popular with female gang members in the D.C. area, and can easily be mistaken as a toy by children.



Number of Law Enforcement Officers Killed by Firearms 1998-2007



Data provided by the 2005 FBI UCR Report

*Preliminary data from the National Law Enforcement Officers Memorial Fund
 2007 data through October 1st

Closing the Terror Gap: Denying Firearms to Terrorists

The Brady Campaign to Prevent Gun Violence is working to close a dangerous gap in current law which allows the sale of firearms - including military-style assault weapons - to known or suspected terrorists.

Under the Brady Law, a licensed firearm dealer must request a background check through the National Instant Criminal Background Check System (NICS) managed by the Federal Bureau of Investigation. But even if the prospective purchaser is a known or suspected terrorist, federal law will not bar the sale unless the person meets one of the disqualifying factors under the 1968 Gun Control Act, such as being a convicted felon or domestic abuser.

According to the FBI and the Government Accountability Office, over roughly a nine-month period in 2004, 47 known or suspected terrorists were able to purchase guns from gun dealers in the U.S. Six of the 44 were stopped because they were

found to be prohibited purchasers under the Brady Law. Thirty-five of those known or suspected terrorists had no Brady disqualifiers, passed the background check, and walked away with firearms.

On May 7, 2007, federal law enforcement authorities arrested six terrorism suspects who had been planning an attack with firearms on Fort Dix in New Jersey. The men had been training with firearms and were trying to obtain AK-47s for the attack.

Three months after September 11, 2001, the Brady Center to Prevent Gun Violence released a report, *Guns and Terror*, that detailed how terrorists use weak gun laws to amass firearms in the United States. The report found that firearms are part of the essential tool kit of domestic and foreign terrorists alike. Guns are used to commit terrorist acts, and guns are used by terrorists to resist law enforcement efforts at apprehension and arrest.

Sen. Frank Lautenberg (D-NJ) and Rep. Peter King (R-NY) have introduced the "Denying Firearms and Explosives to Dangerous Terrorists Act" (S. 1237/H.R. 2074). Based on a Bush Administration proposal, this legislation would provide the Attorney General (AG) with discretionary authority to deny the transfer of a firearm or explosives when a background check reveals that the purchaser is a known or suspected terrorist and the AG reasonably believes that the person may use a firearm or explosives in connection with terrorism. It would also implement due process safeguards to allow an affected person an opportunity to challenge a denial by the AG; and protect the sensitive information providing the basis for terrorist watch lists.

Unfortunately, several organizations, including the National Rifle Association (NRA) are opposing this Bill.

For a copy of "Guns and Terror" go to: www.bradycampaign.org

LE Continues Fight For Gun Trace Data

After receiving pressure from law enforcement organizations around the country, the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has slightly softened its position on releasing data on crime gun traces to local law enforcement. However, proposed Senate language could enact even greater restrictions and make it illegal for local law enforcement to share crime gun data.

The current Tiahrt restrictions, named for Rep. Todd Tiahrt (R-KS) and first enacted in 2003, prohibit the ATF from disclosing information maintained in the National Trace Center to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with, and for use in, a "bona fide criminal investigation" or prosecution, and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure. Law enforcement groups have repeatedly stated that the Tiahrt restrictions prevent them from getting a clear picture of where illegal guns in their communities are coming from, and that the restrictions only benefit corrupt gun dealers.

On August 20, the ATF released on its website a group of reports based on state-by-state crime gun trace data, the

first aggregate trace data they have released to the public since 2002. Prior to the Tiahrt restrictions, the ATF released comprehensive annual reports on trafficking patterns, specific regional data when requested, and national reports of types of firearms used in crimes. Among the many findings, this data showed that about one percent (1%) of all gun dealers were responsible for nearly sixty percent (60%) of recovered crime guns.

Officers who do not properly certify their request is for a "bona fide" investigation, could face a penalty of up to five years in prison.

- It declares even old trace data inadmissible state administrative actions, or other litigation.

Under the Shelby Amendment, local law enforcement must certify their trace request is for a "bona fide" investigation. Officers who do not properly certify their request could face a penalty of up to five years in prison.

The national police organizations opposing the Tiahrt restrictions include the National Sheriffs' Association; International Association of Chiefs of

Police; International Brotherhood of Police Officers; Major Cities Chiefs Association; Police Executive Research Forum; Police Foundation; Hispanic American Police Command Officers Association; National Black Police Association; National Latino Peace Officers Association; National Organization of Black Law Enforcement Executives and the School Safety Advocacy Council. Twenty state chiefs' organizations and one regional chiefs' organization opposed Tiahrt as well. The IACP recently called for the repeal of Tiahrt in their report *Taking a Stand: Reducing Gun Violence in Our Communities* (see pg. 4).

The U.S. Senate Appropriations Committee adopted language in June, referred to as the "Shelby Amendment", that includes restrictions on law enforcement access to crucial crime gun trace information, that would add even greater burdens on law enforcement than the Tiahrt restrictions that are now law. The Shelby language is more restrictive in three ways:

- It requires that law enforcement officers make a certification to get trace data;
- It explicitly restricts sharing of trace data; and,

IACP Unveils Gun Violence Report

The International Association of Chiefs of Police (IACP) called on the White House and Congress to take effective measures to counter the rise in violent gun crime in the United States. The IACP presented their report, *Taking a Stand: Reducing Gun Violence in Our Communities*, on the steps of the U.S Capitol in Washington, DC on September 19th, outlining nearly 40 common-sense recommendations for reducing gun crime in the United States.

The report came out of the Great Lakes Summit on Gun Violence, held in Chicago earlier this year. More than 200 law enforcement, elected officials, health experts, community and civic leaders gathered to put together their recommendations for effective gun violence prevention strategies.

Among the recommendations in the report:

- All gun sales should take place through federally licensed dealers;
- Congress should enact an effective ban on military-style assault

- weapons;
- Congress should repeal the Tiahrt Amendment, which restricts the sharing of crime gun trace data, to allow law enforcement to deter illegal trafficking;
- State and local governments should regulate and/or limit the sale of multiple handguns to reduce gun trafficking;
- Congress should enact effective bans on .50 caliber sniper rifles and armor-piercing handgun ammunition;
- The Federal government should increase funding to ATF for personnel and technical assistance to combat gun violence;
- All firearms and ammunition should be removed from batterers when law enforcement responds to domestic violence calls;
- Safe storage of firearms by private citizens should be mandated;

- State and local governments should mandate that every gun sold comes with a lock or security device that meets minimum safety standards to help protect against accidental discharge and misuse.

“The report is a clear road map from the nation’s police chiefs of steps we can take now to combat gun violence.”

Paul Helmke, President of the Brady Campaign to Prevent Gun Violence, said, “The report is a clear road map from the nation’s police chiefs of steps we can take now to combat gun violence.”

“Our nation’s police are on the front lines in the fight for public safety. In this landmark report, police leaders are saying they are tired of the nation’s gun policies being held hostage by the special interest gun lobby. The police chiefs have set out a strong, reasonable, agenda for action,” Helmke continued.

“The Brady Campaign supports it, as should every American who wants sensible action to save lives.”

NICS Improvement Act

Currently pending in Congress, the NICS Improvement Act (H.R. 2640) would strengthen the Brady background check system and make it harder for criminals and other dangerous individuals to buy firearms. The legislation would provide federal funds to enhance the reporting of records of prohibited gun buyers, including those disqualified for mental health reasons, to the National Instant Criminal Background Check System (NICS). The bill was passed by the House in June, but has not passed the Senate.

The Brady Law, which mandates that federally funded licensed firearms dealers do background checks on prospective purchasers, has prevented more than 1.3 million prohibited persons from buying guns. However, many prohibited persons are not blocked from buying guns because their records are not in the NICS system, including 90% of disqualifying mental health records, and one fourth of felony convictions.

Many states fail to supply thousands of records of prohibited gun buyers to the national Brady background check system. That means felons, domestic

violence abusers, and those who are dangerously mentally ill can walk into a gun store and buy weapons without being stopped.

The Act authorizes the appropriation of \$250,000,000 for fiscal years 2008 through 2010 to assist states in providing their relevant records to NICS. It also authorizes \$125 million per year during this time period to upgrade court system reporting to NICS.

The legislation also provides for penalties for states that do not provide sufficient records to NICS.

Brady Center

To Prevent Gun Violence

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