

Eldin Villafaña, Communications Director
Noah A. Franklin, Policy Adviser
Sue Ann Nelson, Policy Analyst
Anequa Campbell, Policy Analyst

**BRONX BOROUGH PRESIDENT
ADOLFO CARRION, JR.**



Bronx Borough Board

*Report: Implications of the
Assault Weapons Ban's Expiration for the Bronx*

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Overview

Ten years after its inception, the Federal Assault Weapons Act expired on September 13, 2004. This Ban was passed in 1995 because violent incidents had captured national attention and high crime rates, involving assault weapons, were taking a toll on American cities. In 1993, the FBI reported that approximately 582,000 of reported murders, robberies, and aggravated assaults were committed with some sort of firearm. The Assault Weapon Ban instituted a law that restricted the possession, sale, and transport of assault weapons (ak-47s, m104, uzis) and high capacity ammunition magazines.

According to a study done by the Brady Center to Prevent Gun Violence, since the Ban, assault weapons dropped by 66% in overall crime gun traces since 1994. The study also showed a 45% decline in assault weapons as a percentage of overall crime gun traces, even after the inclusion of "copycat" guns.¹ The study concluded that the Assault Weapons Ban had contributed substantially to reducing the use of assault weapons in crime, therefore making the United States a safer place.

Corresponding with the nation's decline in gun violence, crime in the Bronx also fell to levels unseen in decades. Overall violent crime in the Bronx declined every year between 1994 (the same year the Ban was introduced) and 2003. In 2003, homicides had the sharpest decline, falling to the lowest level since 1966.² Now with the expiration of the Ban, there's a potential threat of increased incidences of violent crimes in the Bronx.

² Office of the Bronx County District Attorney: Annual Report 2003

Crime Prior to Assault Weapons Ban

It is generally agreed by police organizations, government agencies, and handgun restriction/advocacy groups that the sale and misuse of assault weapons significantly increased during the 1980s in the Bronx and in New York City. As an example, one particularly disturbing crime using an assault weapon occurred in 1989 in the Bronx. On June 26, 1989, a shootout involving assault weapons injured 9-year old girl, three other people, and killed one man. At the scene of the shooting, which the police believed was drug-related, the police recovered an Uzi submachine gun and a .45-caliber Thompson submachine gun in a garbage can nearby.³

A study conducted by the New York State Division of Firearms concluded that the total number of New York City homicides involving firearms (handguns, shotguns, rifles, and machine guns) increased from 1075 in 1987, to 1612 in 1991. As a percentage of total N.Y.C. homicides, firearms homicides increased from 64% in 1987 to 77% in 1992. A total of 271 N.Y.C. homicide cases during 1993 included the recovery of a discharged firearm. Of these 271 firearms cases, an assault weapon was recovered for 68 homicide incidents (or 25.1% of these firearms cases). A total of 169 N.Y.C. homicide cases during 1993 involved the recovery and positive identification of a discharged firearm with a killing. Of these 169 cases, an assault weapon was responsible for no fewer than 20 and at least 43 homicide victims. (The interval estimate is due to statistical constraints.)

³ 27, June 1989. The New York Times. Page 4, Section B, Column 1.

Therefore, assault weapons were used in 43, or 15.9%, of all 271 total homicide cases involving the recovery of a discharged firearm.

During the Assault Weapons Ban

Overall, New York City experienced a decline in serious crimes, including those involving assault weapons. In fact, in 2003 New York City outpaced the crime rate in the nation as a whole. The city's crime decline, as recorded by the F.B.I., put New York close to the bottom of the list of cities across the country with more than 100,000 inhabitants, placing 211th of 230. Among the cities with a population of more than one million, the city ranks 24th out of 25. Since 1994, New York City has had declines in all seven major crime categories.⁴

Similarly, there has been a sharp decline of crimes in the Bronx since the Ban. The 2003 Bronx District Attorney's Annual Report stated that crime rates in the Bronx fell to levels not seen in decades. In the past 14 years, homicides dropped by 79%, from 653 in 1990 to 136 in 2003. In 2003, the Bronx led the four other boroughs in crime decline, showing a 15.32% decline in the seven major crime categories, while the citywide total showed a 12.23% drop. Despite the improvements, violent crime is still a very serious problem in the Bronx. In 2003, Bronx shooting incidents represented 25% of citywide incidents.⁵ Also, the borough ranks number one per 100,000 populations in the incidents of murder, rape, and felony assaults.

⁴ Police Department, City of New York: Compstat

⁵Office of the Bronx County District Attorney: Annual Report 2003

To combat these crime problems, the Bronx District Attorney Robert T. Johnson collaborated with the U.S. attorney for the Southern District of New York on a number of initiatives in order to reduce the number of illegal guns on the streets of the Bronx. In 2002, their collaboration resulted in the “Project Safe Neighborhoods” initiative, which is a national strategy designed with the aim of reducing gun violence in America. This goal of this initiative is to identify weapons trafficking and to the issue search warrants for weapons seizure. As a part of this effort, funds are used by law enforcement to purchase illegal guns, to obtain information, and to perform “sting” operations. The U.S. attorney for the Southern district of New York and the Bronx District Attorney have also developed a media campaign named “Project Fed UP” for the Bronx. The goal of Project Fed Up is display ads to inform the public that the NYPD and the Bronx district Attorney have joined forces with federal agencies in the fight against gun violence.

Potential Threat of Increasing Crime

Now that the Ban expired, it is easier for assault weapons to make it into the hands of criminals and terrorists. The Brady Center recently released a new report detailing that terrorists use weak gun laws to get firearms into the United States.⁶ Also, street gangs and criminals have increased access to weapons that give them the tools to overpower law enforcement officers. For example, one of the assault weapons made legal on September 14th was the Colt AR-15. This weapon has the ability to spray a high volume

⁶ [http:// www.bradiycampaign.org/press/release](http://www.bradiycampaign.org/press/release)

of ammunition within a distance of 100 meters.⁷ For these reasons, police are only equipped with weapons that are effective with criminals in line of sight because they don't want or need weapons that would harm innocent bystanders.⁸ Studies have shown that since the inception of the Ban violent crime rates dropped significantly. Looking back at the years, before the Ban, some analysts fear that crime rates will increase, because criminals now have an easier access to assault weapons. Thus, to keep the incidences of violent crimes on the decline, the Ban must be reinstated.

Conclusion

In the years before the Ban, cities across the United States had high incidences of violent crimes. Many of these crimes involved the use of assault weapons. Due to the high rates of crime in U.S. cities, congress passed the Assault Weapons Ban in 1994, to restrict the use and presence of these weapons on the nation's street. Since the Ban in 1994, cities across the United States, including New York City, experienced impressive declines in violent crimes. Similarly, the Bronx also had major crime declines, especially in its homicide rates. In September 2004, the Assault Weapons Ban expired. Many analysts believe that if the Ban isn't reinstated, crime rates will start to be a reflection of the years before the Ban.

⁷[http:// www.stopthenra.com](http://www.stopthenra.com)

⁸ [http:// www.thebradycampaign.org](http://www.thebradycampaign.org)

Based on the information above, the Borough President is specifically calling for President Bush and Congress to:

- **Reinstate the Assault Weapon Ban.** Assault weapons pose a threat to the safety of all Americans, and particularly to law enforcement officers. Tens of thousands of "grandfathered" assault weapons are still in circulation, and thousands more have gone into circulation since the ban was not renewed and gun manufacturers began producing and selling them again. As one leading law enforcement executive put it, the weapons banned by the 1994 law are nothing more than "cop-killer guns."
- **Place all permits for all firearms on public record.** Private gun owners often do not have to keep records with respect to whom they sell their guns. Federal law requires that gun stores keep record on guns that are sold so that police can trace firearms recovered in crime. In most jurisdictions, however, private citizens are not required to inform the police or keep any records when they resell a gun. In New York State, private sales of rifles and shotguns at places other than gun shows, such as through newspaper advertisements, or the internet are not subject to a background check requirement.
- **Close previous loopholes in a renewed assault weapons ban by including more handgun control measures.** No federal or New York State requirement that handgun buyers receive any safety training at all. No requirement that handgun buyers demonstrate any familiarity with gun laws or knowledge about

safe handling/safe storage of handguns. Handgun buyers should have to pass a written test on gun safety and a firing demonstration on proper handling of the weapon.

- **Increase the effectiveness of gun licenses, registrations and bans in reducing gun violence.** In order to stem the flow of handgun violence, America needs a national system of handgun owner licensing. Handguns should be treated like cars in that owners would be licensed and handguns would be registered. Congress would establish minimum standards for the licensing system, which would be implemented by the states. Without a national system, gun traffickers will continue to make mass purchases of handguns in states with weak laws and sell them into the illegal market across the country. Minimum national standards will help to stop interstate gun trafficking and ensure that everyone who buys a handgun in this country is qualified to own one. Licensing and registration - on a nationwide basis - are needed to curb the trafficking in guns that is responsible for the easy availability of guns on the streets of our nation.

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