

# TARGET: LAW ENFORCEMENT



# ASSAULT WEAPONS IN THE NEWS

March 1, 2005–February 28, 2007

**The Violence Policy Center** (VPC) is a national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by VPC Senior Policy Analyst Tom Diaz. The study was funded in part with the support of the David Bohnett Foundation, The Joyce Foundation, and the Public Welfare Foundation. Past studies released by the VPC include:

- *Black Homicide Victimization in the United States: An Analysis of 2007 Homicide Data* (January 2010)
- *When Men Murder Women—An Analysis of 2007 Homicide Data* (September 2009)
- *Law Enforcement and Private Citizens Killed by Concealed Handgun Permit Holders—An Analysis of News Reports, May 2007 to April 2009* (July 2009)
- *Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents* (April 2009)
- *Iron River: Gun Violence and Illegal Firearms Trafficking on the U.S.-Mexico Border* (March 2009)
- *Youth Gang Violence and Guns: Data Collection in California* (February 2009)
- *“Big Boomers”—Rifle Power Designed Into Handguns* (December 2008)
- *American Roulette: Murder-Suicide in the United States* (April 2008)
- *An Analysis of the Decline in Gun Dealers: 1994 to 2007* (August 2007)
- *Drive-By America* (July 2007)
- *A Shrinking Minority: The Continuing Decline of Gun Ownership in America* (April 2007)
- *Clear and Present Danger: National Security Experts Warn About the Danger of Unrestricted Sales of 50 Caliber Anti-Armor Sniper Rifles to Civilians* (July 2005)
- *The Threat Posed to Helicopters by 50 Caliber Anti-Armor Sniper Rifles* (August 2004)
- *United States of Assault Weapons: Gunmakers Evading the Federal Assault Weapons Ban* (July 2004)
- *Vest Buster: The .500 Smith & Wesson Magnum—The Gun Industry’s Latest Challenge to Law Enforcement Body Armor* (June 2004)
- *Really Big Guns: Even Bigger Lies* (March 2004)
- *Bullet Hoses—Semiautomatic Assault Weapons: What Are They? What’s So Bad About Them?* (May 2003)
- *“Officer Down”—Assault Weapons and the War on Law Enforcement* (May 2003)
- *“Just Like Bird Hunting”—The Threat to Civil Aviation from 50 Caliber Sniper Rifles* (January 2003)
- *Sitting Ducks—The Threat to the Chemical and Refinery Industry from 50 Caliber Sniper Rifles* (August 2002)
- *License to Kill IV: More Guns, More Crime* (June 2002)
- *The U.S. Gun Industry and Others Unknown—Evidence Debunking the Gun Industry’s Claim that Osama bin Laden Got His 50 Caliber Sniper Rifles from the U.S. Afghan-Aid Program* (February 2002)
- *“A .22 for Christmas”—How the Gun Industry Designs and Markets Firearms for Children and Youth* (December 2001)
- *Unintended Consequences: Pro-Handgun Experts Prove That Handguns Are a Dangerous Choice For Self-Defense* (November 2001)
- *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* (October 2001)
- *Hispanics and Firearms Violence* (May 2001)
- *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001* (April 2001)
- *A Deadly Myth: Women, Handguns, and Self-Defense* (January 2001)
- *Handgun Licensing and Registration: What it Can and Cannot Do* (September 2000)
- *Pocket Rockets: The Gun Industry’s Sale of Increased Killing Power* (July 2000)
- *Guns For Felons: How the NRA Works to Rearm Criminals* (March 2000)
- *One Shot, One Kill: Civilian Sales of Military Sniper Rifles* (May 1999)
- *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)

## Section One

### Introduction: Background on Assault Weapons and Federal Attempts at Their Regulation

**Assault weapons.** Semiautomatic assault weapons are civilian versions of automatic military assault rifles like the AK-47 and the M-16. The civilian guns look the same as their military brethren because they are identical functionally, except for one feature: military assault rifles are machine guns. A machine gun fires continuously as long as its trigger is held back—until it runs out of ammunition. Civilian assault rifles, in contrast, are *semi*-automatic weapons. The trigger of a semiautomatic weapon must be pulled back separately for each round fired. Because federal law has banned the sale of new machine guns to civilians since 1986 and heavily regulates sales to civilians of older model machine guns, there is virtually no civilian market for military assault weapons. Nonetheless, civilian semiautomatic assault weapons have proven every bit as deadly as their military counterparts.<sup>1</sup>

**Regulation of assault weapons.** The regulation of semiautomatic assault weapons has been a contentious subject for more than two decades.

In the 1980s foreign manufacturers (principally China) began dumping semiautomatic versions of the Soviet-designed AK-47 military assault rifle—a ubiquitous staple of the world-wide small arms trade—onto the U.S. civilian firearms market. Colt Industries, a domestic manufacturer, was also marketing the AR-15, a semiautomatic version of its M-16 machine gun, the standard U.S. military infantry rifle. The gun industry introduced these semiautomatic versions of military assault weapons in order to create and exploit new civilian markets. More particularly, the industry found in assault weapons a product to compensate for a slump in handgun sales. Importers and manufacturers rushed copycats and new models to market. By the end of the decade, a roster of semiautomatic assault weapons had become household words, boosted into daily language as much by their glamorization in entertainment media as by their deadly toll on America’s streets. These guns included, among others, assault pistols like the MAC-10, MAC-11, and TEC-9, the Ruger Mini-14 rifle, and several versions of the Israeli Military Industries UZI.<sup>2</sup>

No comprehensive statistics were available about the misuse of the hundreds of thousands of assault weapons pouring onto the nation’s streets. But by 1988 police departments and other law enforcement agencies were often on the receiving end of assault weapons firepower. Many of them demanded that the federal government take action to stringently control or ban semiautomatic assault weapons. In February 1988, for example, Prince George’s County (Maryland) Police Chief Michael J. Flaherty stated, “The real issue is the safety of our officers.” Holding up a TEC-9 assault pistol, he added, “It’s not used for hunting, and it’s not used for sporting events. In my opinion, they should not be sold in the United States.”<sup>3</sup>

In 1989 the federal government took a modest regulatory step. At the urging of William J. Bennett, the director of the Office of National Drug Control Policy under President George H. W. Bush, the Bureau of Alcohol, Tobacco and Firearms (ATF) barred the import of a handful of specific models, including AK-type and UZI assault rifles.<sup>4</sup> The move was based on a federal statute that effectively limits the import of firearms to those that are “generally recognized as particularly

suitable for or readily adaptable to sporting purposes.”<sup>a</sup> This “sporting purposes” test does not apply to domestically manufactured firearms, however. Law enforcement officials quickly complained that the putative ban did not reach many of the most dangerous weapons they faced, including semiautomatic assault pistols made in the United States (e.g., the MAC-10, MAC-11, and TEC-9, among others).<sup>5</sup> Although the Bush Administration claimed to have been conducting a wide review with the goal of further regulation, strong opposition by the National Rifle Association (NRA) and the firearms industry squelched any further regulatory moves by the Administration.<sup>6</sup> Within a year, Bennett announced himself opposed to any further regulation, declaring his opposition at a February 1990 Senate hearing, stating, “I don’t know a damn thing about guns!”<sup>7</sup>

In 1994, President William J. Clinton signed the 1994 federal assault weapons “ban.” The law defined assault weapons in two different ways—by a list of specific firearm types, and by a generic description. Thus, the law specifically named 19 types of guns (e.g., “Norinco, Mitchell and Poly Technologies Avtomat Kalashnikovs”) as assault weapons covered by the putative “ban.” It also generally defined as assault weapons semiautomatic firearms that could accept a detachable magazine and had any two of a list of specified design characteristics (e.g., bayonet mount, folding stock). The 1994 law was deeply flawed. At the outset it exempted millions of semiautomatic assault weapons by “grandfathering” all such firearms legally owned as of the date of enactment. For these guns, it was as if the law had never been passed. They continued to be bought and sold, many at gun shows where no questions are asked of prospective buyers in nominally “private” sales.<sup>8</sup> Moreover, some of the design characteristics by which new production or imports were to be defined as banned assault weapons were simply a laundry list of superficial cosmetic features that had nothing to do with the weapons’ most deadly functional features. The gun industry quickly and easily evaded the 1994 law by making slight, cosmetic changes to the supposedly banned firearms. Gun manufacturers and importers soon openly boasted of the ease with which they could circumvent the ban. By the time the 1994 law expired (sunset) in 2004, there were actually many more types and models of assault weapons legally on the civilian market than before the law was passed.<sup>9</sup>

In April 1998 the Clinton Administration attempted to staunch the flow of cosmetically redesigned foreign assault weapons by strictly interpreting the “sporting purposes” test for imports. The action—taken independent of the 1994 law and intended to close the cosmetic redesign loophole for imports—was reported to have blocked 58 types of assault weapons, including in one swoop importation permits pending at the time for as many as 1.6 million guns.<sup>10</sup> Since this administrative determination and action has never been rescinded, it should have survived the expiration of the broader 1994 assault weapons ban. However, there is substantial evidence—including extensive gun industry advertising—which compels the conclusion that the George W. Bush Administration either ignored or effectively gutted through administrative artifice the 1998 Clinton import controls. This evidence includes the following facts.

- There are numerous companies that appear to be importing AK-47 and other assault weapons of the type clearly prohibited by the import ban. The Russian American Armory Company offers the Saiga rifle, an AK-47 variant that was one of the guns specifically excluded from import under the 1998 Clinton rule. The Fabrique Nationale Herstal PS90 assault rifle, a

---

<sup>a</sup> 18 USC 925 (d) (3).

favorite of Mexican drug cartels, is manufactured in Belgium and imported by the company's U.S. subsidiary, FN USA, according to the company's catalogs and promotional materials.

- There seems to have been a substantial increase in the past few years of assault weapons made primarily from imported parts that skirt the import ban by incorporating a small, minimum number of US-made parts into imported assault weapons (27 C.F.R. § 478.39 prohibits the assembly of a semiautomatic rifle or any shotgun using more than 10 enumerated parts that are imported if the assembled firearm is prohibited from importation under 18 USC 925(d)(3)).
- ATF has further weakened the prohibition on imported assault weapons by placing certain extremely problematic assault rifles on the “curios or relics” list. Inclusion on the “curios or relics” list makes a shotgun or rifle automatically eligible for importation (18 USC §925 (e)(1)). The most problematic of these are certain SKS assault rifles manufactured in Yugoslavia and Albania. The SKS type assault rifle is the “rifle most commonly encountered by law enforcement” according to ATF and is frequently used to kill police officers. The Clinton Administration specifically banned SKSs from China and Russia from import through trade agreements because they are so frequently involved in crime.
- There are examples of firearms being imported that seem to clearly fall outside of the “sporting purposes” test articulated in 925(d)(3). For example, J&G Sales advertises “Romanian AK Pistol[s]” along with Romanian and Hungarian AK-47 assault rifles.

For all practical purposes, it thus appears that the federal government has abandoned all attempts to regulate commerce in assault weapons into and within the United States. As a result, an unknown but certainly substantial number of foreign assault weapons poured into the United States during the Bush Administration and continue to under the Obama Administration. This is in addition to the enormous number of firearms exempted from, or manufactured in easy evasion of, the 1994 law.<sup>11</sup> The only meaningful attempts at regulating this flood of killing machines exist at the state level. One outstanding example is California's assault weapons ban, which has been hammered into an effective ban after the now-predictable gun industry attempts to evade the intent of the original law. Even California's law, however, is undermined by the lack of a strong and effective federal ban, allowing for out-of-state assault weapons to be illegally trafficked into the state.

**The current study.** This study is a snapshot of the effect of America's *laissez-faire* policy toward assault weapons. Based on reports of assault weapons in the news over a two-year span, it makes clear that assault weapons are frequently used in crime and confiscated from criminals. Moreover, it demonstrates that the number of incidents in which law enforcement officers are reported to have been confronted with assault weapons rose dramatically in the two-year period monitored.

## **Section Two**

### **Sources for This Analysis**

**The dearth of data.** Firearms enjoy the dubious distinction of being the only consumer product not subject to federal public health and safety regulation. Moreover, there is no national database tracking deaths and injuries from specific types and models of firearms. And only the most rudimentary, summary information is collected at any level about criminal use of firearms. As a result, public policy analysts, legislators, and public health and safety administrators must make do with crude data and anecdotal analysis. This is neither an accident nor a product of inattention. It is the deliberate result of a coldly calculated long-term policy of strangling information about guns and their public health effects designed by the National Rifle Association and its major client, the gun industry, and implemented by an all-too-pliant Congress. The firearms industry and gun lobby know that if as much data were available to the public about death and injury resulting from firearms as is available about, for example tires, toys, or Tacoma pick-up trucks, the gun lobby would lose the public debate.

**The Tiahrt Amendment.** A blatant and crucial example of this iron curtain surrounding information about the carnage and criminality caused by firearms is a federal spending prohibition known as the “Tiahrt Amendment.”

For the past six fiscal years (2004 through 2010), legislation making appropriations for ATF has contained language severely restricting release of information about guns traced to crime scenes contained in the agency’s Firearms Tracing System database. This restriction has become known as the “Tiahrt Amendment,” after its principal sponsor, Representative Todd Tiahrt of Kansas.

For many years, crime gun tracing data was publicly available under the provisions of the Freedom of Information Act (FOIA). It was an imperfect but extraordinarily useful surrogate for a badly needed, but nonexistent, national firearms and public health database and tracking system. Crime gun tracing data was routinely used by city officials and law enforcement agencies to determine the sources of illegally trafficked firearms and to identify corrupt gun dealers and the types of guns most often traced to crime. The “Tiahrt Amendment” cut off even this basic data. It prohibits ATF from releasing any data contained in the database, except in a limited fashion to individual law enforcement agencies. There is also a prohibition on use of the data in civil litigation.

Proponents of the “Tiahrt” restrictions claim that the release of tracing data could interfere with ongoing law enforcement investigations. However, prior to implementation of the “Tiahrt Amendment” exemptions to the FOIA enabled ATF to withhold any information that could interfere with law enforcement investigations. The FOIA explicitly protects from disclosure any information that would interfere with enforcement or reveal confidential information. Moreover, ATF compilations of tracing data (e.g., top 10 crime guns) bore no conceivable relation to the compromise of any investigation. The “Tiahrt Amendment” simply represents an unwarranted and cynical restriction on public access to information, enacted in the interest of protecting the gun industry and acquiesced to by a Congress frightened by the NRA.

The “Tiahrt Amendment” also serves to hide the source of assault weapons used in crime—including those detailed in this study. For example, it is impossible to document the sources of the assault weapons used in California, where the sale of such weapons is banned, although experience suggests that these weapons are illegally trafficked from states with lax gun laws such as Nevada and Arizona.

**Surrogate data sources.** In the absence of a responsible national firearms information policy, researchers, public policy analysts, and policymakers have sought out information in various interstices of public life, such as public polling and media reports. While none claim that these surrogate sources of data are comprehensive or “scientific,” they represent the best information available in the stark aridity of data about guns and their effect on public health and safety in the United States.

**The current report.** This report was developed in response to a number of stories in the news media, as well as Violence Policy Center staff conversations with law enforcement personnel, from which it appeared that: (1) assault weapons continue to be the source of many deaths and injuries throughout the United States; and, (2) law enforcement agencies have become concerned enough about the frequency of their encounters with assault weapons that many are issuing assault rifles to their patrol units as a way of “evening up” the firepower.<sup>12</sup> In short, as has so often been seen in the past three decades, the gun industry first increased the level of firepower available to criminals by marketing enhanced lethality, and then persuaded the law enforcement community that it needed to “arm up” in order to keep pace with the criminals.

The information described in the following pages is based on a compilation derived from multiple searches using a variety of terms (“assault weapons” and “assault rifles,” for example) of reports published in U.S. news media and included in the commercial database *Nexis* between March 1, 2005 and February 28, 2007. Stories that recounted firearm-related events outside of those date ranges were discarded. For example, if a story within the date range reported an appellate decision or trial of a shooting that occurred prior to the date range, that story was eliminated.

No claim is made that the information compiled here is exhaustive, much less complete. It is a fair conclusion from common experience and examination of police records that many more crimes of violence occur than are reported in the news media on any given day. Recognizing this, the numbers cited in this study most likely represent the floor, not the ceiling, of assault weapon incidents, and are best suited to determining overall trends, not whole numbers or rankings. Inspection of the stories themselves indicates that in the vast preponderance of cases they are based on law enforcement reports. Accordingly, the use of terms such as assault weapon or assault rifle in these cases is usually derived from police descriptions.

## Section Three

### A Snapshot of Assault Weapons in America

#### Law enforcement encounters

Police are increasingly likely to be involved in assault weapon incidents. Those incidents are likely to involve shots being fired, with injuries to law enforcement personnel, gunmen, and bystanders.

More than one out of four assault weapons incidents involve police (Figure 1.) A total of 235 separate incidents were reported during the two years examined. These incidents were almost equally divided between the first period (March 1, 2005 to February 28, 2006) and the second period (March 1, 2006 to February 28, 2007). There were 117 incidents in the first, and 118 in the second. Police were involved in 64 (27.2 percent) of the total incidents.

<b>Figure 1: Summary of All Incidents and Incidents Involving Law Enforcement</b>			
	March 1, 2005 to Feb. 28, 2006	March 1, 2006 to Feb. 28, 2007	Total
All reported incidents	117	118	235
Incidents involving police	29	35	64
Percentage involving police	24.8	29.7	27.2
Percentage increase in police incidents		20.7	

The number of assault weapons incidents involving police grew significantly between the two periods. Police were involved in 29 incidents (24.8 percent) in the first period and 35 incidents (29.7 percent) in the second period, an increase of 20.7 percent between the two periods.

<b>Figure 2: Outcome of Incidents Involving Law Enforcement, Shots Fired or Not</b>		
	Number of Incidents	Percentage of Total
Incidents involving law enforcement	64	100.0
Incidents in which shots were fired from assault weapon (not including law enforcement weapons)	48	75.0
Incidents in which shots were not fired from assault weapon (e.g., simple possession or mere brandishing)	14	21.9
Incidents in which it is unknown whether shots were fired	2	3.1



Shots were fired from assault weapons (other than police weapons) in three out of every four reported incidents involving police (Figure 2). Among 64 reported incidents involving police, shots were fired from assault weapons other than police weapons in 48 incidents (75 percent). There were 14 incidents (21.9 percent) in which shots were not fired. These often involved brandishing of assault weapons. In two cases it could not be determined from the media reports whether shots were fired.

Figure 3: Outcome of Incidents Involving Law Enforcement, Deaths and Injuries*								
Shots Fired <sup>b</sup>	No Shots Fired	Incidents with No Injuries	Brandishers	Shooters	Law Enforcement	Third Party	Percent of All Incidents Involving Law Enforcement	Number of Outcomes
	■	■					12.5	8
	■		Killed				6.3	4
	■		Injured				4.7	3
■		■					32.8	21
■					Injured		18.8	12
■					Killed		6.3	4
■				Injured			9.4	6
■				Killed			15.6	10
■				Suicide			10.9	7
■						Injured	6.3	4
■						Killed	7.8	5

\*Number of outcomes will exceed incidents and percentages will exceed 100 percent because there are multiple outcomes for some incidents.

As detailed in *Figure 3: Outcome of Incidents Involving Law Enforcement, Deaths and Injuries*, of the 64 incidents involving law enforcement:

- ▶ There was at least one non-fatal law enforcement injury in 12 of the 64 reported incidents (18.8 percent) involving law enforcement.
- ▶ There was at least one fatal law enforcement injury in four of the 64 reported incidents (6.3 percent) involving law enforcement.
- ▶ Among the 64 reported incidents involving law enforcement, a shooter was injured (not fatally) in six (9.4 percent) incidents.
- ▶ In 10 incidents (15.6 percent), shooters suffered fatal injuries. The shooter committed suicide in an additional seven incidents (10.9 percent).

<sup>b</sup> Shots fired or not refers to non-law enforcement assault weapons.

- ▶ Brandishers who did not fire shots nonetheless risked being shot by police. Brandishers who did not fire shots were shot in seven incidents involving law enforcement. Of these, four resulted in the brandisher’s death (6.3 percent).
- ▶ Third parties were non-fatally injured in four incidents (6.3 percent) involving police. Third parties were killed in five incidents (7.8 percent).

<b>Figure 4: Top 10 States—Number of Incidents Involving Law Enforcement</b>			
	March 1, 2005 to Feb. 28, 2006	March 1, 2006 to Feb. 28, 2007	Total
Florida	4	8	12
California	4	6	10
Louisiana	1	5	6
Pennsylvania	2	2	4
Texas	4	0	4
Illinois	1	2	3
Indiana	2	0	2
Minnesota	0	2	2
North Carolina	1	1	2
Tennessee	0	2	2

As seen in *Figure 4: Top 10 States—Number of Incidents Involving Law Enforcement*, the top five states in which assault weapons incidents involved law enforcement during the two years were, in order, Florida, California, Louisiana, Pennsylvania, and Texas.

### **What Kinds of Assault Weapons Are Used?**

A total of 333 assault weapons were described in the 235 incidents reported. This total includes 60 assault weapons that were seized from a man after he fatally shot his neighbor with a handgun over a property dispute in California. Of the 333 weapons, 189 were simply described generically as “assault weapon” or “assault rifle.” Another 144 were described either by type (e.g., AK-47) or specific make and model (e.g., Cobray M11).

Figure 5: Number of Assault Weapons Reported by Type or Make and Model					
Type	Number of Weapons	Percent of Weapons Reported by Type or Make and Model	Type	Number of Weapons	Percent of Weapons Reported by Type or Make and Model
AK-47	79	54.9	AB-10	1	0.7
SKS	27	18.8	Mini 14	1	0.7
AR-15	8	5.6	Intratec 22	1	0.7
UZI	5	3.5	Cobray M11	1	0.7
“AK-47 or SKS”	4	2.8	M-1 Carbine	1	0.7
TEC-9	4	2.8	M-16	1	0.7
MAC 11	2	1.4	“Rumanian”	1	0.7
WASR-10 <sup>c</sup>	2	1.4	“Assault shotgun”	1	0.7
MAK-90	2	1.4	Winchester Defender (in assault format)	1	0.7
FEG SA-85	1	0.7	MAC 10	1	0.7

As can be seen in *Figure 5: Number of Assault Weapons Reported by Type or Make and Model*:

- ▶ Eight out of 10 assault weapons described by name or type (79.9 percent) were either AK-47 variants or SKS rifles.
- ▶ AK-47 type rifles were the type most often named in reports. Of weapons described by name or type, 79 (54.9 percent) were described as “AK-47.” Five additional AK-type firearms were described by name—these included two WASR-10s, two MAK-90s, and one FEG SA-85. Thus a total of 84 AK-type weapons were described, accounting for 58.3 percent of all weapons described by type or name.
- ▶ SKS rifles were the second most often named type. Twenty-seven of the 144 weapons named by type were SKS rifles (18.8 percent).
- ▶ An additional four weapons were described as “either AK-47 or SKS,” making a grand total of 115 weapons (79.9 percent) named as either AK-47 or SKS.

Assault weapons incidents were reported in 38 states and the District of Columbia. Six states accounted for 140 out of 235 reported incidents (59.6 percent). These states were, in order: California (51); Florida (42); Louisiana (13); Pennsylvania (12); Illinois (11); and, Texas (11). The remaining 95 incidents were distributed throughout 32 other states and the District of Columbia.

<sup>c</sup> The WASR-10, MAK-90, and FEG SA-85 are variants of the AK-47 type.

## Assault Weapons and Gangs

Gangs were reported to be involved in one out of five incidents involving assault weapons. More than two thirds of the incidents involving gangs occurred in three states.

Figure 6: Assault Weapons Incidents Involving Gangs					
State	Number of Incidents	Percent of All Gang Incidents	State	Number of Incidents	Percent of All Gang Incidents
California	24	47.1	Massachusetts	1	2.0
Florida	7	13.7	Minnesota	1	2.0
Illinois	4	7.8	New Mexico	1	2.0
Washington	3	5.9	North Carolina	1	2.0
New York	2	3.9	Oklahoma	1	2.0
Tennessee	2	3.9	Pennsylvania	1	2.0
Texas	2	3.9	Utah	1	2.0
<i>Total Number of Gang-Related Incidents</i>					51
<i>Gang Incidents as Percent of All Incidents</i>					21.7

As can be seen from the information presented in *Figure 6: Assault Weapons Incidents Involving Gangs*:

- ▶ Gangs were reported to be involved in 51 out of 235 reported incidents (21.7 percent).
- ▶ Thirty-five of the 51 incidents involving gangs (68.6 percent) were reported in three states. Those states were, in order, California (24), Florida (7), and Illinois (4).

## Death and Injury

Incidents involving assault weapons frequently result in deaths or injuries. The toll of death and injury is increased by multiple victims in a minority of incidents. As can be seen in *Figure 7: Reported Incidents Resulting in Victim Fatality (Non-Law Enforcement)*, at least one victim was killed in 86 out of 235 reported incidents (36.6 percent). A total of 115 deaths were reported for the 86 incidents.

<b>Figure 7: Reported Incidents Resulting in Victim Fatality (Non-Law Enforcement)<sup>d</sup></b>		
	Reported Incidents	Percent of Incidents
All reported incidents	235	100
Reported incidents resulting in victim fatality	86	36.6
Number of victim fatalities	115	

Twenty multiple-fatality incidents (23.3 percent) accounted for 49 deaths, or 42.6 percent of total victim deaths. Sixty-six incidents among the 86 (76.7 percent) resulted in only one victim fatality.

<b>Figure 8: Number of Victims (Non-Law Enforcement) Killed in Incidents</b>				
Number of Victims Reported Killed in Incident	Number of Incidents	Percentage of All Incidents Resulting in Victim Fatalities	Total Number of Victims	Percentage of Victim Fatalities
One	66	76.7	66	57.4
Two	15	17.4	30	26.1
Three	3	3.5	9	7.8
Four	1	1.2	4	3.5
Six	1	1.2	6	5.2
Total	86	100	115	100

Two states—California and Florida—accounted for 40 (34.8 percent) of the fatal victims. Seven states—California (28), Florida (12), Georgia (5), Illinois (6), Michigan (7), Pennsylvania (7), and Texas (7)—accounted for 72 of the 115 fatal victims (62.6 percent).

---

<sup>d</sup> “Victim” does not include shooters, brandishers, etc.

<b>Figure 9: States in Which Five or More Reported Incidents Resulted in Victim (Non-Law Enforcement) Fatalities</b>						
State	Number of Incidents Resulting in Victim Fatalities	Number of Reported Incidents per State	Percentage of Reported Incidents per State with Victim Fatalities	State Fatal Incidents as Percentage of All 86 Reported Incidents with Victim Fatalities	Number of Fatal Victims per State	State Fatal Victims as Percentage of All 115 Fatal Victims
California	19	51	37.3	22.1	28	24.3
Florida	11	42	26.2	12.8	12	10.4
Georgia	5	7	71.4	5.8	5	4.3
Illinois	5	11	45.5	5.8	6	5.2
Michigan	5	6	83.3	5.8	7	6.1
Penn.	5	12	41.7	5.8	7	6.1
Texas	5	11	45.5	5.8	7	6.1

At least one victim was injured not fatally in 77 out of 235 reported incidents (32.8 percent). A total of 118 non-fatal injuries were reported in the 77 incidents.

<b>Figure 10: Reported Incidents Resulting in Victim (Non-Law Enforcement) Injury</b>		
	Reported Incidents	Percent of Incidents
All reported incidents	235	100
Reported incidents resulting in victim injury	77	32.8
Number of victims injured	118	

Thirty of the 77 incidents had more than one non-fatal injury (39.0 percent). These accounted for 71 of the 118 injuries (60.2 percent).

<b>Figure 11: Number of Victims (Non-Law Enforcement) Injured in Incidents Resulting in Victim Injuries</b>				
Number of Victims Reported Injured in Incident	Number of Incidents	Percentage of All Incidents Resulting in Victim Injuries	Total Number of Victims	Percentage of Victim Injuries
One	47	61.0	47	39.8
Two	22	28.6	44	37.3
Three	7	9.1	21	17.8
Six	1	1.3	6	5.1
Total	77	100	118	100

## **Section Four Conclusion**

Assault weapons are a discrete class of firearm that pose a continuing threat to the general public and law enforcement.

As detailed earlier in this report, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives currently has the authority to prohibit the importation of any firearm or ammunition that is not “generally recognized as particularly suitable for or readily adaptable to sporting purposes.” Such an action can be taken at the direction of the President without the need for federal legislation. For more than four decades, this provision has been used to prohibit the importation of many types of non-sporting firearms, including: ultra-concealable “Saturday Night Special” handguns; riot shotguns; and, semiautomatic assault rifles. This provision of law could be used by the Obama Administration to immediately halt the import of AK-47s, FN Herstal PS90s, and other foreign-made assault weapons currently being imported into the U.S.

To ensure that the threat posed by all assault weapons—whether imported or domestically manufactured—is addressed, Congress should enact a new federal assault weapons ban modeled on California’s successful state law passed in 1989 and updated in 1999. The success of California’s assault weapons ban lies in its more stringent definition: defining as an assault weapon a semiautomatic firearm able to accept a detachable ammunition magazine that incorporates one other assault weapon characteristic, such as a pistol grip or folding stock. This “one characteristic” test is a significant improvement over the expired federal law originally enacted in 1994 that was easily evaded by the firearms industry.

More than two decades later, the words of Prince George’s County (Maryland) Police Chief Michael J. Flaherty, in calling for a ban on assault weapons, are as relevant today as they were in 1988. “The real issue,” said Flaherty, “is the safety of our officers.”<sup>13</sup>

## Footnotes

1. See Violence Policy Center, *Bullet Hoses: Semiautomatic Assault Weapons—What Are They? What's So Bad About Them?* (May 2003) for a complete discussion of the genesis and characteristics of both civilian and military assault weapons.
2. See generally, Violence Policy Center, *Assault Weapons and Accessories in America* (1988).
3. Violence Policy Center, *Assault Weapons and Accessories in America* (1988), 3.
4. “U.S. Bars Import of Assault Guns; Temporary Ban on Semiautomatic Arms Imposed at Bennett’s Urging,” *Los Angeles Times*, March 15, 1989; “U.S. Bans Imports of Assault Rifles in Shift by Bush,” *The New York Times*, March 15, 1989.
5. “Rifle Ban Misses Dealers’ Favorite Weapons,” *United Press International*, March 22, 1989.
6. “Additional Gun Curbs Delayed; Objections By NRA Cited,” *The Washington Post*, March 17, 1989; “Pressure on Bennett by NRA Reported,” *The Boston Globe*, March 18, 1989; “Bush Suggests Need for New Gun Controls; Agencies ‘Casting a Wide Net’ in Review of Policy on Weapons,” *The Washington Post*, March 29, 1989.
7. “Bennett Rejects Further Gun Curbs; In Heated Exchange, Kennedy Presses Drug Policy Chief on Issue,” *The Washington Post*, February 3, 1990.
8. See, e.g., “Assault Rifles—Dirt Cheap...And Legal!” *The New York Times*, May 24, 1998.
9. For a detailed discussion of the industry’s ability to evade the 1994 law, see Violence Policy Center, *United States of Assault Weapons: Gunmakers Evading the Federal Assault Weapons Ban* (July 2004).
10. “Clinton to Impose a Ban on 58 Types of Imported Guns,” *The New York Times*, April 6, 1998; “President Making Gun Import Ban Permanent: Order Will Cover Assault Weapons,” *The Washington Post*, April 6, 1998.
11. See, “Many Say End Of Firearm Ban Changed Little,” *The New York Times*, April 24, 2005.
12. See, e.g., “\$100,000 to buy police rifles,” *Las Vegas Review-Journal*, February 23, 2006; “‘Arms race’ started with Brentwood bank robbery,” *The Tennessean*, November 11, 2005; “Seized firearms shown; City police sometimes outgunned,” *Tucson Citizen*, October 27, 2005; “City presses campaign against gang violence; Use of assault rifle in triple homicide a big concern,” *The San Francisco Chronicle*, September 2, 2005; “Gangs’ ‘new generation’ opting for assault rifles,” *Pittsburgh Tribune Review*, June 28, 2005; “Police increase their firepower,” *St. Petersburg Times*, April 25, 2005.
13. Violence Policy Center, *Assault Weapons and Accessories in America* (1988), 3.



