

Exhibit 5

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1 run it ballistically and match it up to shootings that
2 occurred the night before. Should they trace that gun?
3 Absolutely. It was used in a a crime or suspected to
4 be used in a crime.

5 Q Do you have any idea, of the guns which were
6 traced on which your trace data was based, where the
7 gun itself was used to commit the crime, where it was
8 pointed at another person or brandished, used as a
9 weapon? Do you have the breakdown of what percentage
10 of those --

11 A Well, it's funny because the law states if
12 you go in to rob a bank and you only put your hand in
13 your pocket and intimidate that you have a gun, that's
14 a crime. So I don't know that it would say that. They
15 would have to use the NCIC code that would say
16 burglary, armed robbery.

17 So pure burglary, if they catch you in the
18 house and you have a gun that you brought in there,
19 that's illegal to have it. You are committing a crime
20 with a gun.

21 Q But you don't have any breakdown? Is there
22 any breakdown available of what those numbers are?

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1 That is, how many would be for which NCIC code?

2 A No. You would have to go to each police
3 department and go into a specific report and say, "Did
4 this person actually point that gun deliberately at
5 the" --

6 Q That's not my question. Is there a
7 breakdown? When the information is submitted by the
8 police or the request for a trace is submitted by the
9 police department, do they provide ATF what the NCIC
10 code is that they are requesting?

11 A Yes. They provide that code.

12 Q Those data are available?

13 A Yes, sir.

14 Q The next question is does ATF go back to the
15 police department and verify that the correct NCIC code
16 has been provided?

17 A I think ATF does the same thing that the FBI
18 does with the Uniform Crime Report. The police
19 department provides that. They accept it.

20 However, there are various safety -- I don't
21 know if safety is the right word, but ways that ATF
22 tries to make sure that they have the proper

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1 unregistered.

2 A That's what I am saying. NFA registered
3 weapons are good. The other ones are not.

4 Q But the requirement of registration doesn't
5 prohibit people from illegally possessing unregistered
6 firearms?

7 A No. Not 100 percent. No.

8 Q You don't know what percent it is in fact?

9 A No, I do not.

10 Q Now, how does registration keep weapons out
11 of the hands of criminals?

12 A Well, again, you have all these many firearms
13 that these people have and they are kept secure by
14 responsible people who know what the law is, who have
15 had an extensive background check done on them, and
16 they are more likely and do keep those secure from
17 going to criminals and criminals don't have easy access
18 to those firearms.

19 Q What studies do you have that support that
20 statement?

21 A I have the count. If you have the amount of
22 NFA weapons that are registered to people and very few

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1 the registration of their firearms there.

2 Q Let me stop you there. Decrease in what?

3 A In violent crime. Since early 1990s to the
4 current, you have seen a significant drop in firearms
5 related violent crime in the City of the New York.

6 Q Do you have any studies that show it was the
7 registration law that did that?

8 A I don't think in my personal opinion, there
9 is one thing that --

10 Q I'm not asking for your personal opinion. My
11 question to you, sir, is do you have any studies that
12 support what you just said?

13 A All I'm trying to say is I don't think that
14 there are -- there are studies on this. Off the top of
15 my head, I can't give them to you. What I'm saying is
16 I think they all show that there is a myriad of things.

17 I think the enforcement by police. We have
18 to give them credit for that as well, but I definitely
19 think when Mayor Bloomberg says and the commissioner
20 says that it's one of the safest cities, it is.

21 Q But you don't know of any studies that
22 support what you are saying?

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1 A Yes. I think there have been studies. I
2 just can't give them to you off the top of my head.

3 Q You don't know of any studies?

4 A I didn't say that. I just said I don't
5 recall them right now.

6 Q Are there any cited in your report?

7 A No, there is not.

8 Q Now, you say at the bottom of the page that,
9 "Firearm registration allows officials to identify
10 persons who subsequently become disqualified from
11 ownership." How does registration do that?

12 A Well, I think what the District is proposing
13 is that you have to have this background done on you
14 and then after -- I have to look at my report.

15 Q Very bottom of Page 3.

16 A I'm looking at three years that you have to
17 renew. Whatever it is. You have so many years.

18 , What this allows, during that time period if
19 you were stopped and found to have heroin on you, if
20 you were involved in criminal activity, then you lose
21 that right to have that firearm. So this gives an
22 opportunity to make sure that the wrong people don't

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1 can't report it stolen because they don't have the
2 serial number. You can't put Smith & Wesson. There is
3 a lot of Smith & Wessons.

4 So because it's registered, you can go into
5 the database and find it out. It can be put in NCIC.
6 Then if it's recovered, it will go back to the citizen.
7 That's a big advantage that they have there.

8 Q So that advantage is the government helps you
9 keep your records?

10 A Yes. And keep the firearms safe. Have
11 experts take a look at them.

12 Q Do you know whether D.C. has a similar
13 requirement, that the firearm is examined to determine
14 if it's safe?

15 A I don't know that they have it. The only
16 thing I know about I put in my report.

17 Q Do you know of any studies showing that that
18 examination process in Michigan has in any way affected
19 crime rates in Michigan?

20 A The examination process? I don't know that
21 the examination process would, but I know that the
22 registration has certainly helped us. If somebody was

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1 picked up with a firearm and it was reported stolen and
2 they had it, then we could arrest them for having a
3 stolen weapon because the registration system would
4 have it.

5 Q Do you know of any studies showing that that
6 system in Michigan has reduced crime in Michigan?

7 A There has been some studies about that but I
8 couldn't tell you what they said.

9 Q You haven't cited any such studies in your
10 report?

11 A No, I did not.

12 Q Now, turning to Page 5 of your report, at the
13 top you said that, "It makes particular sense for the
14 District to require the registration of long guns in
15 order to track their presence and keep them out of the
16 hands of criminals and terrorists."

17 How does the requirement that long guns be
18 registered keep them out of the hands of criminals and
19 terrorists?

20 A Well, again, it would be the problem that
21 D.C. has is not with guns from D.C. It comes from
22 other places. So if someone were found with a gun that

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1 enforcement a tool to investigate illegal activity that
2 they wouldn't have if we didn't have registration.

3 Q Okay. Let's move on to the next paragraph.

4 You say, "For example, studies have shown that state
5 and local laws that limit the purchase of firearms by
6 an individual to one gun in a 30-day period are highly
7 effective in disrupting illegal interstate trafficking
8 of firearms." What studies are you talking about?

9 A There has been quite a few studies. In
10 particular, as I mentioned, State of Virginia, when the
11 State of Virginia went to one gun a month. We also did
12 studies at ATF while I was there.

13 You have to do it over a period of time.
14 Obviously guns are purchased now, and activities occur
15 and they don't fall into law enforcement hands until
16 sometime later when you can investigate them, but over
17 a period of time we could judge the amount of guns
18 being traced that are coming from Virginia went down
19 dramatically after they passed the gun registration
20 law.

21 Q What study are you talking about?

22 A I think ATF in some of their materials.

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1 Either "Follow the Gun" or "Commerce in 2000" has some
2 of that. But there has been other academic studies in
3 this area for the Department of Justice and National
4 Institute of Justice

5 Q You don't know what they are?

6 A Off the top of my head, I don't.

7 Q You don't cite them in this report anywhere?

8 A I don't cite them, but they are online,
9 National Institute of Justice.

10 Q You said a little further down, "In my
11 research of multiple sale restrictions, I saw dramatic
12 reductions in the trafficking of crime guns originating
13 in the state of Virginia and other more restrictive
14 states when they instituted one gun a month regarding
15 the purchase of handguns." What research is that you
16 are talking about?

17 A ATF is provided by licensed dealers when they
18 sell more than one handgun to an individual in the five
19 business day period, they have to report that to ATF.
20 ATF computerizes that and we examine before the law was
21 passed and after the law was passed and saw a
22 tremendous decrease in that.

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1 Q Who examined?

2 A ATF.

3 Q Were you involved in that study?

4 A Yes. I was part of the Crime Analysis
5 Branch, and that was something I did.

6 Q You said "dramatic reductions in the
7 trafficking of crime guns." What does that mean?

8 A Well, the other thing we saw is that the
9 amount of firearms from Virginia that were ending up in
10 crimes in other states fell during this same time
11 period that we looked at, that they decreased.

12 Q Did you look at D.C. in particular?

13 A No, sir. It was just guns that came from the
14 state of Virginia.

15 Q So there is nothing in that study about
16 multiple sale restrictions dealing with the effects on
17 D.C.?

18 A Well, certainly D.C. would have been a part
19 of our review because they are so close to Virginia and
20 they would be a place where the guns would need to be
21 trafficked to. I'm saying we just didn't hone in at
22 that time on D.C. No.

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1 Q Does it show anything about the reduction of
2 violent crime?

3 A I think it shows or he makes reference to the
4 fact that what are the things that they have found that
5 seem to reduce violent crime.

6 Q Anything in those studies that you know of
7 about the effect of those laws on making police
8 officers safer?

9 A I think in some of those, going by my memory
10 again, it talks about police officers being shot, but I
11 can't respond to that specifically. I don't remember.

12 Q Going to in person registration near the
13 bottom of Page 5, you said, "One of the effective ways
14 to ensure that criminals do not circumvent the firearm
15 registration process is to require in person appearance
16 and I.D. verification as a part of registration."

17 What do you mean by "criminals do not
18 circumvent the firearm registration process?"

19 A Well, if you don't have this, then you might
20 as well just have, as I said, a kiosk because you don't
21 have anybody examining. Even the firearms industry
22 itself says this is a good thing to do, and they do it

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1 in their training vignettes and material that the send
2 to dealers called "Don't Lie for the Other Guy."

3 What they are saying is it's your
4 responsibility as a dealer to examine the person that
5 comes in, to look at him when he comes in and ask him
6 questions. In that same regard, this is what the
7 government will be doing with registration. Does the
8 driver's license you are submitting match up to you.
9 Are you one in the same person. Without this kind of
10 hands-on or person to person, how would you know?

11 Q You don't cite any data that would support
12 that conclusion in your report, correct?

13 A No.

14 Q Do you know of any data that supports that
15 conclusion?

16 A That supports the conclusion that?

17 Q Your conclusion that it's an effective way to
18 ensure that criminals do not circumvent the firearms
19 registration process.

20 A Well, I will say this, that the State of
21 Florida used to hand out driver's licenses without
22 examining people. You just come in. They didn't

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1 carry, correct?

2 A I forget the department in Florida. It's not
3 a law enforcement department. It's another department
4 in Florida that issues these times of permits. I'm not
5 familiar with it but they issued it through the mail.

6 Q You don't know if that was a permit to carry?

7 A In Florida, I think you can carry very easily
8 and purchase guns. I don't think it's a registration
9 system. I think it's a carry or conceal and carry.

10 Q All right. Do you know of any studies that
11 support the idea of an in person examination by a
12 government official?

13 A No. It's mostly my experience. If there has
14 been any studies on it, I think Mr. Gary Winterman has
15 done some because what he has looked is people
16 acquiring guns from the State of California permit
17 system.

18 Q What other experiences do you have with in
19 person examination by government officials?

20 A A lot. Like dealers. Again, the dealer is
21 acting as an agent of the government when they sell
22 firearms.

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1 Q I'm going to ask my question one more time.

2 Do you know of any studies dealing with the benefit of
3 in person examination by a government official?

4 A I don't know of any studies. When I worked
5 on a case in New York, there were some where the city
6 said you have to come down in person because they had
7 to verify, and they had people that tried to circumvent
8 that. I don't know any more than that specifically.

9 Q Okay. Now, on the top of Page 6, you talked
10 about, "Having a registrant appear in person in front
11 of the government employee provides an opportunity to
12 verify the intentions and accuracy of information for a
13 person obtaining for a permit." What do you mean by
14 "verify the intentions?"

15 A It's the same way that the firearm industry
16 tells dealers to verify the intentions of the person
17 there buying. So, in other words, are you really
18 acquiring a firearm or registering it so that you can
19 hand it to somebody else.

20 How can we verify that? Well, I've this 96-
21 pound individual and I've got 40-pound gun here. Well,
22 what are you going do with it, or whatever. The other

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1 A No. Because just the individual I talked
2 about in Philadelphia had a permit to carry a gun in
3 the state of Florida and came back to Philadelphia and
4 committed a homicide. So, no. That would not prohibit
5 somebody from doing something not only illegal, but
6 awful damn stupid.

7 Q Do you have any numbers that show or any data
8 that show that the D.C. registration law does in fact
9 prevent people from coming into the District to commit
10 crimes?

11 A Again, I don't have any data that says that
12 it prevents people. I think people do think twice
13 before coming into D.C. knowing that the law is
14 stricter here.

15 Q What do you base that conclusion on?

16 A Well, there is a law that's advertised
17 compared to no law. On the other hand, what I'm trying
18 to say is this. That what we see is a tool that law
19 enforcement can use. What you want to do is take the
20 tool away so we have nothing.

21 Q Have you looked at the data of how many
22 people are charged in the District with possession of