

CRITICAL FLAWS IN THE NYPD'S PROPOSED HANDGUN REGULATIONS

INTRODUCTION

- On October 22, 2024, [the NYPD published proposed amendments](#) to Title 38 of the Rules of the City of New York ("RCNY") that address handgun license application and purchasing requirements in New York City ("NYC").
- The NYPD's proposed rules have critical flaws that must be addressed prior to enactment.

1. NYPD'S PROPOSED RULES TARGET A CONSTITUENCY THAT IS ALREADY HIGHLY REGULATED

- It is important to recognize the NYPD's rulemaking authority with respect to handguns (and all firearms) is limited only to oversight of licensing procedures (as outlined in NY Penal Law § 400.00) and rules necessary for enforcement of various NYC Admin Codes regarding the licensing, sale, and safeguarding of firearms and ammunition.
- As such, NYPD's current and proposed rules are applicable only to licensed firearms owners or those wishing to obtain an NYPD firearms license or permit.
- This is an already highly regulated constituency. As mandated by State law and the NYPD's existing rules, every firearms owner in NYC must be licensed. Constituents holding a NYC handgun license have already submitted themselves to a lengthy vetting process, which includes (for concealed carry licensees):
 - State Police and federal background checks
 - Proof of residence and citizenship
 - Submission of fingerprints to be held on file with the State Police
 - Submission of original Social Security card
 - Submission of color photographs
 - Submission of 30+ page application with employment history, residential history, and attestations regarding relevant state, local, and federal law
 - Submissions of relevant mental health records
 - Submission of lifetime DMV driving abstract
 - Submission of four notarized character reference letters
 - Submission of designated safeguard custodian
 - Submission of notarized affidavits of all cohabitants
 - Submission of social media accounts from the past three years (*enforcement of this requirement has been enjoined by the federal District Court*)

- Certification via a 16-hour in-person course taught by an instructor approved by the State Department of Criminal Justice Services (DCJS) and a 2-hour live firing training and qualification
- Payment of \$428 in fees to the NYPD License Division in addition to ~\$500 payment to DCJS-approved course instructor
- Records (including photos, personal information, social security numbers, and fingerprints) of licensees are held in State Police databases and audited at least monthly to ensure continued compliance.

2. THE NYPD HAS PROVIDED NO PUBLIC SAFETY JUSTIFICATION FOR THESE RULES

- Per [NYC Charter § 1043](#), agencies seeking to adopt or amend City rules are required publish “a draft statement of the basis and purpose of the proposed rule.”
- In this case, The NYPD's submission contains no statement of purpose that directly address their proposed rules, only to say vaguely that the rules are proposed to “properly regulate handgun ownership within NYC ...”. This amounts to a tautological statement, whereby the NYPD effectively says ‘We propose these handgun regulations so that we can regulate handguns.’
- The NYPD has access to data that could establish a basis for the proposed rules; however, the NYPD has refused to publish such data. Since 2022, the NYPD has received an estimated 35,000+ handgun license applications and has the resources necessary to identify public safety risks based on actual incidents from among this constituency.
- Furthermore, the NYPD has failed to fulfill its statutory obligations to the City in regularly publishing relevant firearms data. Pursuant to [Local Law 2022/90](#), the City is obligated to annually submit to the City Council and publicly publish a “firearms trafficking report” detailing the characteristics and legal status of firearms seized or surrendered by the NYPD. While the City published an initial report in 2022, it has failed to publish subsequent reports.
- Despite access to proprietary handgun licensee data and access to New York State Police firearm licensee records, the NYPD has failed to put forth any explanation as to why these rules promote public safety.

3. THE PROPOSED RESTATEMENT OF RCNY TITLE 38 § 5-25 IS CATEGORICALLY REDUNDANT WITH EXISTING STATE AND FEDERAL LAW, CONTAINS OPAQUE LANGUAGE, AND SERVES NO DISCERNIBLE PUBLIC SAFETY INTEREST

- The most expansive of the NYPD's proposed amendments relate to its handgun acquisition requirements, which are codified in RCNY Title 38 § 5-25. In Section 27 of its proposed rules (page 29), the NYPD repeals its existing handgun acquisition requirements and proposes wholly new rewritten regulations.
- In this paper, I walk line-by-line through the core of NYPD's proposed rules on handgun acquisitions in § 5-25 (a) through (d)(7) and § 5-25 (e) to demonstrate how each of these proposed rules is some combination of i) redundant, ii) ill-defined or unclearly written, and iii) lacking any public safety justification.

Please see below the NYPD's proposed rules for § 5-25 as shown below with my annotations in blue text:

Restated Rules of the City of New York – RCNY Title 38 § 5-25

§ 5-25 (a) No person shall acquire a firearm if such person has acquired a firearm within the previous ninety (90) days. Licensees who acquire and attempt to register more than one (1) firearm in a ninety (90) day period, will not be granted an authorization form to take possession of an additional firearm until the ninety (90) day period has elapsed.

This rule enforces NYC Admin Code § 10-301, which was enacted in 2006 via [Local Law 2006/031](#) in response to City Council concerns regarding firearms trafficking via straw purchases and bulk firearms purchases.

Prevention of firearms trafficking is a noble cause; **however, this is a non-issue for firearms sold in NYC. Of the crime guns seized by the NYPD between 2017 and 2021, 93% originated from outside New York State, according to a 2023 ATF report.** NYC leads the country in the percent of seized firearms originating from outside the state; Baltimore came second at 61%.

[That same report](#) showed that NYC also had a median “time-to-crime,” (the amount of time elapsed between purchase and use in a crime) of 6.3 years – the highest of any city in the country. According to the ATF, longer “time-to-crime” periods are an indicator of higher prevalence of interstate trafficking vs. intrastate trafficking.

In short, the data shows that NYC has the lowest rate of intrastate gun trafficking. Most illegal guns in NYC originate from out of state via the oft-cited “iron pipeline.” *Despite the fact that neighboring counties surrounding NYC have no bulk purchase restrictions, almost all illegal handguns originate from states like Virginia, South Carolina, and Georgia, not Nassau County or Westchester County.*

§ 5-25 (b) Any licensee who obtains a handgun must purchase or obtain a safety locking device at the time of acquisition of such a handgun, in accordance with section 10-311 of the Administrative Code, to be used for the safeguarding of the handgun when not in use. The following types of safety locking devices will be deemed to comply with the requirement to obtain a safety locking device:

- (1) a trigger lock, which prevents the pulling of the trigger without the use of a key;*
- (2) a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers; or*
- (3) a detachable or non-detachable locking device that is composed primarily of steel or other significant gauge metal to inhibit breaking and renders the weapon inoperable until the locking device is removed with a metal key or combination lock.*

Subsection (b) is effectively duplicative, as there are in-place state and local laws that forbid licensed firearm dealers from selling or transferring a firearm without a safe locking device. NY General Business Law Article 26 § 396-EE forbids any firearms retailer from selling or transferring any firearm without a safety locking device. This regulation is duplicated in NYC Admin Code § 10-311 (b), which makes it unlawful for “any person or business enterprise to dispose of any weapon which does not contain a safety locking device.

Additionally, licensed handgun owners are subject to additional state and local laws that prohibit unsafe storage of firearms and address the same public safety concerns as this rule (ostensibly, to prohibit unauthorized individuals and minors from gaining access to weapons). [NY Penal Law § 265.45](#) makes it a misdemeanor for anyone residing with a minor (under 18) or prohibited person (as defined by 18 U.S.C. § 922). This regulation is duplicated by [NYC Admin Code § 10-312](#), which

makes it unlawful for any person to store a weapon outside their immediate control without a safety locking device.

Given that all handgun licensees may *only* legally acquire firearms from licensed dealers, **this rule (and NYC Admin Code 10-311(c)) only serves to mirror existing laws that address the same public safety goals while placing an asymmetrical burden on the licensee and making compliance contingent upon their exercise of a Second Amendment right.**

§ 5-25 (c) A licensee may not take possession of a handgun without prior written authorization from the Division Head, License Division. For new and existing licensees, the License Division will provide a handgun purchase authorization form, which is valid for thirty (30) calendar days from the issuance date and must be provided to the firearms dealer at the time of purchase of such handgun.

The wording of this rule is unclear and at odds with the NYPD's documented practices; the NYPD utilizes two distinct forms to approve handgun acquisitions: the "Purchase Authorization Request Form" and the "Purchase Authorization Form" (colloquially known as the "pink slip"). This language of § 5-25 (c) does not provide the important distinction between these two forms (e.g. the Handgun Purchase Authorization *Request* Form is the one to be presented to the firearms dealer at the time of *purchase*; by definition the approved "Purchase Authorization Form" cannot be accepted at the time of purchase because the NYPD is required to first process information submitted on the "Purchase Authorization Request Form" prior to generating the "Purchase Authorization Form."

Additionally, the language does not specify how the NYPD will provide the necessary forms. Presumably, a licensee would be required to either i) explicitly request the form from the NYPD at a dedicated email address (which is not provided in the rules, or ii) access the form from the NYPD's online portal. As of

§ 5-25 (d) A licensee may not take possession of a handgun before it has been inspected by License Division personnel and entered on the license. A licensee must contact the License Division within 72 hours of purchase of such handgun to request inspection of the handgun and safety locking device. Requests for inspection shall be made to the License Division, in writing, via email to: DG_LIC-Purchaseorders@NYPD.org and must include the following:

- (1) *A completed authorization form issued by the License Division, in accordance with subdivision (c) of this section, with the background check number filled out by the firearms dealer from whom the handgun was purchased.*

Once again, the rules introduce another undefined and inconsistent term – "authorization form"

Per New York Executive Law § 228, the New York State Police is designated as the state's "point of contact" for processing background checks for all firearm and ammunition sales in New York State via both i) the FBI National Instant Criminal Background Checks System ("NICS"); and ii) a proprietary State Police database of proprietary justice system and health records. New York State Police performs these background checks at the point of sale for all handgun transactions via information transmitted by licensed gun dealers to the State Police via the State Police's proprietary online computer system ("NYS NICS").

Upon receipt of the necessary data via NYS NICS, the State Police transmits to the licensed gun dealer a State Transaction Number ("STN"), imprecisely referenced in § 5-25(d)(1) as the "background check number."

Per Exec Law § 228 (3), the State Police background check database shall be the same "statewide database" of all firearm applicants one used for the certification and recertification of firearms permits by "all state and local agencies," including the NYPD.

Hence, the NYPD has statutory information-sharing with the State Police and there is no discernible reason for the NYPD to request the licensee to submit duplicative information that the NYPD already has access to.

Furthermore, this subsection repeats the imprecise language § 5-25 (c) by referring to a an “authorization form,” which is not properly defined and can only be presumed to mean “Purchase Authorization Request Form.”

(2) *The Bill of Sale/Receipt for the handgun which shall include the following information:*

(i) make, model, caliber, and serial number of handgun sold;

(ii) Seller's name, address, and license number if applicable;

(iii) Buyer's name, address, and license number, date of sale.

If the handgun is acquired from an individual, rather than a dealer, the sale must comply with the requirements set forth in section 898 of the General Business Law and the Bill of Sale shall be signed and notarized by the transferor.

Per the [NYS NIC user guide](#), each field of information in subsections (i), (ii), and (iii) will have been submitted to the New York State Police via the NYS NICS system at the point of sale and is available to the NYPD. **There is no discernible reason for the licensee to submit this information in duplicate to the NYPD License Division.**

(3) *A color photograph depicting the entirety of the handgun purchased with accurate color representation.*

This rule and its emphasis on “color” photographs is ostensibly designed to ensure compliance with NYC’s codes regulating “deceptively colored firearms” in Admin Code § 10-131.

Per the NYPD’s written instructions delivered for existing licensees wishing to purchase additional firearms, the NYPD License Division instructs licensees that: “*Acceptable firearm colors are: black, dark grey, dark green, silver, steel, or nickel. NYC Admin Code § 10-131(j)(1).*”

However, the referenced NYC Admin Code § 10-131(j) – does not address the *acquisition* of deceptively colored firearms, only their disposal (§ 10-131(j)(2)) and their possession within NYC (§ 10-131(j)(3)).

This omission in the Admin Code of regulations on the *acquisition* of deceptively colored firearms is logical, given that i) NYC is the only jurisdiction in New York State that has such a regulation on deceptively colored firearms a NYC handgun licensee; and ii) a NYC handgun licensee may acquire firearms from *any* licensed dealer in NY State.

So, for example, a NYC handgun licensee with a second home in Long Island may *acquire* a deceptively colored firearm from a gun dealer in Long Island (or any non-NYC jurisdiction without similar rules) and keep that firearm in their Long Island home and remain compliant with NYC’s Admin Code so long as they did not transport that firearm into NYC.

Nevertheless, the fact that there is no Admin Code regulating the *acquisition* of deceptively colored firearms means that the **NYPD is subjecting NYC handgun licensees to a process that requires them to demonstrate compliance with a law that does not exist and, furthermore, making that erroneous process a contingency on exercising a Second Amendment right.**

(4) A color photograph that legibly captures the handgun's serial number.

As stated in the annotation on § 5-25(d)(2), the firearm serial number, model, manufacturer, and caliber are already available to the NYPD via the New York State Police's database. There is no discernible public safety interest served by requiring handgun licensees to submit additional photo evidence of the firearm's serial number.

(5) A color photograph depicting the safety locking device for the purchased handgun.

This rule takes the redundancy of rule § 5-25 (b) and extends it even further into unconstitutional territory while still serving no public safety interest. While § 5-25 (b) subjects NYC handgun licensees to an erroneous and redundant rule, this rule requires licensees to demonstrate compliance with erroneous and redundant laws as a contingency to take possession of firearms.

(6) Proof of ownership of safe storage, which consists of:

(i) A Bill of Sale; and

(ii) Two (2) color photos of the safe or other locked container, one with the door open and one with the door closed. Photos may not be stock images and must depict the entirety of the safe, not merely a portion thereof.

The Division Head, License Division may reject the type of safe or other locked container proposed for safeguarding the handgun, where it is determined that the safety features are insufficient to safeguard such handgun.

This novel rule introduces a new and undefined term ("safe storage") into the rules and is ostensibly written to conform to RCNY Title 38 § 5-01 (a), which states that "... a licensee must safeguard their handgun in a locked container, and use a safety locking device, when such handgun is out of their immediate possession or control".

This rule and that referenced in § 5-01 (a) is an egregious example of lawmaking by the NYPD. Not only is the term "safe storage" ill-defined and left to the administrative discretion of the NYPD License Division, but there are no similar references to "safe storage" in NY State law or the NYC Admin Code beyond those pertaining to "safety locking devices."

Furthermore, while the NYC Admin Code § 10-311 (d) provides the police commissioner authority to promulgate rules regarding "safety locking devices," it does not explicitly grant authority to promulgate additional rules regarding storage, nor allow for the commissioner to make showing evidence of "safe storage" a contingency on NYC handgun licensees from exercising a Second Amendment right. **Once again, this is a rule that refers to a law that does not exist. It contains no reference to any codified law and is not grounded in any administrative authority.**

4. ADOPTION OF THE PROPOSED RULES WOULD MAKE NYC A LEGAL “LIGHTNING ROD” - VULNERABLE TO COSTLY LITIGATION AND UNFAVORABLE CASE OUTCOMES THAT MAY ERODE FUTURE PUBLIC SAFETY FOR CITY RESIDENTS

- The NYPD’s proposed rules in RCNY Title 38 § 5-25 and NYC Admin Code §10-312 limiting all firearm purchases to “1 in 90 days” makes NYC a far outlier relative to other jurisdictions’ regulations on multiple handgun purchases.

| | Purchase Limitation | Applicable For: | Notes |
|---------------|---------------------|------------------------------|--|
| Virginia | 1 every 30 days | Handguns only | Not applicable to CCW licensees; waivers available |
| New Jersey | 1 every 30 days | Handguns only | Waivers available on request |
| Connecticut | 3 every 30 days | Handguns only | Certified instructors are exempt |
| Maryland | 1 every 30 days | Handguns and assault weapons | Waivers available on request |
| California | 1 every 30 days | All firearms | Currently enjoined by US District Court |
| New York City | 1 every 90 days | All firearms | No waivers available |

Of the six jurisdictions in the U.S. that limit multiple handgun purchases within a defined time period, only NYC has regulations that i) apply to *all* firearms (not just handguns or assault weapons); and ii) have a 90 day sales period (3x longer than the next strictest jurisdiction); and iii) do not have any waiver process.

- The proposed rules addressing “safe storage” disregards clear Supreme Court case precedent relating to self-defense in the home.

As stated in [RCNY Title 38 § 5-01](#), individuals holding a premise license must keep their handgun “safeguarded” at all times when the handgun is outside their “immediate possession or control” by use of both a safety locking device and a locked container. This rule supersedes existing NY Penal Law § 265.45, which uses similar language to § 5-01, but differs in two key ways: i) it limits its scope only to firearms that may be accessed by minors and restricted individuals; and ii) it only requires use of a safety locking device for handguns, with no mention of any further protective measures (such as the use of a locked container).

In the 2008 case, *D.C. v. Heller*, the Supreme Court directly addressed the issue of constitutionality for regulations on “trigger locking devices” or other measures that would prevent the use of “functional firearms within the home.” In *Heller*, the Court enjoined D.C. from enforcing its laws that required rifles and shotguns to be “kept unloaded and disassembled or bound by trigger lock at all times” on the grounds that it infringed on the rights of D.C. citizens from accessing their firearms for the traditionally lawful purpose of self-defense within the home.

While § 5-01 attempts to mitigate constitutional challenges by adding an exemption for handguns that are “in immediate possession or control” or licensees, it tests the limit of that phrase by requiring licensees to use two distinct safeguarding measures.

The language of the NYPD’s rule represents an unnecessarily novel legal approach to safe storage regulations and needlessly exposes the City to future legal challenges.

- The proposed rules – particularly the “1 in 90 days” purchasing restriction – disregard recent Second Amendment challenges that have been upheld in federal circuit courts.

For example: In August 2024, the liberal-leaning 9th Circuit’s review of *Nguyen v. Bonta* upheld an injunction against the State of California’s laws limiting firearm licensees to one handgun purchase every 30 days on Constitutional grounds; New York City is now a legal “lightning rod” as one of only

five jurisdictions in the U.S. that place time limitations on firearm purchases and has the *most* restrictive parameters of its three others peers (90-day purchase limits for *all* firearms vs. 30-day limits for handguns only).

- There are already several lawsuits in the federal appeals court system challenging NYC's handgun regulations promulgated by the NYPD; meanwhile, local and national gun rights interest groups (the Firearms Policy Coalition, E.N.O.U.G.H, et al) are currently raising money to challenge the NYPD's proposed regulations.

There is no favorable outcome for NYC if it maintains its current regulations in today's legal environment.

If NYC *fails* to defend its challenged regulations in court, it will be forced to amend its current rules and will establish unfavorable case precedence that will limit the ability of both the City and NY State to effectively regulate handguns.

If NYC *succeeds* in defending its regulations in federal court, it will likely create a circuit split and send the case to the conservative-leaning Supreme Court where it will likely face an unfavorable ruling and set nationwide case law that will limit the ability of *all* jurisdictions in the U.S. to effectively regulate gun control, similar to the experience of *New York State in NYSRPA v. Bruen* in 2022.

5. NYC AND THE NYPD HAVE PROVEN TO BE UNRELIABLE DEFENDERS OF THEIR OWN FIREARMS REGULATIONS IN FEDERAL COURTS

- To understand the NYPD's ineptitude in drafting and defending gun control rules, one doesn't have to look further than the Supreme Court case of *NYSRPA v. The City of New York* in 2019, which presented a Second Amendment challenge to NYC's rules at the time against the transportation of legally owned handguns to shooting ranges that fall outside City limits.

After zealously defending its rules in both the District Court and in the Second Circuit, the case was unexpectedly granted certiorari in the conservative-majority Supreme Court in 2019. Fearing an unfavorable case outcome, the City maneuvered to moot the case by [immediately repealing the relevant rules on handgun transportation via NYPD Emergency Rule procedures](#). However, the City's use of atypical and imprecise legal language in its re-written rules allowed the plaintiffs to petition for standing and sent the case for oral arguments.

While the case was ultimately mooted, the case brought significant criticism to New York City and the NYPD; the City relied extensively on an [affidavit](#) by NYPD License Division commanding officer Andrew Lunetta, who presented fallacious arguments and irrelevant data to defend a rule that the City would later immediately reverse with no public notice, undermining Lunetta's and the City's previous assertions that the rules served a clear public safety interest. The NYPD's affidavit was excoriated in the dissenting opinion (Andrew Lunetta being mentioned by name 19 times) and was again disparagingly referenced in the Court's [opinion on Bruen](#), the successor suit to *NYSRPA v. City of New York*.

- Following the embarrassing performance of NYC and the NYPD in *NYSRPA v. City of New York* and the success of the plaintiffs in *NYSRPA v. Bruen*, **gun rights interest groups have targeted their legal efforts due to their imprecise (i.e. sloppy) language and the ineffectiveness of NYC's corporate counsel in defending its rules in litigation.**

6. THE PROPOSED RULES UNDERMINE THE CITY'S GUN VIOLENCE PREVENTION OBJECTIVES

- The opaque written language of the NYPD rules and their inconsistent and inept enforcement (see Point No. 9) fosters a sentiment of mistrust and cynicism between the Department and its constituents. The NYPD License Division does not release information on the number of handgun license applications, but various estimates suggest that there have been approximately 35,000+ applications submitted since the *Bruen* decision in 2022 and that the number has been growing every year since.
- Furthermore, the NYPD's handgun license application rules discourage would-be firearm owners from submitting themselves to the City's licensing and regulation regime, potentially encouraging citizens to possess firearms illegally and thereby causing a public safety risk.

7. THE PROPOSED RULES DIVERT VALUABLE RESOURCES AWAY FROM LAW ENFORCEMENT AND TOWARDS ADMINISTRATIVE TASKS

- The proposed rules under RCNY Title 38 § 5-03 (b) create novel processes that involve coordination with outside law enforcement agencies and review of non-resident applicant background check information.
- The proposed rules under RCNY Title 38 § 5-25 are likely to increase the number of interactions between NYC handgun licensees and licensed officers, as licensees will continue to be required to i) request purchase authorization forms from the NYPD License Division prior to acquiring additional firearms.; and ii) request amendments to their existing handgun licenses to add additional firearms and transfer firearms between licenses.
- The NYPD has already increased staffing at the License Division this year in response to an increase in applicants and licensees since the *Bruen* decision in 2022; [as of October 2024, there have been 14 new licensed officers added to the License Division roster with annual compensation of over \\$2.3 million.](#)

8. THE NYPD HAS FORCED THE IMPLEMENTATION OF THESE RULES VIA EMERGENCY RULE POWER, BYPASSING BOTH STATE AND CITY COUNCIL LEGISLATIVE PROCESSES.

- The proposed rules are just a recent example of several recent cases in which the NYPD has acted as a lawmaking body by promulgating de-facto laws outside the scrutiny of the City Council legislative process.
- The NYPD consistently utilizes the emergency rule procedures for the implementation of its proposed rules. This allows the NYPD to immediately enact rules prior to public comment and with limited notice to the public.

Since 2019, there have been seven instances of the NYPD has issuing emergency rules regarding firearms licenses on April 12, 2019; August 19, 2022; August 31, 2022; September 19, 2022; December 16, 2022; August 6, 2024; and October 18, 2024.

- While gun control regulations in New York State are enacted via legislation and enforced by the New York State Police (“NYSP”), NYC is one of three jurisdictions (alongside Nassau County and Suffolk County) that transfer rulemaking and enforcement power for regulation of handgun licenses (including requirements for handgun applicants from the NYSP to the local police commissioner (See New York Penal Law Article 265 and Article 400).

9. THE NYPD LICENSE DIVISION ROUTINELY VIOLATES STATE LAW AND FAILS TO ENFORCE ITS OWN RULES CONSISTENTLY

The following points are based on documented experiences of the author of this paper and verified, documented instances of other licensees.

- The NYPD License Division routinely violates NY Penal Law § 400 (4)(a)

Per NY Penal Law, applications for a handgun license must be acted upon within six months of when it is filed. Applications may only be further delayed for “good cause” and with written notice to applicants.

Based on interviews with over a hundred applicants for NYPD handgun licenses, only two had their licenses acted upon with the six-month window.

Indeed, civilian and uniformed staff at the NYPD License Division routinely inform applicants that applications have a “nine-month-plus” timeline for approval.

The NYPD violates NY Penal Law § 400 (4)(a) with impunity, despite facing a possible class-A misdemeanor for each violation.

- The NYPD License Division routinely fails to conduct in-person interviews with applicants (per RCNY Title 38 § 5-03)

Per RCNY Title 38 § 5-03, applicants for concealed carry licensees are required to “meet in person with a licensing officer in the License Division for an interview.”

Based on this author’s experience and interviews with other applicants, this rule is rarely enforced. **The author of this paper was able to acquire an NYPD handgun license in April 2024 without any in-person interaction or even verbal interaction with any licensing officer in the License Division. In-person interviews are more the exception than the rule.**

- The NYPD License Division routinely misprints handgun license cards, undermining its own enforcement efforts

The NYPD’s rules in RCNY Title 38 § 5-25 require the NYPD License Division to print and deliver to each licensee a wholly new license card for each handgun purchased. This creates numerous opportunities for disastrous clerical errors.

The author of this paper was issued three different concealed carry handgun license cards with three different firearms listed between them, **including one that the author doesn’t even own.**

The propagation of multiple license cards and misprinted license cards fosters opportunities for fraud, identity theft, and violations of the NYC Admin Code’s restriction against selling or possessing ammunition that does not correspond to a licensee’s listed firearm (§ 10-131 (i)(2)).

- There have been documented instances of the NYPD License Division inadvertently releasing confidential identity information

Multiple testimonies from NYPD handgun licensees and license applicants show instances of the NYPD leaking applicant identity information, jeopardizing the safety of applicants and violating NY State Penal Laws and NY State Executive Laws regarding license applicant privacy.

In one instance detailed on an online forum, a NYC handgun licensee testifies that an NYPD License Division employee had accidentally sent them a spreadsheet containing a list of names, application numbers, and application statuses of handgun license applicants.

In another instance detailed on an online forum, a NYC handgun licensee testifies that the NYPD License Division had accidentally sent them a license with a photo of a *different* licensee.

10. THE NYPD LICENSE DIVISION HAS A RECENT HISTORY OF CORRUPTION; ITS RULES SHOULD BE SUBJECT TO ADDITIONAL SCRUTINY TO PREVENT FURTHER MISCONDUCT

- In 2017, federal prosecutors arrested several uniformed and former members of the NYPD License Division following a lengthy investigation into a bribery scheme in which officers provided handgun licenses to unauthorized individuals in exchange for cash and gifts (including luxury watches, liquor, luxury vacations, and prostitutes).
- Despite calls at the time from commissioner William Bratton for a comprehensive audit of the NYPD License Division, the full details have never been published, nor was there any public reconciliation following this gross breach of public trust.
- The Department has not publicly established procedures for continued audits of the License Division.
- One of the License Division's current uniform employees has a disciplinary history for "failure to safeguard firearm" and "association with an individual engaged in criminal activities." An NYPD Trial recommended that the officer be fired, but the sentence was subsequently downgraded to probation and the officer was docked 40 vacation days.
- Given the Division's past scandals and continued questionable practices, it should be subject to heightened scrutiny from independent investigative and oversight authorities and should not be given *carte blanche* to promulgate firearms regulations in NYC.