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REMARKS BY THE HONORABLE JAMES K. STEWART
DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE
TO THE
TOY GUN FOCUS GROUP MEETING
ALEXANDRIA, VIRGINIA

FEBRUARY 22, 1989

NOTE:

Because Mr. Stewart often speaks from notes, the speech as delivered may vary from the text. However, he stands behind this speech as printed.

Paul Estaver, Frank Vaccarella, Carol Petrie and Lester Shubin helped with remarks.

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MAR 22 1989

ACQUISITIONS

THANK YOU PAUL. I'D LIKE TO WELCOME ALL OF YOU TO THIS MEETING. WE'RE GRATEFUL TO YOU FOR PARTICIPATING IN THIS IMPORTANT DISCUSSION.

I'M SURE YOU'VE ALL BEEN READING ABOUT LAST WEEK'S SHOOTING IN A BETHESDA OFFICE BUILDING. AN EMPLOYEE WALKED IN AND KILLED THREE OF HIS CO-WORKERS, AND WOUNDED ANOTHER, BEFORE KILLING HIMSELF. ACCORDING TO REPORTS OF THE INCIDENT, HE WALKED INTO THE OFFICE, PULLED A GUN OUT OF HIS BAG AND SAID TO ONE OF HIS CO-WORKERS, "DO YOU KNOW WHAT THIS IS?" AND THE OTHER PERSON SAID "IT LOOKS LIKE A TOY GUN."

I MENTIONED THIS BECAUSE IT POINTS UP THE CONFUSION BETWEEN TOY GUNS AND THE REAL THING THAT PEOPLE FACE. NOT JUST THE POLICE, BUT EVERYBODY. I'M NOT SAYING THAT THOSE PEOPLE IN THAT OFFICE WOULDN'T HAVE DIED. BUT WE CAN ALL IMAGINE SITUATIONS WHERE BEING ABLE TO TELL THE DIFFERENCE BETWEEN A REAL GUN AND A TOY COULD AVERT A FATALITY.

I'D LIKE TO SPEAK FOR A MOMENT FROM MY EXPERIENCE AS AN OFFICER.

- O TOY GUN/PELLET GUN -- NEVER GOT A CHANCE TO SEE IT
- O CAR KEYS

CONGRESS PASSED AND THE PRESIDENT SIGNED ON NOVEMBER 4, 1988, LEGISLATION CALLING FOR PENALTIES FOR ENTERING INTO COMMERCE OF IMITATION FIREARMS. THIS LEGISLATION MAKES IT "UNLAWFUL FOR ANY PERSON TO MANUFACTURE, ENTER INTO COMMERCE, SHIP, TRANSPORT, OR RECEIVE ANY TOY, LOOK-ALIKE, OR IMITATION FIREARM UNLESS SUCH FIREARM CONTAINS OR HAS AFFIXED TO IT, A MARKING APPROVED BY THE SECRETARY OF COMMERCE." THE MARKING CALLED FOR IN THE LEGISLATION IS A BLAZE ORANGE PLUG INSERTED IN THE BARREL (SHOW EXAMPLE OF TOY GUN).

THE REGULATION OF SPECIFYING MARKING SYSTEMS GOES INTO EFFECT ON MAY 5TH, AND THE INSTITUTE IS MANDATED TO CONDUCT A TECHNICAL EVALUATION OF THE EFFECTIVENESS OF MARKING SYSTEMS IN POLICE COMBAT SITUATIONS. THIS EVALUATION IS TO BE COMPLETED BY AUGUST 1989.

CONGRESS ASKED NIJ TO DO THIS EVALUATION, BUT THEY DID NOT

INCLUDE FUNDING IN THE LEGISLATION. THEREFORE, WE'VE BEEN ASSIGNED THE JOB OF SHEDDING SOME LIGHT ON THIS, BUT WE'RE SUPPOSED TO BRING OUR OWN BATTERIES.

WE WANT TO DO THE BEST WE CAN WITH THE MANDATE BEFORE US BECAUSE WE ARE TALKING ABOUT PEOPLE'S LIVES. AND IN ADDITION, THIS STATUTE IS LIKELY TO HAVE AN IMPACT ON EVERY POLICE OPERATION IN THE COUNTRY, AND ON POLICE TRAINING. IT'S ALSO GOING TO AFFECT THE TOY MANUFACTURERS AND THE PUBLIC.

AS DIRECTOR OF THE INSTITUTE IT'S BEEN MY GUIDING PHILOSOPHY THAT PRACTITIONER INVOLVEMENT IS CRITICAL TO RESEARCH AND DEVELOPMENT. TODAY I AM APPEALING TO YOUR EXPERTISE AND YOUR PROFESSIONAL RESPONSIBILITY TO HELP US WITH OUR MISSION.

WE'VE ORGANIZED THIS MORNING'S PROGRAM TO GIVE YOU THE BENEFIT OF DIFFERENT PERSPECTIVES ON THIS ISSUE. WE'RE GOING TO BE HEARING FROM RICHARD W. "PETE" VELDE, PREVIOUS COUNSELOR TO SEN. BOB DOLE, ABOUT THE HISTORY AND INTENT OF THIS LEGISLATION -
- I DON'T KNOW IF ALL OF YOU ARE AWARE THAT AMONG HIS MANY OTHER

ACCOMPLISHMENTS, HE IS THE FOUNDING FATHER OF NIJ -- A MATTER IN WHICH I FEEL A CERTAIN PERSONAL GRATITUDE. IT'S GOOD TO HAVE YOU HERE, PETE. WE'LL BE GETTING LOTS OF OTHER VIEWPOINTS AS WELL -- FROM THE COMMERCE DEPARTMENT, REPRESENTED BY STANLEY WARSHAW; FROM LAW ENFORCEMENT, THE PERSPECTIVE THAT MOST OF YOU REPRESENT. WE'RE ALSO PLEASED TO HAVE KEN CARLSON HERE FROM ABT ASSOCIATES, WHO'S BEEN RESEARCHING THIS ISSUE. AND ROBERT REID AND CRAIG PHILLIPS (AMONG OTHERS) REPRESENTING THE MANUFACTURERS.

BUT LET ME UNDERSCORE THE FACT THAT YOU -- ALL OF YOU AROUND THIS TABLE -- ARE THE MAIN SPEAKERS AT THIS MEETING. THOSE ON THE AGENDA THIS MORNING ARE HERE TO GIVE YOU THE INFORMATION YOU NEED. THE MEETING IS REALLY DESIGNED TO GET YOUR INPUT. SO I HOPE ALL OF YOU WILL CONTRIBUTE. WE HAVE PURPOSELY KEPT THIS GROUP SMALL ENOUGH SO THAT WE CAN HEAR ALL OF YOUR OPINIONS.

THAT MAKES YOUR CONTRIBUTION ALL THE MORE IMPORTANT. WE ARE RELYING ON YOUR BRAINPOWER. WE NEED YOUR HELP IN DESIGNING AN EVALUATION PROCEDURE -- AND CARRYING IT OUT. LET ME TELL YOU MY

FIRST THOUGHTS ON HOW WE MIGHT CONDUCT THIS EVALUATION. ONE POSSIBILITY IS TO GO INTO AN ONGOING TRAINING SITUATION TO SEE IF POLICE OFFICERS COULD RECOGNIZE THE MARKING UNDER DIFFERENT LIGHTING CONDITIONS -- FOR EXAMPLE, DURING DAYLIGHT, AT DUSK, AND AT NIGHT. WE WOULD LIKE TO GET A COUPLE OF POLICE DEPARTMENTS TO VOLUNTEER TO TEST OFFICERS' RECOGNITION IN COMBAT SITUATIONS -- TO HAVE SOMEONE COME UP WITH A GUN TEST WHETHER THE ORANGE PLUG IS VISIBLE TO AN OFFICER. OUR GOAL IS AN OBJECTIVE EVALUATION OF THIS REGULATION. HOW WELL DOES IT WORK? WHAT ARE THE VIRTUES AND WHAT ARE THE LIMITATIONS -- FOR EXAMPLE, HOW EASILY COULD IT BE DEFEATED BY DISGUIISING OR CONCEALING THE PLUG?

CONCURRENTLY WITH OUR EFFORT, THE BUREAU OF JUSTICE STATISTICS WILL BE SURVEYING POLICE ABOUT TOY GUN INCIDENTS. WE ARE ALSO CHECKING WITH INTERPOL, BECAUSE THIS TYPE OF LAW IS ALREADY IN EFFECT IN ITALY AND SPAIN, AND WE WANT TO UNDERSTAND THEIR EXPERIENCE WITH IT.

SO ONCE AGAIN, A WARM WELCOME, AND PLEASE, SPEAK OUT. LEND

US YOUR EARS, LEND US YOUR VOICE -- AND PLEASE LEND US A HAND IN CONDUCTING THIS EVALUATION.

OVER THE YEARS THE NATIONAL INSTITUTE OF JUSTICE HAS PLAYED AN IMPORTANT ROLE IN THE DEVELOPMENT AND TESTING OF NEW TECHNOLOGIES THAT AFFECT YOUR DAY-TO-DAY OPERATIONS -- BULLET-PROOF VESTS, POLICE WEAPONS AND AMMUNITION, AND NOW WE'RE WORKING ON LESS THAN LETHAL WEAPONS. THESE DEVELOPMENTS HAVE IMPROVED POLICE OPERATIONS. SOME HAVE SAVED LIVES. THIS KIND OF PROGRESS BENEFITS ALL OF US. IT'S ONLY POSSIBLE WITH YOUR HELP.

THANK YOU VERY MUCH.