

# Exhibit 6

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1 states that don't.

2 Q Have you participated in those studies?

3 A I did not. No. I have read them.

4 Q Are they mentioned in your report?

5 A They are not.

6 Q They are not. So you are not relying on them  
7 for purposes of your expert report?

8 A No. They are adjunct to my report and the  
9 studies that I used as the foundation of my report.

10 Q What do you mean? When I asked you at the  
11 very beginning whether all the bases and reasons for  
12 your opinions were included in the report and you said  
13 they were, are you now telling me that there is  
14 something that isn't in your report that you are  
15 relying on for your report?

16 A No. My report is based on -- the opinions  
17 that I espoused in my report are based on the two  
18 studies that I mentioned in my report and I have read -  
19 - as it says in my report, I have read and continue to  
20 read other studies.

21 However, in writing my report I relied on the  
22 two studies, "Homicide, Suicide and Unintentional

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1 Security Service?

2 A That's correct.

3 Q And you are aware that Virginia has no  
4 firearm registration requirement?

5 A Yes.

6 Q Now, are you aware of any studies, specific  
7 studies that show that registration by citizens -- I'm  
8 not talking about law enforcement having a record with  
9 their agency, but registration by a citizen in order to  
10 be able to possess the firearm, reduces suicides?

11 A No. I'm not aware of a study like that.

12 Q Or that such a registration system -- strike  
13 that. Okay. Now, you also said in that same sentence,  
14 we talked about suicide before that, you said "greatest  
15 single risk factor for being murdered with a firearm."  
16 What do you base that on?

17 A Doctor Hemmeway's risks and benefits of a gun  
18 in the home.

19 Q Anything else?

20 A No.

21 Q And then lastly, being injured by  
22 unintentional discharge of a firearm. What do you base

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1 police officer, whoever it happens to be, would be able  
2 to provide that officer responding to the home with the  
3 information.

4 Say it was a domestic dispute. Officer Jones  
5 responded to 123 Main Street for a domestic dispute.  
6 There are registered guns in that house.

7 That would change my calculus on how I might  
8 approach the home and how I might approach the  
9 individuals who are making the call for service, and it  
10 might impact my -- the way that I interacted with those  
11 people until I knew with certainty that there was no  
12 gun in anyone's hand or on their person while I was  
13 dealing with them.

14 Q Two questions. First off, if you were told  
15 there were no registered guns in that household, then  
16 you would take the attitude that it was perfectly safe,  
17 that there weren't any guns in there?

18 A No. You would continue to exercise caution  
19 until you had the individuals that were calling, or  
20 whatever the dispute was, separated sufficiently where  
21 you felt like you had a margin of safety. I don't know  
22 any police officer that would go into that situation

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1 cavalierly like that.

2           With that said, if you know that there are  
3 guns in the home, it's going to raise your caution  
4 level just that much higher.

5           Q     Can you give me any examples of any  
6 jurisdictions that you know of that in fact do that,  
7 notify a responding officer whether there are guns in  
8 the home, registered guns in the home?

9           A     No. I can't tell you what jurisdictions does  
10 that right now.

11          Q     Do you know what the Metropolitan Police  
12 Department does?

13          A     I don't believe they notify their officers  
14 without being asked if there are registered guns in the  
15 home.

16               MR. GARDINER:    Maybe this would be a good  
17 time to take a break.

18               (Whereupon, a recess was taken and then the  
19 deposition continued as follows:)

20               BY MR. GARDINER:

21               (resumed)

22          Q     We're back on the record. Staying on Page 6

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1           So we were able to go back to that person and  
2 essentially return their gun to them, or find out if  
3 they had had an insurance settlement and then destroyed  
4 the gun afterwards.

5           Q     In those cases, you said you were thinking of  
6 two cases.

7           A     Forgive me. I misspoke. I'm thinking of one  
8 case where there was a burglar who we recovered many,  
9 many guns from. In one case, the gun was -- in one of  
10 those thefts the gun was registered to an Omaha party  
11 and we were able to talk to that party.

12          Q     Had the party reported the gun as stolen?

13          A     Yes.

14          Q     When a gun is reported as stolen, where does  
15 that information go, if you know?

16          A     Typically into the National Crime Information  
17 Center. NCIC is the national database maintained by  
18 the FBI that allows things like stolen guns, stolen  
19 cars and things like that to be tracked.

20          Q     Did you check that database for that one gun  
21 to see if it was reported as stolen?

22          A     Yes.

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1 Q So you didn't need the registration  
2 necessarily to find the owner?

3 A No.

4 Q All right. Let me move down a little farther  
5 on the page here. You said, "Additionally, information  
6 maintained in municipal gun registration records may be  
7 used to investigate possible illegal transactions,  
8 providing law enforcement officers with critical  
9 information to identify straw man purchasers when  
10 investigating firearms crimes and gun smuggling."

11 You say "may be used to investigate possible  
12 illegal transactions." Tell me what you mean by that.

13 A Essentially it's further information that is  
14 available to law enforcement officers about who the  
15 registered owner -- who the owner of that firearm is.

16 It has been my experience that when you look  
17 at different bits of forms that people fill out, the  
18 different forms that people fill out for different  
19 agencies, sometimes there is conflicting information on  
20 there. Sometimes they put information on a Form 4473  
21 that might be different than the information that they  
22 list on their driver's license or on their firearms

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1 factor for accidental injury with firearms, for murder  
2 of an intimate with a firearm or for suicide.

3 So limiting the number of firearms in the  
4 home would reduce the risk of accidental discharge,  
5 intimate partner violence or suicide.

6 Q When you say "limit the number," you are  
7 talking about that you are specifically referencing  
8 registering one handgun every 30 days?

9 A Yes.

10 Q But that doesn't limit the number you can  
11 have in the home because you could register 1 every 30  
12 days, correct?

13 A Yes.

14 Q And in a year you could have 12 in the home?

15 A That's correct.

16 Q An in 2 years you could have 24 in the home?

17 A Yes.

18 Q So what limit are you talking about, then?

19 A I'm not referring to an any specific number.  
20 I'm saying in general, it's a good policy to follow to  
21 not have a lot of guns in your house. More guns is more  
22 risk of someone coming into your hone to steal your



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1 guns. That makes you an attractive target for  
2 burglary, and particularly if they are not stored  
3 properly.

4 More guns means more opportunity to have an  
5 impulse to commit suicide. If you are having that  
6 impulse and there is a gun handy, you are more likely  
7 to have a completed suicide with a firearm if there is  
8 a gun easily accessible. So limiting the number of  
9 guns in the home, in my mind, limits the opportunity  
10 for bad use of that gun.

11 Q You're not aware of any provision of the D.C.  
12 law which limits the number of firearms  
13 present in the home, are you?

14 A No.

15 Q The only law that has any kind of limit in it  
16 is the restriction of registering 1 every 30 days?

17 A Yes.

18 Q Now, are you aware of any studies that show  
19 that limiting the number of firearms present in the  
20 home reduces murders?

21 A No.

22 Q Are you aware of any studies that show that

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1 Q And do you know how many guns that were  
2 traced in the District were guns that were actually  
3 involved in the misuse of the gun in some way, whether  
4 it committed a robbery or murder?

5 A Guns traced by MPD when I worked there by  
6 definition were crime guns whether they were illegally  
7 possessed in the District or it was a misuse. So  
8 virtually every gun that I'm aware of that was traced  
9 was some sort of misuse was underpinning that trace.

10 Q Do you know what percentage of those were  
11 guns that were not that were illegal because they  
12 weren't registered?

13 A I don't.

14 Q Now, are you aware of any studies that show  
15 the effect of the enactment of the Virginia law that  
16 you referenced on crimes in D.C.?

17 A No.

18 Q I think you said already but just so I'm  
19 clear, you're also not aware of any studies showing  
20 that the repeal of the Virginia law has had any effect  
21 on crimes with guns in D.C.?

22 A I'm not aware of that. No.

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1 Q You said, "An additional advantage" -- strike  
2 that. Before I get to that, are you aware of any  
3 studies that show that requiring in person registration  
4 leads to crime reduction?

5 A No.

6 Q Are you aware of any studies that show that  
7 in person registration benefits officer safety?

8 A No.

9 Q Are you aware of any studies about in person  
10 registration at?

11 A I'm not. No.

12 Q Do you know of any other jurisdictions that  
13 require in person registration?

14 A Chicago does. I had to present myself to the  
15 gun registration unit at police headquarters to  
16 register my firearms. That's a requirement for all gun  
17 owners in Chicago.

18 Q What did they do there?

19 A I had to fill out a form. They take  
20 fingerprints. They take a photograph. They do a  
21 background investigation. You have to pay a fee. You  
22 submit the registration. Then you go home. Then in a

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1 couple of weeks your approved registration shows up in  
2 the mail.

3 Q Going back, you had mentioned that one reason  
4 that you -- or one evaluation that you could make of a  
5 person is whether he or she was blind or not?

6 A Yes.

7 Q Are you aware of any studies that show that  
8 blind people are more dangerous than nonblind people  
9 with firearms?

10 A No, I'm not.

11 Q Have you ever encountered anybody who is  
12 blind who possessed a firearm?

13 A I have not personally encountered anyone who  
14 is blind that had a firearm. No.

15 Q Now, you said an additional advantage to in  
16 person registration is the indisputable identification  
17 of the aspiring registrant as the actual owner of the  
18 firearm.

19 I don't understand what that means, how that  
20 can be the case. How do you know that he's the actual  
21 owner of the firearm by looking at him?

22 A Well, he's presented you with a variety of

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1 Q Okay. But you have no independent personal  
2 knowledge of that?

3 A No. I have never conducted a registration  
4 background investigation in Washington, D.C.

5 Q You just listed WALES, NCIC. Are you  
6 familiar with what databases the District has access  
7 for purposes of registering firearm other than those?

8 A No.

9 Q Do you know if there is any reason why the  
10 District can't review those databases everyday, if it  
11 felt like it, for every registered firearm owner?

12 A No.

13 Q Now, I want to move to the three-year renewal  
14 of registration on Page 9.

15 A Okay.

16 Q You said it compels a systemic review of all  
17 legally registered firearms and registrants, and you  
18 just agreed with me that there is no reason why the  
19 District couldn't currently check on all criminal  
20 history records and whatever records it may have access  
21 to everyday if they felt like it.

22 So what is the systemic review, then, that

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1 you are talking about?

2 A Essentially a review of this nature forces  
3 the District to go in on a regular basis, not an ad hoc  
4 basis, everyday because some police officer in the gun  
5 registration unit decides he wants to do it or she  
6 wants to do it, but basically forces them to review  
7 what's on file, what's been legally registered, and  
8 look it over to make sure that it's still sufficient,  
9 that everything in it is the way that it was and  
10 continues to be.

11 Q Then couldn't the chief of police just simply  
12 issue an order to those who work in the registration  
13 unit to do a check every six months?

14 A I suppose she could do that. It doesn't seem  
15 to make much sense to me to do it on a ad hoc basis. It  
16 seems to me that a systemic, programmatic, organized  
17 way of reviewing registration is in the interest of the  
18 citizens and the police department, not arbitrary, ad  
19 hoc "I think I'm going to review these things today."

20 Q I didn't say that. I said on a regular every  
21 six months. Couldn't the chief, as far as you know,  
22 just do that?

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1           A       Sure. They have instead decided to do it  
2 every three years. Sure. They could do it every six  
3 months.

4           Q       What is the importance of every three years  
5 versus --

6           A       I don't understand or I don't know exactly  
7 what underpins the policy decisions of the District of  
8 Columbia on this instance. I haven't read anything  
9 about the legislative history of the registration  
10 scheme really, but it seems to me that three years is a  
11 lesser burden on the registered owner of the gun than  
12 every year or every six months. Instead it is every  
13 three years.

14                   So they have to verify every three years that  
15 everything is the same and that they still have those  
16 guns and that they are still in the same place as  
17 opposed to doing it more frequently.

18           Q       But your primary concern, as I understand it,  
19 is that the District be compelled to do something to --  
20 that the police department be compelled to do updated  
21 checks?

22           A       Yes. I think it's important that they do

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1 I'm in the process of doing that right now.

2 They issue a letter saying, "This is what we show.

3 Verify this stuff for us. Come in or do it by mail."

4 Basically there is a renewal process.

5 Q And are you aware of any studies of Chicago  
6 that show that that process has led to crime reduction?

7 A No.

8 Q Are you aware of any studies that show that  
9 that process promotes officer safety, police officer  
10 safety?

11 A No.

12 Q All right. Page 10 of your report. You said  
13 you personally completed the District's mandatory  
14 online firearm safety training course, which took  
15 approximately one hour, and you believe it to be a  
16 positive first step?

17 A Yes.

18 Q Why do you refer to it as a first step?  
19 What's wrong with it?

20 A There is nothing wrong with it. It's a very  
21 good basic primer on firearm safety.

22 Q So you say "first step." Do you mean that



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1 firearms owners that don't take it seriously enough. We  
2 have a cavalier attitude in the United States about  
3 owning firearms.

4           It's a right under the Constitution to own a  
5 firearm and there is a responsibility that attaches to  
6 that right. I think the District has gone a long way  
7 towards trying to balance the right to possess a  
8 firearm with the responsibility inherent by creating  
9 this course, in creating a registration process, and  
10 basically telling the citizens of the District, "If you  
11 want to own a firearm you have to be a responsible gun  
12 owner." I think that online course is a good start  
13 towards that.

14           Q     Can you give me any jurisdictions outside of  
15 the District where there is a requirement for a similar  
16 firearms safety course?

17           A     The short answer is not for registration.  
18 It's mostly for concealed carriers.

19           Q     For registration there aren't any that you  
20 know of?

21           A     No.

22           Q     So can you give me any studies that show that

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1 a requirement like this reduces unintentional  
2 discharges of firearms?

3 A I cannot give you a study. I can cite 30  
4 years of my experience that people who are highly  
5 trained, that people who have hours and hours of  
6 firearms safety training and tactical training have  
7 accidental discharges, unintentionally wound themselves  
8 or someone else.

9 In my opinion, allowing someone to own a  
10 firearm without sort of a basic firearms safety  
11 training is tantamount to saying go out and have an  
12 accident.

13 Q Do you know how many firearms there are in  
14 the United States?

15 A The last number I heard was something like  
16 300 million.

17 Q Do you know how many fatal accidents there  
18 were last year?

19 A I don't. I know that between 2003 and 2007,  
20 there were something like 643 people killed  
21 accidentally by firearms.

22 Q What time period was that?