

# **EXHIBIT O**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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DICK ANTHONY HELLER, <i>et al.</i> ,		)	
		)	
Plaintiffs,		)	
		)	Civil Action No. 08-01289 (JEB)
v.		)	
		)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,		)	
		)	
Defendants.		)	
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DECLARATION OF SERGEANT COLIN HALL

Pursuant to 28 U.S.C. § 1746, I, Colin Hall, declare and state as follows:

1. I am over the age of eighteen (18) years, competent to testify to the matters contained herein, and testify based on my personal knowledge and information.

2. I have been employed by the Metropolitan Police Department since 1998, and began work at the Security Officers Management Branch (“SOMB”) in 2008. I am currently the supervisor for the Firearms Registration Unit (“FRU”), since the retirement of Lieutenant Shelton late last year.

3. My duties include operation and supervision of the FRU and the Gun Control Section, including all staffing and all firearms-registration application procedures and renewals. I also process firearm permits under the federal Law Enforcement Officers Safety Act. I am responsible for maintaining MPD’s firearms records and the firearms-registration database, and for preparing certified documents for criminal firearms cases and testifying in court to such documents and procedures.

4. At counsel’s request, I reviewed plaintiffs’ Motion for Summary Judgment and Opposition to Defendants’ Motion for Summary Judgment in this case. Specifically, I reviewed

pages 26 and 27, where plaintiffs argue that the background check conducted under the federal National Instant Criminal Background Check System (“NICS”) renders the District’s local checks “redundant,” implying that the NICS will catch everyone our local checks will catch. This assertion is incorrect.

5. As Lt. Shelton noted earlier here, as part of the background check for registering a firearm, the MPD conducts a check of applicants against a number of databases, including the Washington Area Law Enforcement System (“WALES”) and the National Criminal Information Center (“NCIC”), a federal database of criminal-justice information. *See* 28 C.F.R. § 25.2.

6. WALES contains local criminal background information, including outstanding warrants and protective or restraining orders, from local law-enforcement agencies. As part of its firearms-registration procedures, MPD also checks information it receives periodically from the D.C. Superior Court, *i.e.*, information on mental-health commitments and domestic-violence convictions.

7. The background checks conducted pursuant to NICS also access the NCIC. *Id.*, § 25.4. NICS checks are only conducted for firearms purchases or transfers conducted by a Federal Firearms Licensee (“FFL”), *id.*, § 25.6(a), therefore any previously owned firearms or estate firearms that a person wished to register in the District would not have another NICS check conducted prior to registration.

8. NICS uses social security numbers and names. NICS checks will flag any violations of *federal* firearms law (Title 18, Ch. 44 of the U.S. Code), however it will not flag or prevent a firearm purchase or transfer based on the standards contained within the District of Columbia’s Firearms Registration Act. Examples of information that would disqualify a person from registering a firearm in the District that would not be flagged by a NICS check include:

- a. Two or more DUIs in the previous five-year period. D.C. Official Code § 7-2502.03(a)(4)(C).
- b. A history of violent behavior within 5 years of the application. *Id.*, § 7-2502.03(a)(6A).
- c. Appearance as the respondent in an intrafamily proceeding in which a civil or foreign protection order issued against the applicant for a period of 5 years or more. *Id.*, § 7-2502.03(a)(12).
- d. Convictions within 5 years of a firearm-registration application for violations in any jurisdiction of any law restricting the use, possession, or sale of any narcotic or dangerous drug. *Id.*, § 7-2502.03(a)(4)(A).
- e. Convictions within 5 years of a firearm registration-application for violations of D.C. Official Code § 22-404, regarding assaults and threats, or regarding threats to do bodily harm, or a violation of any similar provision of the law of another jurisdiction. *Id.*, § 7-2502.03(a)(4)(B).

9. Consequently, WALES and MPD's periodic checks of Superior Court information (as described in paragraph 5, above) encompass information that is *not* captured by NICS background checks.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on 1/10/14

  
COLIN HALL