



NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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*For Immediate Release*

## FEDERAL COURT GRANTS NEW YORK CITY ACCESS TO FIREARMS TRACING DATABASE

### ***DECISION IS ANTICIPATED TO BOLSTER THE CITY'S CASE AGAINST GUN MANUFACTURERS AND DISTRIBUTORS THAT HAVE ALLEGEDLY ALLOWED ILLEGAL GUNS TO PROLIFERATE***

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New York, May 21, 2004 – The New York City Law Department passed a significant milestone in connection with the City's efforts to reduce the flow of illegally possessed firearms within New York City this week when Magistrate Judge Cheryl Pollak of the United States District Court of the Eastern District of New York ruled the City should be given access to a firearms tracing data base maintained by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The City plans to use information from the database in a case in which the City seeks to prove that firearms manufacturers and distributors have failed to exercise adequate control over their sales and distribution network, contributing to a proliferation of illegally possessed guns in New York City.

The Court found that the disclosure of the database in the context of a court proceeding would not run counter to recent legislation barring the ATF from using appropriated funds to disclose the database to the public. The court also agreed with the City's position that disclosure to the City under the strict confines of a court-directed confidentiality order would not pose a risk to law enforcement. "This Court finds that the firearms data maintained by BATF is relevant to plaintiffs' claims, is not prohibited from disclosure...is not protected by any law enforcement privilege when produced subject to an order of confidentiality," Magistrate Pollack wrote. She issued her ruling on Wed., May 19, 2004.

Eric Proshansky, Deputy Chief of the Law Department's Affirmative Litigation Division, said: "This decision is another important step in helping the City pursue its case against gun manufacturers and distributors who we allege have allowed illegal guns to proliferate." Proshansky is working on the case with Assistant Corporation Counsel Richard J. Costa of same division.

ATF's database traces the sales and ownership history of guns recovered in crimes. Expert analyses of the database have previously shown that a high proportion of so-called "crime guns" originate from a small number of gun dealers, and that gun manufacturers have an opportunity to restrict sales to those dealers.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 90,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at [www.nyc.gov](http://www.nyc.gov) or via direct link at

[www.nyc.gov/html/law/home.html](http://www.nyc.gov/html/law/home.html).

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