

REPORT OF THE COMMITTEE ON HOLLOW-POINT BULLETS PRESENTED TO THE CIVILIAN COMPLAINT REVIEW BOARD ON JULY 8, 1998

On March 3, 1997, Police Commissioner Howard Safir announced that the New York City Police Department intended to employ hollow-point bullets in place of full metal jacket bullets. The Commissioner announced that this would result in a standardization of bullets used by members of the service since, for several years, members of the Transit and Housing Police Departments had used hollow-points. The Commissioner and his top commanders further stated that the reason for the change at Transit and Housing had been to keep the problem of ricochet bullets and pass-through bullets to a minimum. Ricochet bullets were particularly problematic in the steel and concrete environments of housing project halls and subway stations. Pass-through bullets were particularly problematic in crowded urban situations.

Many members of the public expressed concern, both in print, on television and radio, and in the public comment portions of our public meetings that hollow-point bullets demonstrated the dangerous propensities of so-called "dum-dum" bullets; there were also several expressed concerns about excessive rotation, large exit wounds and explosive internal damage. Serious questions were raised about the propriety of such bullets in an urban environment. Concerns were raised both with respect to officers, in effect, acting as judge, jury and executioner on the one hand and with respect to officers being the possible victims of friendly fire fatalities on the other. After extensive debate a formal vote of the Board was held and a committee was established on March 12, 1997, to examine these concerns and to report our views to the full board for its consideration.

The Committee consisted of Commissioners Condon, Livingston and Kuntz, with Chairman Barkan as an ex officio participating member. The first order of business of the Committee was to examine publicly available literature concerning hollow-point bullets. After examining the extensive literature, a copy of which is appended to this report, the members of the Committee met at the New York City Police Academy Training Facility on July 8, 1997, with firearms experts from the New York City Police Department. In the course of that meeting the Committee examined full metal jacket bullets both before and after they had been fired. We also examined hollow-point bullets both before and after they had been fired. The firearms experts provided us with a map listing all the jurisdictions in which hollow-point bullets were currently in use in the United States of America, as well as other information pertaining to the Department's desire to effect uniform use of hollow-point bullets for all its members.

The Committee then arranged to actually load, discharge and retrieve hollow point and full metal bullets at the New York City Police firing range in the Rodman's Neck section of the Bronx. We spent the better part of a day at the firing range. Each member of the Committee fired both full metal and hollow point bullets. Each member of the Committee reviewed the post firing bullets. The Committee brought with it to the range a commercially produced gelatin identified by the Federal Bureau of Investigation reports as approximating the density of human bone, flesh and tissue. We observed the firearms experts discharge both full metal and hollow-point bullets into the gelatin we provided. The Committee and the firearms experts then jointly examined the bullets in the gelatin, observing their path, how they did or did not fragment, and how far they traveled.

CONCLUSION

The Committee unanimously concluded as follows:

First, the selection of appropriate ordnance to protect the members of the public and the members of the New York City Police Department is among the most significant responsibilities a Police Commissioner faces. The decision must be made in a thoughtful, deliberate manner which balances the risks and rewards in what is truly a life and death choice for all concerned.

Second, the Committee, while by no means expert in the area of firearms discharge, did come to appreciate the seriousness of the decision and the seriousness of purpose and consideration of the various factors the Police Department and its experts demonstrated in making their decisions in this area.

Third, the Committee unanimously concludes that the decision to move from full metal jackets to hollow-points is consistent with modern, enlightened law enforcement judgments in a wide number of jurisdictions - both state and federal-and is a reasonable exercise of the Department's rights and responsibilities in this arena. The problem of ricochets and pass-throughs is a significant one: there is no question that lives are always at risk when bullets are discharged. The issue is how to minimize damage.

Fourth, the Committee can state from its own observations that hollow-points are neither exploding dum-dums nor fragmenting bullets. With one exception the hollow-points we discharged and those we observed being discharged flattened slightly. The one exception was a hollow-point which hit a frozen bit of the gelatin: it did not explode, but left minor fragments near the path of the bullet. In every instance we observed, the hollow

point bullet penetrated the gelatin substance far less extensively than the full metal jacket. Thus, the Department's assessment that full metal jacket bullets present a great risk of pass through and ricochet dangers is consistent with our observations.

Fifth, the Committee unanimously commends both the Police Department and the Public for the serious and somber discussion of this issue. In assessing the risks and rewards of ordnance selection, the Committee has attempted to discharge its duties with the care and attention this important matter deserves.

Respectfully submitted,

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Deborah Livingston
Mel Barkan, Chairman