

June 5, 2016

Dear Common Council,

Prior to the last Laws and Rules Committee meeting, the Office of Corporation Counsel provided committee members with several New York State municipal gun ordinances, including three that specifically addressed shooting ranges: Utica, Mount Vernon and Rochester. However, rather than take the time to craft a city-specific law for Kingston, several Council members intend to adopt the City of Rochester's Gun Law in totality (with specific, intrusive regulations for shooting ranges), despite a significant disparity in population and crime statistics between our two cities. In an effort to facilitate the process of due diligence, I submit to you the following information:

Population:

As of 2015, the City of Kingston had a population of approximately 24,000; Utica approximately 61,000; and Mount Vernon approximately 68,000. Rochester had approximately 210,000 residents or more than the cities of Kingston, Utica and Mount Vernon combined and almost nine times the population of Kingston alone.

Crime Statistics:

The May 4, 2016 crime, arrest and firearm activity report from the *New York State Gun Involved Violence Elimination (GIVE)* initiative details criminal activity per jurisdiction, such as "Shooting Incidents," "Shooting Victims" and "Individuals Killed By Gun Violence"¹. Out of 21 GIVE jurisdictions, Rochester ranks third most violent by firearm in the state (see Table at end of this correspondence).

A 2006 article in *The Rochester City Newspaper* titled "Rochester: Made For Murder?" examined Rochester's 2005 murder statistics (25 per 100,000) and found they were more than four times that of New York City's (6 per 100,000)².

In an April 2016 news conference, Rochester's Police Chief, Mike Ciminelli, discussed Rochester's 2015 crime statistics citing that although overall non-violent crime was down, there was a 15 per cent increase of shooting victims from the City's five and 10 year averages, and that Rochester experienced its second highest total of individuals shot in a "multi-victim event" since 2000³.

¹ <http://www.criminaljustice.ny.gov/crimnet/ojsa/greenbook.pdf>

² <http://www.rochesternewspaper.com/rochester/rochester-made-for-murder/Content?oid=2132212>

³ <http://www.twcnews.com/nys/rochester/news/2016/04/6/police-chief-ciminelli-releases-2015-crime-statistics-report.html>

Rochester clearly has a longstanding gun violence epidemic and, as such, has attempted to address its specific gun violence issues by passing overly restrictive laws that extend deep into the daily operations of its shooting range facilities. Despite the heavy regulatory intrusion, Rochester's laws have had no statistical impact on its gun violence (see Table at end of this correspondence).

Questions:

Before adopting a law in totality from another city, examining applicability to the City of Kingston is paramount to prevent a repeat of the mistake made in its 1978 firearm ordinance and again with its 1984 amendment. It is also crucial that the law adopted appears appropriate and not arbitrary and capricious. Specifically, what data do you have to support the need for:

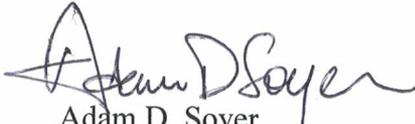
- 1) Requiring the presence of a licensed security guard in the parking lot during hours of operation;
- 2) Requiring a ratio of one Range Safety Officer per five shooters. Please explain
 - a) how this requirement is enforceable without overstaffing as patron census continually fluctuates; and
 - b) how this ratio was determined range-appropriate when there is no requirement for this level of supervision for licensed pistol permit holders (RSO-to-shooter ratio is regulated for Boy Scout {adolescent} training only);
- 3) Requiring a log book of member/shooter names, their signatures, ages, addresses, general descriptions of appearance, description of weapons used including make and serial number, when they shoot and amount and caliber of ammunition used;
- 4) Requiring unrestricted police access to shooting range and customer records during hours of operation. Please explain what incidents have occurred locally to justify, or what incidents would be prevented by, this intrusion; and lastly
- 5) Have Common Council members had any inter-municipality communication with mayors/supervisors of cities/towns similar in size and scope to Kingston to discuss shooting ranges and their impact on crime? On revenue? On economic development? What is so difficult in crafting a gun ordinance that is both fair and unique to Kingston?

I began this project with the City in April 2015. Based on affirmation from the Planning and Zoning Boards, I retained a consultant, an architect and legal counsel for the project. I have offered detailed information regarding all aspects of concern including construction, safety, environmental impact, noise abatement and proximity. I have, on numerous occasions, corrected the misinformation presented by the project's opposition. I have been patient and generally tolerant of the process and reserved my faith in the City's better judgment.

By blindly adopting Rochester's legislation for our City, you will temporarily stifle my shooting range project and your agenda will be clear. More importantly, you will send a message to prospective investors, i.e., if you do not like or understand a project or if it

conflicts with your narrow vision for Kingston, you will adopt offensive legislation to derail it. How woefully short-sighted. Kingston cannot survive on grant money and property taxes, especially with its high proportion of tax-exempt entities that pay little or no tax at all. Kingston may be entering another cycle of beautification, but pretty buildings and urban gardens will not generate the revenue needed to pay our civil servants and maintain our crumbling infrastructure. It is a sad day when a city's financial health is subordinated to ideology. Unfortunately for Kingston, I fear that day has arrived.

Respectfully Submitted,


Adam D. Soyer
SAFESHOOT, LLC

**2015 Index Crime Counts and Rates Per 10,000 Population
By GIVE Jurisdiction
As of 05/03/2016**

| Jurisdiction | 2015 Population | Index Crime | | Violent Crime | | Violent Crime by Firearm | | Property Crime | |
|-----------------------|------------------|----------------|--------------|---------------|-------------|-----------------------------|------------|----------------|--------------|
| | | Count | Rate | Count | Rate | Count | Rate | Count | Rate |
| Albany City PD | 98,722 | 3,998 | 406.0 | 792 | 80.2 | 91 | 9.2 | 3,206 | 324.8 |
| Binghamton City PD | 46,048 | 2,402 | 521.6 | 310 | 67.3 | 38 | 8.3 | 2,092 | 454.3 |
| Buffalo City PD | 258,096 | 14,061 | 544.8 | 2,886 | 111.8 | 879 | 34.1 | 11,175 | 433.0 |
| Hempstead Vg PD | 55,929 | 1,120 | 200.3 | 403 | 72.1 | 84 | 15.0 | 717 | 128.2 |
| Jamestown City PD | 30,623 | 1,249 | 407.9 | 237 | 77.4 | 24 | 7.8 | 1,012 | 330.5 |
| Kingston City PD | 23,485 | 731 | 311.3 | 71 | 30.2 | 11 | 4.7 | 660 | 281.0 |
| Middletown City PD | 27,633 | 796 | 288.1 | 113 | 40.9 | 13 | 4.7 | 683 | 247.2 |
| Mount Vernon City PD | 68,374 | 1,609 | 235.3 | 477 | 69.8 | 95 | 13.9 | 1,132 | 165.6 |
| Nassau County PD | 1,063,051 | 12,714 | 119.6 | 1,318 | 12.4 | 227 | 2.1 | 11,396 | 107.2 |
| Newburgh City PD | 28,227 | 1,209 | 428.3 | 412 | 146.0 | 119 | 42.2 | 797 | 282.4 |
| Niagara Falls City PD | 48,989 | 3,081 | 628.9 | 555 | 113.3 | 118 | 24.1 | 2,526 | 515.6 |
| Poughkeepsie City PD | 30,416 | 924 | 303.8 | 242 | 79.6 | 41 | 13.5 | 682 | 224.2 |
| Rochester City PD | 209,922 | 10,105 | 481.4 | 1,839 | 87.6 | 618 | 29.4 | 8,266 | 393.8 |
| Schenectady City PD | 65,875 | 2,220 | 337.0 | 434 | 65.9 | 76 | 11.5 | 1,786 | 271.1 |
| Spring Valley Vg PD | 32,795 | 523 | 159.5 | 155 | 47.3 | 12 | 3.7 | 368 | 112.2 |
| Suffolk County PD | 1,340,120 | 20,932 | 156.2 | 1,736 | 13.0 | 443 | 3.3 | 19,196 | 143.2 |
| Syracuse City PD | 144,027 | 6,229 | 432.5 | 1,142 | 79.3 | 244 | 16.9 | 5,087 | 353.2 |
| Troy City PD | 49,872 | 2,441 | 489.5 | 428 | 85.8 | 94 | 18.8 | 2,013 | 403.6 |
| Utica City PD | 61,109 | 2,554 | 417.9 | 357 | 58.4 | 96 | 15.7 | 2,197 | 359.5 |
| Yonkers City PD | 201,753 | 2,958 | 146.6 | 950 | 47.1 | 147 | 7.3 | 2,008 | 99.6 |
| New York City | 8,550,861 | 179,948 | 210.4 | 50,086 | 58.6 | 6,577 | 7.7 | 129,860 | 151.9 |

Source: DCJS UCR/IBR Reporting System