

Exhibit 48

to

Plaintiffs' Reply to Defendants'
Opposition to Plaintiffs' Cross-Motion
for Summary Judgment

In The Matter Of:

*Shawn J. Tardy, et al. vs.
Martin J. O'Malley, et al.*

Chief James Johnson

Vol. 1

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1 A With respect to the issue of assault
2 rifles, no.

3 Q There was a period of time in which many
4 so-called assault rifles were banned by the federal
5 government, correct?

6 A That's correct.

7 Q And during that period of time, was there
8 any impact on crime?

9 MR. FADER: Object to the form. You
10 could answer, if you know.

11 A The assault weapons ban was in place from
12 1994 to 2004. Indicated -- studies indicate -- and
13 just bear with me, I'm going to read from my notes
14 on this issue.

15 Q Sure.

16 A "Study show that from '94 assault weapons
17 ban was effective. 2004 University of Pennsylvania
18 study found that in the nine years after the ban
19 took effect, percentage of gun crimes involving
20 assault weapons decreased by 70%."

21 It's a Christopher Koper study.

1 Second, "A study of The Urban Institute
2 conducted under a grant of the Justice Department
3 found that assault weapons were disproportionately
4 involved in murders with multiple victims, multiple
5 wounded victims and police officers as victims. The
6 same study found that assault weapons ban was
7 responsible for 6.7% decrease in total gun murders."

8 "1998, four years after the assault
9 weapons ban in high capacity magazine ban was
10 enacted, the percentage of firearms with high
11 capacity magazines recovered by Virginia police
12 decreased and continue to drop until it hit a low of
13 10% in 2004. The year the ban expired, in the years
14 following the ban's expiration, the number of high
15 capacity magazines recovered in Virginia rose each
16 year and reached a high of 22% in 2010."

17 Next study. "After the banned expired in
18 2004, 37% of police agencies saw an increase in
19 criminal's use of assault weapons. And 38% reported
20 a noticeable increase in criminal's use of high
21 capacity magazines."

1 It's a 2010 Police Executive Research
2 Forum Survey.

3 "And in Maryland, after imposing a more
4 stringent ban on assault pistols and high capacity
5 magazines in 1994, there was a 55% drop in assault
6 pistols recovered by the Baltimore Police
7 Department."

8 I'm going to stop at that.

9 MR. SWEENEY: All right. Could we get a
10 copy of that, Mr. Fader?

11 MR. FADER: Yes.

12 MR. SWEENEY: I believe now it's become
13 past recollection recorded.

14 MR. FADER: Do you want one now?

15 MR. SWEENEY: I would like one now. And
16 it would be useful for me to respond and ask
17 additional questions off a copy of it. Thank you.

18 Why don't we take a short break.

19 MR. FADER: Sure.

20 (A break was taken.)

21 (Johnson Exhibit 2 was marked for

1 A I am not a ballistics expert.

2 Q All right. And what is the basis for
3 your opinion on the penetration force of the banned
4 firearms in a home situation?

5 A I understand the high velocity capability
6 of many assault weapons. I've made a conscious
7 choice to select a certain type of round, 223 round,
8 for my Tactical Team use, to minimize the potential
9 that that weapon would exit the body of the
10 adversary.

11 Q And would you agree with me that there
12 are similar rifles out there, for instance, the AR10
13 with a higher caliber, a more powerful cartridge
14 load, and greater body and building penetration
15 capability?

16 A I'm not a ballistics experts, but I would
17 accept that there are likely other rounds and
18 weapons that would achieve the same velocity.

19 Q In fact, the firearms that are banned, by
20 and large, are what would be considered a medium
21 power load for long guns, correct?

1 Q Chief Johnson, let me show you what we've
2 marked as Exhibit 7, and through the miracle of the
3 Internet, I downloaded and printed this from the
4 National Law Enforcement Partnership to Prevent Gun
5 Violence website. And in -- first, is this list of
6 partner organizations look familiar to you?

7 A Yes.

8 Q And does this list all of the partner
9 organizations for the National Law Enforcement
10 Partnership to Prevent Gun Violence?

11 A Yes.

12 Q Are there any other members of the
13 partnership than these partner organizations?

14 A No.

15 Q How is the partnership funded?

16 A We are funded via a grant from the Joyce
17 Foundation.

18 Q And what is the Joyce Foundation?

19 A The Joyce Foundation is an organization
20 based out of Chicago, that I understand grants funds
21 for certain projects. And they are -- their reach

1 is very broad. Not just public safety issues, but
2 other issues in our society.

3 Q And do you know how much the grant was
4 for?

5 A Last year I believe that grant was 175.
6 This year it's 150.

7 Q Is that \$100,000 -- 150?

8 A \$150,000.

9 Q Right. And how long is the National
10 Enforcement Partnership to Prevent Gun Violence been
11 in action?

12 A This group I think actually was started
13 in 2011.

14 Q Okay.

15 A I would point out that I have accepted no
16 compensation for involvement in this group. And we
17 have two employees that do the daily administrative
18 work, and help get me statistics, and facts, and
19 cases, and such.

20 Q I'm sure the County Executive would
21 require you to scourge it anyway.

1 You say you have two employees. What are
2 their titles?

3 A The primary individual is Gayle Hoffman.
4 And Gayle's role and responsibility -- I think it
5 would be accurate to describe as executive director.

6 All the members of this group are law
7 enforcement that are either running police agencies
8 or other police-related academic organizations. And
9 I just don't have the time to devote, you know,
10 five, let alone 20 hours a week, to this issue.

11 Q Now, I notice right under leadership
12 where it has your name, I clicked on Jim Johnson and
13 I saw a very nice biography on you, sir.

14 It says the Police Foundation serves as
15 the administrative partner managing the operations
16 of the partnership. What does that mean exactly?

17 A I didn't want to deal with the money. I
18 didn't want the responsibility of having to account
19 for 175 or \$200,000 a year in funding, dispersing
20 those funds. And the Police Foundation is a long
21 time recognized academic group in public safety

1 based out of Washington. They already had the
2 budget structure set up, and they actually dispersed
3 the money to these two individuals as salary.

4 Some of the funding is used -- for
5 example, we'll have a press conference in Chicago
6 calling for a national background check. Again, law
7 enforcement across the nation is unified. Many in
8 law enforcement across the nation are unified on
9 national background check. So we've done press
10 invites in Florida, Virginia, Pennsylvania,
11 Illinois, Wisconsin, calling for a national
12 background check.

13 Q So, what does the staff do, other than
14 arrange for these -- I guess speaking event?

15 A They do a lot of research work for me. I
16 want all the statistics and facts vetted, audited,
17 verified. I'll sit and I'll advise them how I want
18 something prepared in writing. They collect and
19 keep information, and certainly act to coordinate
20 different telephone conference calls or the issue of
21 the day.

1 Last week we spent three hours -- two
2 weeks ago, talking about 3D CAD, Computer-Assisted
3 Designed weapons. And as a group I decided not to
4 take a position on that. I wanted to stay focus on
5 the background check for this particular endeavor at
6 this time.

7 Q Is the document that we've marked as
8 Johnson 2, the one with your handwriting, Ban Study,
9 is that an example of a document that might be put
10 together by the staff there?

11 A Yes, sir.

12 Q All right. Do you have any understanding
13 of intent to receive funds in the future from the
14 Joyce Foundation?

15 A Just within the last three weeks we were
16 awarded for next calendar year \$150,000. I suspect
17 that there will be other financing opportunities,
18 but year to year you have to reapply, and they may
19 or may not fund that group.

20 Q Are there any other organizations that
21 your partnership has approached for funding?