

Nos. 25-238, 25-566

In the Supreme Court of the United States

CUTBERTO VIRAMONTES, *et al.*,

Petitioners,

v.

COOK COUNTY, ILLINOIS, *et al.*,

Respondents.

EDDIE GRANT, JR., *et al.*,

Petitioners,

v.

RONNELL HIGGINS, IN HIS OFFICIAL CAPACITY AS
COMMISSIONER OF THE CONNECTICUT DEPARTMENT
OF EMERGENCY SERVICES AND PUBLIC
TRANSPORTATION, *et al.*,

Respondents.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURTS OF
APPEALS FOR THE SEVENTH AND SECOND CIRCUITS

**BRIEF FOR THE NEW YORK CITY POLICE
DEPARTMENT AS *AMICUS CURIAE*
IN SUPPORT OF RESPONDENTS**

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INTEREST OF AMICUS CURIAE

The New York City Police Department (NYPD) is the largest municipal police department in the United States, with approximately 35,000 officers and 15,000 civilian employees, and is responsible for protecting the safety of New York City's 8.5 million residents and tens of millions of annual visitors. Although New York City remains the nation's safest big city, with shooting incidents at historic lows, gun violence is a persistent problem. As part of its decades-long effort to combat the scourge of gun violence and protect both the public and police officers in the line of duty, the City has banned assault weapons since 1991—a policy the NYPD supported 35 years ago and continues to support today.

The NYPD respects individuals' Second Amendment rights. Those rights may be fully honored while also prohibiting individuals from possessing assault weapons, as both New York State and New York City currently do. As respondents explain, assault weapons create extraordinary risks for the safety of police officers and pose significant operational challenges for law enforcement (*see* Cook County Br. 31-36; Connecticut Br. 31-32). The NYPD's experience confirms that the proliferation of such lethal weapons on the streets of New York City would put officers at heightened risk of death or injury, raise the stakes in the already tense and tactically complex situations to which they must

respond, and ultimately frustrate the Department's efforts to protect public safety.

This Court has long recognized "the historical tradition of prohibiting the carrying of 'dangerous and unusual weapons.'" *District of Columbia v. Heller*, 554 U.S. 570, 627 (2008) (citing 4 Blackstone 148–149 (1769)). The NYPD offers this brief to provide a law-enforcement perspective on why the weapons at issue in these cases are distinctively dangerous and to urge the Court to uphold the challenged statutes.

SUMMARY OF ARGUMENT

The NYPD's experience confirms that assault weapons, carried legally or illegally, pose a unique and particularly significant threat to police officers and to the NYPD's mission. Most directly, because assault weapons are far more powerful and deadly than handguns, police officers are increasingly likely to die or be seriously injured in the event that it becomes legal, and thus more common, for those weapons to be possessed and carried in New York City. NYPD officers respond to thousands of calls related to guns every year and spontaneously encounter people bearing handguns as well. If the NYPD's experience stands for anything, it is that officers are always at some risk when interacting with individuals who are armed. The legalized ownership and carrying of assault weapons on New York City's streets would dramatically increase that risk.

Less directly, but perhaps more fundamentally, if assault weapons become legal to possess and carry in New York City, the Department's task of maintaining order and protecting the public will become much more difficult and fraught. If New York City residents and visitors are publicly carrying assault weapons, the NYPD ultimately may have to similarly arm some significant portion of its officer ranks to ensure that they are not outgunned in the event of a shootout. Making assault weapons anything close to standard issue would change the nature of policing, for the worse. Assault weapons cannot be holstered in the manner of a handgun, meaning that an officer holding an assault weapon has fewer options when reacting to an unpredictable situation, limiting their ability to use less lethal force options. More generally, an officer holding such a weapon becomes less approachable and more militarized in the eyes of our community partners, eroding the trust that the NYPD needs to effectively do its job.

Finally, since assault weapons can only be carried openly, officers who see a person bearing such a weapon in New York's crowded public spaces will be placed in a near-impossible dilemma, with potentially life-or-death consequences, between intrusive investigation and respect for civil liberties. The Constitution was not meant to place law-enforcement officers in this type of no-win position with lives at stake. States and

local jurisdictions should have discretion, consistent with the Second Amendment, to decide that the concerns expressed here require prohibiting assault weapons within their borders.

ARGUMENT

A. Assault weapons create extraordinary risks for the safety of police officers.

Policing is difficult and often dangerous work anywhere, but the risks to officer safety are heightened in a large city like New York. New York is a city of sidewalks, parks, and public transit. Many, if not most, police interactions occur in the City's crowded public spaces. While state law bars firearm possession in certain identified "sensitive location[s]," *see* N.Y. Penal Law § 265.01-e, those account for just a portion of the City's roadways, sidewalks, and buildings. In an era when many residents may carry concealed handguns legally, NYPD officers have learned through training and experience how to manage their encounters with individuals carrying handguns and how to protect themselves and the public in those situations. But widespread public access to assault weapons would change this risk calculus dramatically. Because assault weapons have the ability to rapidly fire many rounds of ammunition at extremely high velocity, they pose an exceptionally high risk to officer safety as compared to other firearms. Put simply, in the NYPD's experience, assault weapons are "dangerous and unusual

weapons” in the context of the practical and life-or-death considerations involving officer safety.

1. Assault weapons, such as the AR-15, are high-powered semiautomatic firearms originally designed for military use (*see* JA55-56). They can load and discharge ammunition rounds at rapid speed—much faster than manually operated firearms. Detachable magazines allow a shooter to reload rapidly and potentially discharge hundreds of rounds in quick succession. Assault weapons are also incredibly powerful. Each round from an assault weapon has up to four times the muzzle velocity of a handgun round, making them significantly more accurate from long range.¹ When used by experienced shooters, or with the addition of certain accessories, the capabilities of assault weapons approach those of machine guns. *See Garland v. Cargill*, 602 U.S. 406, 411 (2024).

Because of their rapid rate of fire, quick reload time, high muzzle velocity, and accuracy, assault weapons are uniquely lethal. As compared to a handgun, “[t]he higher speed of a bullet from an AR-15 causes far more damage after it hits the body and

¹ *See* Peter M. Rhee et al., *Gunshot Wounds: A Review of Ballistics, Bullets, Weapons, and Myths*, 6 J. Trauma Acute Care Surg. 80, 853–67, 859 (June 2016); JA19.

drastically reduces a person’s chances of survival.”² Indeed, the AR-15 fires bullets at such a high velocity “that it can eviscerate multiple people in seconds.”³ The NYPD is well aware of research showing that shootings where assault weapons were used resulted in an average of 2.3 times more people killed and 22.7 times more people wounded compared to incidents with other types of guns.⁴

2. The capabilities of assault weapons present acute risks for police officers in the line of duty. Although shootings are at historic lows in New York City, NYPD officers still routinely respond to reports of incidents involving guns. In 2024 alone, officers responded to 73,588 calls related to weapons—an average of more than 200 calls per day—and made more than 4,000 gun arrests.⁵ That is on top of the thousands of daily interactions that officers have with members of the public through routine investigative encounters, vehicle stops, and other calls for service,

² N. Kirkpatrick, Atthar Mirza & Manuel Canales, *The Blast Effect*, Wash. Post (Mar 27, 2023), <https://www.washingtonpost.com/nation/interactive/2023/ar-15-damage-to-human-body>.

³ *Id.*

⁴ See Everytown for Gun Safety, Mass Shootings in the United States (March 2023), <https://perma.cc/44AH-K8ZF>.

⁵ NYPD Use of Force Report at 18 (2024), <https://perma.cc/R5L-5NVF>.

where officers have no advance knowledge about whether a firearm may be present.

These situations are often fraught and volatile. Whether an officer is responding to an interpersonal dispute, a person experiencing a mental-health crisis, or an active crime, the presence of a firearm heightens the risks for both the officer and the public. Officers are trained in how to handle these tense and potentially dangerous situations, including through the use of verbal commands, de-escalation tactics, and, if necessary, the use of force. Nevertheless, encounters with individuals in possession of firearms can have devastating consequences for officers: Between 2000 and 2024, 19 members of the NYPD were shot and killed in the line of duty, and 119 officers were shot and injured.⁶

The proliferation of assault weapons on the streets of New York City would put police officers at even greater risk of death or serious bodily injury. Given the uniquely lethal nature of assault weapons and their ability to inflict damage faster and at a larger scale than other types of firearms, their legalization would almost certainly lead to more police officers being shot and killed in the line of duty. Each interaction with a person carrying an assault weapon would pose the risk

⁶ *Id.* at 72.

of more bullets being fired in rapid succession, from longer range, and each bullet would be significantly more likely to kill a responding officer.

Although the NYPD ensures officers have access to high-quality firearms and protective equipment while on duty, widespread civilian access to assault weapons would leave officers outgunned and underprotected. Most officers are issued a 9-millimeter semiautomatic handgun, with capabilities inferior to that of an assault weapon. Only a small percentage of officers assigned to specialized units, such as the Emergency Services Unit, are authorized to carry an assault weapon or equivalent type of firearm. And although the standard bullet-resistant vests available to NYPD officers are effective against 9-millimeter handguns, they are not equipped to stop bullets fired from an assault weapon. As discussed more below, the likely result is that the NYPD will need to take steps to arm more of its officers with high-powered assault weapons and heavy vests with ballistic plates—a costly and difficult decision that would involve significant operational challenges.

3. The dangers that assault weapons pose to police officers are not merely theoretical. Already, one out of every five law-enforcement officers killed by a gun is killed by an assault weapon.⁷ One such tragedy

⁷ Brady United Against Gun Violence, *Assault Weapons and High Capacity Magazines*, <https://perma.cc/N7KG-LP4Q>.

occurred in New York City in July 2025, when a man carrying an assault weapon walked into the lobby of a Midtown Manhattan office building and opened fire. In a matter of minutes, the gunman shot and killed four people, including Officer Didarul Islam, a three-year veteran of the NYPD who was working a security detail in the building. Notably, the gunman had legally purchased the weapon from his supervisor at work, who had previously acquired the gun lawfully out of state.⁸ This accords with national data showing that a significant portion of guns used in crimes were purchased legally.⁹

Law-enforcement officers across the country have experienced similar tragedies attributable to assault weapons. For example, in Charlotte, N.C., four police officers were killed and four more were injured while trying to serve warrants at a residence, after a man opened fire on them from a second-floor window using

⁸ See Pooja Salhotra, *Gunman's Mental Health History Did Not Prohibit Gun Purchase*, N.Y. Times (July 29, 2025), <https://perma.cc/VW4Y-9TUU>; Mahsa Saeidi, *Authorities Investigating if Gunman in NYC Office Shooting Legally Purchased Rifle from Boss*, CBS News (July 31, 2025), <https://perma.cc/6TN7-7792>.

⁹ Meg Anderson, *Thousands of Guns Are Found at Crime Scenes. What Do They Tell Us?*, NPR (Dec. 17, 2025), <https://perma.cc/V8Z2-GWGN>.

an assault weapon.¹⁰ In Detroit, an officer responding to a 911 call about a weapon was shot and killed by a man firing an assault weapon from an apartment building.¹¹ And in Philadelphia, six officers were wounded by gunfire from an assault weapon during an hours-long standoff in which a man fired over 100 rounds at them before surrendering.¹²

In short, the unusually dangerous nature of assault weapons means that legalizing their possession and carry would create grave and unprecedented risks to the safety of police officers, in ways that the current laws allowing handgun possession and carry do not.

B. Legalizing assault weapons would create significant operational challenges for the NYPD and other law-enforcement agencies charged with protecting public safety in urban areas.

A ruling for petitioners would also lead to difficult-to-navigate operational challenges for the NYPD and

¹⁰ Kevin Shalvey & Meredith Deliso, *AR-15 Rifle Recovered from Scene Where 4 Law Enforcement Officers Killed in Charlotte: Police*, ABC News (Apr. 30, 2024), <https://perma.cc/Y4JW-WHSG>.

¹¹ Assoc. Press, *Detroit Police Officer Killed After Confronting Man with Assault-Style Weapon* (July 7, 2022), <https://perma.cc/QD38-LMYQ>.

¹² David Chang, Brian Sheehan & Siobhan McGirl, *Man Sentenced to 120-240 Years in Prison for Shooting Philly Officers*, NBC10 Philadelphia (July 10, 2025), <https://perma.cc/F972-5AX5>.

for similarly situated public-safety agencies. The NYPD’s mission is to “enhance the quality of life in New York City” by, among other things, enforcing the law, protecting the people of the City, and maintaining order.¹³ Through experience, the NYPD has learned that it cannot achieve its mission when those it is charged with protecting—law abiding citizens or otherwise—carry firearms that are significantly more capable of harm than what regular NYPD officers carry. The legalization of assault weapons in New York City would have the practical effect of forcing the NYPD to consider similarly arming its regular-duty officers. This arms race would reduce public safety, change the very nature of policework in the City, and create an intimidating barrier to community engagement. Further, NYPD officers would be placed in a terrible bind, caught between respecting the rights of those bearing firearms openly—assault weapons can be carried in no other way—and their sworn duty to protect the public from harm.

1. NYPD officers interact with the public at a volume that is unmatched in any other American city.¹⁴ And because of New York City’s population density,

¹³ NYPD Patrol Guide, Proc. No. 200-02 (Oct. 24, 2025), <https://perma.cc/Q4CB-JACY>.

¹⁴ See NYPD Use of Force Report at 18 (noting that NYPD officers responded to nearly seven million 911 calls in 2024).

those interactions often occur in bustling public spaces. An officer can rarely predict when a call for assistance or other encounter will turn from benign and peaceful to volatile and dangerous. Through training and accountability, the NYPD has dramatically reduced firearm discharges by its officers over the past five decades.¹⁵ Nonetheless, the NYPD has long recognized that its officers cannot achieve their protective goals if the weapons they carry place them at a disadvantage relative to the people they are responsible for keeping safe, law-abiders and law-breakers alike.

History provides pertinent examples of the NYPD's need to remain on equal footing with the arms-bearing individuals that officers encounter. In 1986, 22-year-old Officer Scott Gadell was killed during a shootout with a person armed with a semiautomatic handgun, while Gadell was in the cumbersome process of reloading his .38-caliber six-shot revolver. The NYPD responded by transitioning its force to "speed loaders," in the hope that it would prevent officers from being placed at a similar disadvantage again.¹⁶

¹⁵ *Id.* at 15.

¹⁶ See NYPD, *Fallen Finest, Police Officer Scott A. Gadell*, <https://perma.cc/CL4Y-G2E4>; Chelsia Rose Marcus, *Queens Ceremony Honors Memory of NYPD's Scott Gadell, Slain While Reloading Low-Capacity Weapon in 1986*, N.Y. Daily News (June 29, 2016), <https://perma.cc/R2HK-6TQF>.

Later, in the 1990s, the NYPD recognized that officers were “increasingly outgunned” in encounters involving firearms, and the Department transitioned its service weapon from the .38-caliber revolver to the quicker-to-reload and more powerful 9-millimeter semiautomatic handgun, capable of carrying 10 rounds.¹⁷ The NYPD made this transition with significant reservations about whether the new firearms were too powerful and dangerous to be used in the crowded New York City landscape.¹⁸ Ultimately, the Department determined that it could not send its officers to work in an environment where their service firearm provided insufficient protection for themselves and the public.

A ruling that makes it impossible to ban assault weapons in New York City would leave regular-duty NYPD officers even more outgunned than they were in the 1990s. If history is any indication, such a change would likely result in the NYPD considering steps to arm more and more officers with a weapon that matches the firepower of the armed individuals that they are bound to encounter on the City’s sidewalks and roadways. While the NYPD’s leadership had

¹⁷ Craig Wolff, *New York City Police to Replace Revolvers with Semiautomatics*, N.Y. Times (Aug. 21, 1993), <https://perma.cc/JT66-7L4K>.

¹⁸ *See id.*

reservations about transitioning to a more-powerful service handgun in the 1990s, arming a large portion of the NYPD's force with assault weapons involves risks and consequences far more significant than what the NYPD faced then. The NYPD may nonetheless be forced to accept these risks and consequences when officer safety is at issue.

2. Equipment changes that better protect officers from the dangers of assault weapons would have repercussions on policing. An officer's day-to-day work is significantly altered, and in many situations undermined, when they are carrying an assault weapon and wearing a bulky vest with ballistic plates. Unlike handguns, assault weapons are large firearms that cannot be carried hands-free on an NYPD duty belt. Holding such a weapon while engaged in a street patrol or in any interaction with the public makes an officer less agile and less able to respond in situations that are often unpredictable, as does wearing a plated vest. And if an officer is already holding a firearm, using a less lethal form of force becomes more difficult. The NYPD requires officers to holster their firearm "as soon as practicable."¹⁹ But assault weapons can never be put away.

Relatedly, because an assault weapon cannot be holstered out of sight in the manner of a handgun, the

¹⁹ NYPD Patrol Guide, Proc. No. 221-01 at 3 (July 10, 2025), <https://perma.cc/RT9J-YPN4>.

officer's weapon would also likely become a focal point of any community interaction. This would present a serious impediment to the NYPD's work. Community engagement is a crucial part of effective policing, which is why the Department's mission statement specifies that officers work "in partnership with the community" to achieve the NYPD's goals.²⁰ It barely needs saying that an officer carrying an assault weapon and wearing plated body armor in a public space is not presenting a face of community partnership. The NYPD's most basic mission includes "reduc[ing] fear."²¹ Achieving that mission becomes much more difficult when rank-and-file officers look less like crime-fighting partners and more like soldiers sent to neutralize an enemy force.

3. The legal possession and carrying of assault weapons in New York City's crowded public spaces would also force officers to make rapid, highly fraught determinations based on little information about who is likely to be a lawful and peaceful firearm carrier and who intends to use the firearm for criminal harm. To be sure, police officers are tasked everyday with decisions that test the tensions between public safety and constitutional rights. Officers rely on their training,

²⁰ NYPD Patrol Guide, Proc. No. 200-02 (Oct. 24, 2025), <https://perma.cc/Q4CB-JACY>.

²¹ *Id.*

understanding of the law, and best judgment to determine which activities require further investigation and which do not.

But the legalization of assault weapons in New York City would make these encounters even more difficult to navigate. The presence of these weapons in public places would lead to alarm and increased emergency calls, and it would be the rare situation where an officer could discern without intrusive investigation whether the person was carrying the firearm legally. Judging correctly whether an individual carrying an assault weapon means no harm could be the difference between life and death. NYPD officers, committed to following the law and keeping people safe, would regularly be put in a seemingly impossible position. A constitutional doctrine that puts our officers in this bind ignores the reality of policing in a densely populated and pedestrian-focused city like New York.

NYPD officers regularly do not encounter this problem with handgun possession because the City's licensing regulations allow only concealed carry. *See* 38 R.C.N.Y. § 5-01(b). Currently, if an officer sees a firearm carried in the open or receives a report of such behavior, there is probable cause to believe that a violation has occurred, permitting the officer to intercede. That certainty would disappear if the carrying of assault weapons became legal because assault weapons can only be carried openly. NYPD officers should not be placed in a position where they are constantly

having to determine, with no good options, how to thread the needle between Second Amendment rights and their mission to protect the public from harm.

4. Finally, the NYPD is aware that organizations representing other law-enforcement entities have filed a brief in support of petitioners, arguing, among other things, that those entities “welcome the help” from citizens armed with assault weapons “in fighting crime” so that the “burden on law enforcement” is eased.²² The NYPD strongly disagrees with this sentiment. In the NYPD’s institutional experience, the job of law enforcement will become much more difficult and dangerous, at least in a densely populated city such as New York, if members of the public are carrying highly powerful and particularly lethal firearms.

Whatever the merits of these amici’s views when it comes to their own jurisdictions, they simply make no sense in a place like New York City. The Second Amendment should pose no barrier to New York City and New York State choosing a different path for protecting our officers and the public.

²² Brief of Amici Curiae National Sheriffs’ Association and Western States Sheriffs’ Association in Support of Petitioners, at 16-17.

CONCLUSION

This Court should affirm the decisions of the courts of appeals.

Respectfully submitted,

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