

**In the Supreme Court of the United States**

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CUTBERTO VIRAMONTES, et al.,  
*Petitioners,*

*v.*

COOK COUNTY, ILLINOIS, et al.,  
*Respondents.*

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

*v.*

RONNELL HIGGINS, IN HIS OFFICIAL CAPACITY, et al.,  
*Respondents.*

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On Writs of Certiorari to the United States Courts of  
Appeals for the Second and Seventh Circuits

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**BRIEF OF FORMER MAJOR CITY POLICE CHIEFS AS *AMICI*  
*CURIAE* SUPPORTING RESPONDENTS**

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**TABLE OF CONTENTS**

|                                                                                                                                                                                         |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Interest of Amici Curiae.....                                                                                                                                                           | 1  |
| Introduction and Summary of Argument.....                                                                                                                                               | 4  |
| Argument .....                                                                                                                                                                          | 6  |
| I. AR-15 platform rifles pose unique dangers to law<br>enforcement officers .....                                                                                                       | 6  |
| A. AR-15s overpower standard police equipment<br>and expose law enforcement officers to<br>extraordinary danger.....                                                                    | 6  |
| B. Real-world experience confirms the unique<br>danger these weapons pose to law<br>enforcement officers .....                                                                          | 14 |
| II. The proliferation of AR-15 platform rifles forces<br>police into an unfortunate arms race—straining<br>relationships with communities and hindering<br>law enforcement efforts..... | 19 |
| Conclusion .....                                                                                                                                                                        | 25 |

## TABLE OF AUTHORITIES

|                                                                                                                                                                    | PAGE(S) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>CASES</b>                                                                                                                                                       |         |
| <i>Bianchi v. Brown</i> ,<br>111 F.4th 438 (4th Cir. 2024) (en banc) .....                                                                                         | 14      |
| <b>STATUTES &amp; REGULATIONS</b>                                                                                                                                  |         |
| 10 U.S.C. § 2576a.....                                                                                                                                             | 20      |
| S.F. Admin. Code § 2A.83 .....                                                                                                                                     | 21      |
| <b>EXPERT MATERIALS</b>                                                                                                                                            |         |
| Declaration of John Donohue, <i>Grant v. Lamont</i> , No. 22-cv-1223 (D. Conn. July 26, 2023), ECF No. 59-2.....                                                   | 13      |
| Declaration of Louis Klarevas, <i>Association of N.J. Rifle &amp; Pistol Clubs, Inc. v. Platkin</i> , No. 18-cv-10507 (D.N.J. Nov. 3, 2023), ECF No. 184-1.....    | 14      |
| Declaration of Lucy Allen, <i>Association of N.J. Rifle &amp; Pistol Clubs, Inc. v. Platkin</i> , No. 18-cv-10507 (D.N.J. Nov. 3, 2023), ECF No. 184-1.....        | 14      |
| Declaration of Stephen Hargarten, <i>Association of N.J. Rifle &amp; Pistol Clubs, Inc. v. Platkin</i> , No. 18-cv-10507 (D.N.J. Nov. 3, 2023), ECF No. 184-1..... | 13      |
| Expert Report and Declaration of Phil Andrew, <i>Viramontes v. Cook County</i> , No. 21-cv-4595 (N.D. Ill. Mar. 3, 2023), ECF No. 81-11 .....                      | 10, 22  |

|                                                                                                                                               |            |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Expert Report of James E. Yurgealitis,<br><i>Viramontes v. Cook County</i> ,<br>No. 21-cv-4595 (N.D. Ill. Mar. 3, 2023),<br>ECF No. 81-5..... | 6–9, 12–13 |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------|

|                                                                                                                                    |    |
|------------------------------------------------------------------------------------------------------------------------------------|----|
| Report and Declaration of Phil Andrew,<br><i>Barnett v. Raoul</i> , No. 23-cv-209 (S.D.<br>Ill. May 10, 2024), ECF No. 185-2 ..... | 12 |
|------------------------------------------------------------------------------------------------------------------------------------|----|

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|                                                                                                                                                                          |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Braziel, Rick et al., <i>Bringing Calm to<br/>Chaos</i> , Critical Response Initiative,<br>Washington, DC, Office of Community<br>Oriented Policing Services (2016)..... | 15 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|

|                                                                   |       |
|-------------------------------------------------------------------|-------|
| Brown, Jennifer M., <i>The Future of<br/>Policing</i> (2014)..... | 21–22 |
|-------------------------------------------------------------------|-------|

|                                                                                                                                           |    |
|-------------------------------------------------------------------------------------------------------------------------------------------|----|
| Carey, Nick & Julia Harte, <i>After Dallas<br/>Shooting, U.S. Police Forces<br/>Rethinking Tactics</i> , Reuters<br>(July 11, 2016) ..... | 24 |
|-------------------------------------------------------------------------------------------------------------------------------------------|----|

|                                                                                                                  |    |
|------------------------------------------------------------------------------------------------------------------|----|
| Department of Justice, Community<br>Oriented Policing Services,<br><i>Community Policing Defined</i> (2016)..... | 21 |
|------------------------------------------------------------------------------------------------------------------|----|

|                                                                                               |    |
|-----------------------------------------------------------------------------------------------|----|
| Department of the Army, <i>Rifle<br/>Marksmanship M16-/M4-Series<br/>Weapons</i> (2008) ..... | 13 |
|-----------------------------------------------------------------------------------------------|----|

|                                                                                                                                               |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------|
| Despart, Zach, “ <i>He Has a Battle Rifle</i> ”:<br><i>Police Feared Uvalde Gunman’s AR-<br/>15</i> , Houston Pub. Media (Mar. 20, 2023)..... | 16–17 |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------|

|                                                                                                                               |    |
|-------------------------------------------------------------------------------------------------------------------------------|----|
| Douglas, Jack, Jr. & Ginger Allen, <i>Police<br/>Told to Leave Protective Gear Behind</i> ,<br>CBS Texas (June 29, 2017)..... | 18 |
|-------------------------------------------------------------------------------------------------------------------------------|----|

|                                                                                                                                                                                                            |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| Federal Bureau of Investigation, <i>History:<br/>Pulse Nightclub Shooting</i> .....                                                                                                                        | 16    |
| Fortenbery, Jay, <i>Police Militarization in<br/>a Democratic Society</i> , FBI Law<br>Enforcement Blog (June 13, 2018) .....                                                                              | 20–21 |
| Gottfried, Mara H., <i>Family, Co-Workers<br/>React as Woman Who Bought Guns<br/>that Killed Burnsville First<br/>Responders Is Sentenced</i> , Yahoo News<br>(Sept. 10, 2025).....                        | 17    |
| Government’s Sentencing Memorandum,<br><i>United States v. Dyrdaahl</i> ,<br>No. 24-cr-00070 (D. Minn. Aug. 20,<br>2025), ECF No. 61 .....                                                                 | 17    |
| Halsne, Chris & Chris Koeberl, <i>137<br/>Officers Have Been Killed Over 10<br/>Years While Wearing Body Armor</i> ,<br>KDVR (May 7, 2018).....                                                            | 10–11 |
| Hernández, Arelis R., <i>Armed Uvalde<br/>Officers Waited for Key to Unlocked<br/>Door, Official Says</i> , Wash. Post<br>(June 21, 2022) .....                                                            | 16    |
| Kaste, Martin, <i>Police Face Backlash Over<br/>Delayed Response to Orlando<br/>Shooting</i> , NPR (July 5, 2016) .....                                                                                    | 16    |
| Langford, Terri, <i>“If There’s Kids in There,<br/>We Need to Go in”: Officers in Uvalde<br/>Were Ready with Guns, Shields and<br/>Tools—But Not Clear Orders</i> , Texas<br>Tribune (June 20, 2022) ..... | 16    |

|                                                                                                                                                      |           |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Lyman, J. L., <i>The Metropolitan Police Act of 1829</i> , 55 J. CRIM. L. CRIMINOLOGY & POLICE SCI. 141 (1964).....                                  | 20        |
| Minitier, Frank, <i>The Future of the Gun</i> (2014) .....                                                                                           | 13        |
| New, Brian, <i>A Timeline of the July 7, 2016 Dallas Police Ambush</i> , CBS News (July 7, 2023) .....                                               | 18        |
| New York City Police Department, <i>Community Policing Guidebook</i> (1992).....                                                                     | 21        |
| Payne, Lisa Marie, <i>Friend or Foe? Open-Carry Law Poses Challenge to Police</i> , U.S. News (July 11, 2016).....                                   | 23        |
| Phillips, Scott W., <i>Myths, Militarism and the Police Patrol Rifle</i> , 26 POLICING & SOCIETY 185 (2016).....                                     | 11, 20    |
| Police Exec. Rsch. F., <i>BJA/PERF Body Armor National Survey: Phase II Final Report</i> (2009).....                                                 | 6–7, 9–11 |
| Rhee, Peter M. et al., <i>Gunshot Wounds: A Review of Ballistics, Bullets, Weapons, and Myths</i> , 80 J. TRAUMA & ACUTE CARE SURG. 853 (2016) ..... | 7–8, 12   |
| Rozario, Tannuja & Paige Tetens, <i>Assault Weapons and High-Capacity Magazines</i> , Everytown Rsch. & Pol’y (2026).....                            | 14        |

|                                                                                                                                                                                                        |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Stefanopoulos, Panagiotis K. et al., <i>Assault Rifle Injuries in Civilians: Ballistics of Wound Patterns, Assessment and Initial Management</i> , EUROPEAN J. TRAUMA & EMERGENCY SURG. 1 (2024) ..... | 8–9 |
| Wooddell, Brody, <i>The First Officer at Pulse: His Firsthand Account</i> , WFTV9 (June 11, 2026) .....                                                                                                | 15  |

**INTEREST OF AMICI CURIAE<sup>1</sup>**

Amici are uniquely positioned to address the impact on public safety of AR-15 platform rifles and similar semiautomatic weapons. They collectively represent over 300 years of law enforcement experience at the local, state, and federal levels, including as police commissioners and chief executives in New York City, Los Angeles, Chicago, Philadelphia, the District of Columbia, Boston, Buffalo, Seattle, and Milwaukee. They have led their departments through mass shootings and terrorist attacks, improved community relations, built public trust, and helped lead and train thousands of officers who are charged with maintaining safety and order in America's cities. Amici know how difficult the job of law enforcement is and have dedicated their careers to protecting the public and their officers. They can speak from firsthand experience to the unique dangers posed by AR-15s and similar semiautomatic weapons, as well as the reasons a state or local legislature would sensibly want to keep those extraordinarily powerful weapons off the streets.

\* Amicus **William J. Bratton** has more than fifty years of law enforcement experience. Over his long career of service, Commissioner Bratton has commanded six police departments, including the New York City Police Department, the Los Angeles Police Department, and the Boston Police Department. He is the only person ever to have led the police departments of the Nation's two largest cities.

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<sup>1</sup> No counsel for any party authored this brief in whole or in part. No entity or person, aside from amici curiae or their counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

\* Amicus **Gil Kerlikowske** has built a wide-ranging and extensive law enforcement career over forty years. He was Chief of Police in Seattle from 2000 to 2009, Police Commissioner in Buffalo from 1995 to 1998, and was twice elected President of the Major Cities Chiefs Association. He later became the first permanent U.S. Commissioner of Customs and Border Protection from 2014 to 2017. He also served as Director of the Office of National Drug Control Policy from 2009 to 2014.

\* Amicus **Charlie Beck** is a former Chief of the Los Angeles Police Department. A department veteran with over four decades as an officer, he is known for commanding and rehabilitating the Rampart Division after the Rampart scandal, and for implementing technological enhancements during his time as Chief of Detectives. He served as interim Superintendent of Police in Chicago in 2019.

\* Amicus **Edward Flynn**'s career spans forty-five years (thirty years as a chief executive) in four States, during which he led six different agencies. His police career concluded with ten years of service as Milwaukee Police Chief. His prior positions included service as Police Commissioner in Springfield, Massachusetts; as Massachusetts Secretary of Public Safety; and as Arlington County, Virginia, Police Chief, where he led police recovery efforts at the Pentagon on September 11, 2001.

\* Amicus **Ed Davis** has worked in law enforcement for thirty-five years and is a recognized expert in community policing and public safety. He served as the Police Commissioner of the City of Boston from December 2006 until October 2013. He led the highly successful response to the Boston Marathon bombing. Before that, Commissioner Davis was the Superintendent of the Lowell Police De-

partment, a position he held for twelve years. His law enforcement career began as a patrol officer in 1978.

\* Amicus **Kathleen M. O'Toole** started her career in law enforcement in 1979 as a Boston police officer. In the nearly five decades since, she has served as the Massachusetts Secretary of Public Safety, the Commissioner of the Boston Police Department, the Chief Inspector of Ireland's Garda Inspectorate, and most recently as Seattle's first female Chief of Police. She holds a Ph.D. from the Business School of Trinity College Dublin.

\* Amicus **Charles Ramsey**, former Commissioner of the Philadelphia Police Department, has forty-five years of law enforcement experience and expertise. Before leading the Philadelphia Police Department in 2008, he served as Deputy Superintendent of the Chicago Police Department in 1994 and as Chief of the Metropolitan Police Department of the District of Columbia from 1998 to 2007. In 2017, he became a regular CNN contributor.

\* Amicus **James (Jim) Pugel** began his career with the Seattle Police Department in 1983. In 2014, after thirty-one years with the department, he retired as Chief of Police. He then served as the Chief Deputy of the King County, Washington, Sheriff's Office from 2014 to 2018. He now regularly serves as an expert witness in police-related litigation.

\* Amicus **Kim C. Dine** has worked in law enforcement for over forty years. He began his career with the Metropolitan Police Department of the District of Columbia in 1975, retiring in 2002 as an Assistant Chief. He then served as Chief of the Frederick, Maryland, Police Department for ten years, before returning to Washington in 2012 to serve as Chief of the United States Capitol Police until 2016.

## INTRODUCTION AND SUMMARY OF ARGUMENT

Amici have devoted their careers to leading the brave law enforcement officers who serve on the front lines protecting their communities. As police chiefs and commissioners, their job was to keep both the public and the officers who serve it safe. The proliferation of AR-15 platform weapons<sup>2</sup> is antithetical to both missions. Amici's experience leads them to a well-informed and deeply held view that state and local legislatures' ability to impose reasonable regulations on possession of these particularly deadly weapons is imperative to protecting law enforcement officers and civilians alike.

**I.** AR-15s in the hands of criminals pose a tremendous danger to law enforcement officers and the populations they serve.

**A.** The lethal risks posed by these powerful semiautomatic rifles overwhelm standard police gear. The particularly potent features of AR-15 platform rifles combine into an especially deadly weapon that can be (and often is) trained at law enforcement officers—to devastating effect. The rounds from these weapons travel significantly farther, faster, and more accurately than handgun fire. And because standard police equipment does not protect against the rounds of an AR-15, these features can force officers to delay engaging with a suspect until backup arrives with the necessary weapons and protective gear. Officers confronted by an AR-15 must therefore make an

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<sup>2</sup> The laws at issue in this case regulate only a subset of semiautomatic rifles. As Respondents have explained, the weapons at issue are commonly referred to as “assault weapons,” although they are more precisely defined in the relevant laws under review. See Connecticut Respondents Br. 3–4; Cook County Respondents Br. 8. For clarity, Amici will refer to these rifles as either AR-15 platform or similar weapons, or—for the sake of brevity—AR-15s.

impossible choice: either challenge the shooter at great risk to their own safety or spend precious time waiting for necessary reinforcements.

**B.** Countless real-world examples of mass shooters, terrorists, and criminals targeting police officers demonstrate that the ability of AR-15s to penetrate police armor at long distances costs law enforcement and civilian lives. Time after time, officers are unprotected and outgunned when a shooter wields an AR-15 platform weapon. Precisely because heroic officers nevertheless risk their lives to protect their communities even when their equipment is outmatched, scores of officers have been needlessly killed by mass shooters and terrorists with AR-15s.

**II.** The prevalent criminal use of AR-15 platform rifles also creates a deeply unfortunate dynamic that can only be described as an arms race. If dangerous criminals have easy access to weapons that can so readily overpower standard police equipment, then law enforcement agencies often have no choice but to increasingly arm themselves to patrol the communities they serve. Although that may be necessary to protect officers' immediate safety, the resulting impression of a more heavily armed police force strains relationships with the public. But those relationships with the community are imperative to successful policing: they allow law enforcement officers to understand community conditions, engage with community leaders, keep peaceful protesters safe, and develop proactive solutions to crime. Those imperatives become impossible when officers must carry military-grade shields, helmets that conceal their faces, and long guns—all to protect against AR-15s.

The Court should affirm the judgments of the Second and Seventh Circuits.

## ARGUMENT

AR-15s overpower standard police equipment, leading to an untenable situation on the ground for law enforcement officers. See Connecticut Respondents Br. 31–32; Cook County Respondents Br. 31–36. The proliferation of these weapons spawns a vicious cycle that endangers police officers and civilians alike; police forces are incentivized to arm and protect themselves against this ever-present threat, but the intimidating and depersonalizing equipment required to do so hinders their relationships with the communities they serve.

**I. AR-15 platform rifles pose unique dangers to law enforcement officers.**

An officer’s job is dangerous enough as it is. Several characteristics of AR-15s make it far more so. Legislators should not be constitutionally kneecapped from enacting commonsense regulations to make police work safer.

**A. AR-15s overpower standard police equipment and expose law enforcement officers to extraordinary danger.**

A police officer carries a standard kit. Her primary weapon is a semiautomatic service pistol, typically a .40-caliber or 9mm handgun.<sup>3</sup> Under her uniform shirt, she wears concealable lightweight soft body armor, rated to

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<sup>3</sup> Police Exec. Rsch. F., *BJA/PERF Body Armor National Survey: Phase II Final Report* 18 (2009) (“PERF Survey”) (listing these as the “caliber of the primary firearm issued or authorized for officer use by the majority of agencies”); cf. Expert Report of James E. Yurgealitis 29, *Viramontes v. Cook County*, No. 21-cv-4595 (N.D. Ill. Mar. 3, 2023), ECF No. 81-5 (“Yurgealitis Report”) (describing the Sig Sauer P229 in .40 S&W issued to expert as an ATF agent).

stop handgun rounds.<sup>4</sup> That equipment has been tailored to meet the threats officers have historically faced<sup>5</sup>—but it is no match for an AR-15.

No single feature of AR-15s is unique; other centerfire rifles share many of them. The particular danger comes from how the features combine. An AR-15 fires a high-velocity projectile that can cause far more serious wounds than a comparably sized handgun bullet. The rifle's projectile can pierce the soft armor that most officers wear. The rifle can deliver accurate fire well beyond the distances at which a police officer's pistol is effective. And because the rifle is semiautomatic, has little recoil, and feeds from a detachable magazine, the shooter can deliver well-aimed shots in rapid succession. Each of these traits makes the others more dangerous. Together, they leave an officer equipped for an ordinary shift seriously out-matched.

1. Any bullet that strikes a vital organ can kill. But the ammunition AR-15s most commonly fire, 5.56mm or .223, is especially dangerous because of its velocity, the energy it carries, and how that energy is released inside the body.<sup>6</sup> Rounds fired from a typical AR-15 have a muzzle velocity nearly three times faster than a 9mm pistol car-

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<sup>4</sup> PERF Survey, *supra* n.3, at 22 (survey conducted in 2007; 41.4 percent of agencies reported Level II and 35.0 percent Level IIIA armor, designed to protect against handgun rounds).

<sup>5</sup> *Id.* at 12-13 (explaining that 605 of 769 officers killed with firearms from 1985 to 1996 were killed with handguns).

<sup>6</sup> See, e.g., Peter M. Rhee et al., *Gunshot Wounds: A Review of Ballistics, Bullets, Weapons, and Myths*, 80 J. TRAUMA & ACUTE CARE SURG. 853, 855-56 (2016) (explaining that doubling a bullet's speed quadruples its energy).

tridge.<sup>7</sup> Once fired, these rifle projectiles likewise travel two to three times faster than typical handgun projectiles.<sup>8</sup> A round fired from an AR-15 thus carries “a larger amount of kinetic energy, which after contact \* \* \* is transmitted to [surrounding] tissues.”<sup>9</sup>

An AR-15 bullet thus delivers far more devastating wounds than one fired from a typical handgun. A handgun bullet “generally travel[s] in a relatively straight line” through the body.<sup>10</sup> But an AR-15’s 5.56mm bullet that strikes tissue tends to “yaw,” rotating on its axis, which contributes to “both temporary and permanent large wound cavities.”<sup>11</sup> A permanent wound cavity is the track of tissue the bullet itself crushes and tears. A temporary cavity is a short-lived, violent expansion of tissue pushed outward from that track.<sup>12</sup> In high-velocity rifle wounds, “the expanding walls of the temporary cavity are capable of doing severe damage.”<sup>13</sup> Injuries can occur “to blood

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<sup>7</sup> Yurgealitis Report, *supra* n.3, at 16; Panagiotis K. Stefanopoulos et al., *Assault Rifle Injuries in Civilians: Ballistics of Wound Patterns, Assessment and Initial Management*, EUROPEAN J. TRAUMA & EMERGENCY SURG. 1 (2024) (same).

<sup>8</sup> Rhee, *supra* n.6, at 855-56 (explaining that once fired, handgun bullets generally travel at less than 1,000 feet per second, while rifle bullets exceed 2,500).

<sup>9</sup> Rhee, *supra* n.6, at 855.

<sup>10</sup> Rhee, *supra* n.6, at 863-64.

<sup>11</sup> Yurgealitis Report, *supra* n.3, at 16; see also *id.* at 17 (describing maximum yaw at 90 degrees); Rhee, *supra* n.6, at 863-64 (similar).

<sup>12</sup> Yurgealitis Report, *supra* n.3, at 17 (citation omitted); Rhee, *supra* n.6, at 863 (describing cavitation).

<sup>13</sup> Yurgealitis Report, *supra* n.3, at 17 (quotation omitted); Stefanopoulos, *supra* n.7, at 5 (“In cases of fractures from high-velocity

vessels, nerves, or organs not struck by the bullet, and a distance from the path.”<sup>14</sup> Put simply, critical organs that are not even struck by a 5.56mm or .223 bullet can be severely injured.

Fragmentation of the bullet upon impact can compound these effects. A “jacketed” bullet breaks apart in soft tissue if it strikes at a sufficiently high velocity—as the 5.56mm projectile fired by an AR-15 often does.<sup>15</sup> The resulting wounds often require multiple operations and massive transfusions where a comparable handgun wound would not.<sup>16</sup>

2. Law enforcement officers are typically equipped to defend themselves only against handguns. This leaves officers exposed to extraordinary danger when they encounter criminals armed with rifles that can overpower standard defensive gear.

The mismatch is starkest in body armor. The National Institute of Justice rates armor by the ammunition that it is certified to stop. The “highest level of protection available for concealable wear”—and the armor most commonly worn by officers while on duty—protects only against “handgun threats.”<sup>17</sup> Rifle protection begins at a

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projectiles, cavitation results in more extensive shattering of bone, with some fragments which act as secondary projectiles causing further damage particularly to vascular structures.”).

<sup>14</sup> Yurgealitis Report, *supra* n.3, at 17.

<sup>15</sup> Stefanopoulos, *supra* n.7, at 3 (“Fracture of the jacket \* \* \* is considered a characteristic feature of, although not limited to, the 5.56[mm round]. \* \* \* The projectile depends on this [fragmentation] mechanism for maximum effectiveness.”).

<sup>16</sup> See, e.g., Stefanopoulos, *supra* n.7, at 7.

<sup>17</sup> PERF Survey, *supra* n.3, at 10-11, 22.

higher rating, which is “[i]ntended for” limited “tactical situations.”<sup>18</sup>

Meanwhile, “[m]ost agencies do not issue \* \* \* body armor that protects against rifle or armor-piercing bullets” “for everyday wear.”<sup>19</sup>

Officer fatality data sadly reflects this. Rifles are overwhelmingly responsible for officer fatalities caused by armor-piercing bullets. Between 1985 and 2005, 78 percent of officers killed by gunshot wounds that penetrated their armor died from rifle rounds, “which the armor was not designed to protect against.”<sup>20</sup> Likewise, from 2007 to 2016, armor-penetrating deaths were “mostly by rifle rounds which exceeded the vest’s specifications or rating.”<sup>21</sup>

This mismatch between standard-issue body armor and AR-15s played out to tragic effect for Douglas County, Colorado, Deputy Zach Parrish on New Year’s Eve 2017. Deputy Parrish responded in his standard-issue “pistol-resistant” vest to reports of a mentally ill individual holed up inside his apartment. When the subject opened fire with a semiautomatic rifle, the bullets pierced both a wall *and* Deputy Parrish’s body armor (twice), killing him. Deputy Parrish’s sheriff acknowledged that none

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<sup>18</sup> PERF Survey, *supra* n.3, at 10.

<sup>19</sup> *Id.* at 1.

<sup>20</sup> *Id.* at 13-14 & n.14.

<sup>21</sup> Chris Halsne & Chris Koeberl, *137 Officers Have Been Killed Over 10 Years While Wearing Body Armor*, KDVR (May 7, 2018), <https://perma.cc/KQ6R-VDUK> (referencing Law Enforcement Officers Feloniously Killed with Firearms While Wearing Body Armor, Table, <https://perma.cc/8C5Y-G364>); Expert Report and Declaration of Phil Andrew 6-7, *Viramontes v. Cook County*, No. 21-cv-4595 (N.D. Ill. Mar. 3, 2023), ECF No. 81-11 (“Andrew Decl.”) (similar).

of his deputies' vests "met the federal standard set to stop rifle rounds." And a neighboring sheriff explained why agencies have been "slow in catching up": rifle-rated protection increases "the cost and difficulty with comfort." Rifle-resistant ceramic plates are "an expensive addition" to standard soft armor.<sup>22</sup>

Many agencies keep rifle-rated armor for tactical teams and planned high-risk operations.<sup>23</sup> But most officers do not and cannot reasonably wear it through an ordinary shift. Agencies also prefer concealable armor because it lets officers "appear more approachable" than externally worn armor, "which appear[s] more militaristic."<sup>24</sup>

But active shooters and terrorist attacks arrive without warning. Officers like Deputy Parrish answering a disturbance call, or those who are the first to arrive at an active shooting, must face the threat wearing the equipment that their standard shift requires.<sup>25</sup> That defensive gear is simply no match for an AR-15.

3. Rifle fire also threatens officers from distances that their weapons cannot answer. Common service pistols have an effective range of about 50 yards, and typical law enforcement training emphasizes encounters between 3

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<sup>22</sup> Halsne & Koeberl, *supra* n.21.

<sup>23</sup> See PERF Survey, *supra* n.3, at 22-23 & n.23.

<sup>24</sup> PERF Survey, *supra* n.3, at 9.

<sup>25</sup> See Scott W. Phillips, *Myths, Militarism and the Police Patrol Rifle*, 26 POLICING & SOCIETY 185, 186 (2016) (patrol officers are "first responders" to sudden active-shooter emergencies).

and 10 yards.<sup>26</sup> An AR-15, meanwhile, has an effective range of roughly 600 yards.<sup>27</sup>

That gap matters. Active shootings happen in parking lots, school corridors, open plazas, and concert grounds, where the distance between shooter and responder can easily exceed the range at which an officer can reliably return fire with a pistol. Distance, ordinarily one of an officer's most important protections, offers far less safety against a rifle. Moving closer to engage means crossing exposed ground under fire, while holding back to look for cover means ceding precious time to the shooter. There is simply no good choice when faced with a shooter armed with an AR-15.

4. An AR-15's semiautomatic firing feature, easy customization, and large ammunition capacity further compound the weapon's lethality.

A semiautomatic rifle fires one round with each pull of the trigger and reloads itself, using energy from the shot to chamber the next round without any manual action to reload.<sup>28</sup> That separates it from a fully automatic weapon, which fires continuously while the trigger is held. It also separates it from a bolt-action rifle, which requires the shooter to work the action by hand between shots.<sup>29</sup>

Perhaps counterintuitively, semiautomatic firing makes the AR-15 *more* dangerous to officers than even

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<sup>26</sup> Cook County Br. in Opp. 7 (Oct. 29, 2025) (citing R. 82 at 7); Report and Declaration of Phil Andrew ¶ 61, *Barnett v. Raoul*, No. 23-cv-209 (S.D. Ill. May 10, 2024), ECF No. 185-2 (“*Barnett Report*”).

<sup>27</sup> Cook County Br. in Opp. 7 (citing R. 82 at 7).

<sup>28</sup> See Yurgealitis Report, *supra* n.3, at 10; Rhee, *supra* n.6, at 861.

<sup>29</sup> See Yurgealitis Report, *supra* n.3, at 9-10; Rhee, *supra* n.6, at 861-62.

fully automatic weapons. Sustained, fully automatic fire sacrifices accuracy. Semiautomatic fire lets the shooter aim each shot. For this reason, the U.S. Army’s field manual calls semiautomatic fire the “most important firing technique during fast-moving, modern combat,” and observes that “[i]t is surprising how devastatingly accurate rapid semiautomatic fire can be.”<sup>30</sup>

The AR-15’s low recoil reinforces that capability. As Petitioners themselves have noted, AR-15s are “easy to shoot [with] little recoil.”<sup>31</sup> For a responding officer, this means the shooter can bring the rifle back on target quickly after each shot; a hunting rifle’s heavier recoil, by contrast, typically forces the shooter to take more time “to re-aim after each shot.”<sup>32</sup>

An AR-15 user can even further customize the weapon to increase its accuracy. A pistol grip helps stabilize the weapon during rapid fire and makes it easier to fire from the hip, and a barrel shroud lets the shooter grasp the barrel area without being burned as it heats during sustained fire.<sup>33</sup> And criminals can easily increase ammunition capacity to substantially amplify the AR-15’s effectiveness. It is thus no surprise that many mass public shootings involved a large-capacity magazine (i.e., those with a capac-

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<sup>30</sup> Barnett Report, *supra* n.26, ¶ 34 & n.23 (quoting Department of the Army, *Rifle Marksmanship M16-/M4-Series Weapons* 128 (2008)).

<sup>31</sup> Petitioners’ Br. 9 (quoting Frank Miniter, *The Future of the Gun* 46-47 (2014)).

<sup>32</sup> Declaration of Stephen Hargarten 579-80, ¶ 27, *Association of N.J. Rifle & Pistol Clubs, Inc. v. Platkin*, No. 18-cv-10507 (D.N.J. Nov. 3, 2023), ECF No. 184-1.

<sup>33</sup> See Yurgealitis Report, *supra* n.3, at 14, 23-26; Declaration of John Donohue 23, ¶ 65, *Grant v. Lamont*, No. 22-cv-1223 (D. Conn. July 26, 2023), ECF No. 59-2.

ity to hold more than 10 rounds of ammunition).<sup>34</sup> A shooter who needs to change magazines less often and who can do so in seconds gives responding officers little opening to intervene. For example, during a shooting in Dayton, Ohio, in 2019, a shooter armed with an AR-15-style weapon and a 100-round drum magazine shot twenty-six people in thirty-two seconds, “despite law enforcement intervening almost immediately.”<sup>35</sup>

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These features work together, compounding the devastating effect of each round fired from an AR-15. A high-velocity bullet that can pass through a patrol vest is more dangerous because it can be fired accurately from a distance the officer’s pistol cannot answer. Range is more dangerous when shots come quickly and stay on target. And these features are all the more dangerous when the shooter can fire twenty or thirty (or one hundred) rounds before reloading.

**B. Real-world experience confirms the unique danger these weapons pose to law enforcement officers.**

Heroic officers across the Nation are willing to risk their lives to protect their communities. But when faced with a shooter wielding an AR-15 or similar rifle, those officers are outgunned and under-protected. Simply put, AR-15s are “uniquely dangerous to law enforcement.” *Bianchi v. Brown*, 111 F.4th 438, 457 (4th Cir. 2024) (en

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<sup>34</sup> See, e.g., Declaration of Lucy Allen 513-17, ¶¶ 25-31, *New Jersey Rifle & Pistol Clubs*, ECF No. 184-1; Declaration of Louis Klarevas 651-59, ¶¶ 13-18, *New Jersey Rifle & Pistol Clubs*, ECF No. 184-1 (“[Large-capacity magazines] are being used with increased frequency to perpetrate gun massacres.”).

<sup>35</sup> Tannuja Rozario & Paige Tetens, *Assault Weapons and High-Capacity Magazines*, Everytown Rsch. & Pol’y 4 (updated 2026).

banc). Sadly, there are countless examples of the tolls inflicted on law enforcement from shootings perpetrated by criminals wielding AR-15s:

\* When two shooters opened fire at the Inland Regional Center in San Bernardino, California, in December 2015, one of the first officers to arrive on the scene—a patrol officer armed only with his service pistol—later told investigators, “I felt so naked, because we didn’t have cover and concealment approaching the building. \* \* \* You know you are outgunned, it is going to be hard to beat an AR with a handgun.”<sup>36</sup> The shooting itself lasted just under five minutes.<sup>37</sup> In that short time, the gunmen killed fourteen civilians. They later also wounded two officers.<sup>38</sup>

\* During the Pulse nightclub shooting in Orlando, Florida, in June 2016, one of the first officers on scene quickly realized that he “was out powered” by the shooter’s “long gun.”<sup>39</sup> The officer was forced to wait for backup.<sup>40</sup> It took three hours for officers to be able

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<sup>36</sup> Rick Braziel et al., *Bringing Calm to Chaos* 28 (2016), Critical Response Initiative, Washington, DC, Office of Community Oriented Policing Services, <https://perma.cc/DB3S-9XPV>.

<sup>37</sup> *Id.* at xii.

<sup>38</sup> *Ibid.*

<sup>39</sup> Brody Wooddell, *The First Officer at Pulse: His Firsthand Account*, WFTV9 (June 11, 2016), <https://www.wftv.com/news/local/first-officer-pulse-his-firsthand-account/WKTATSS4ONBQBM5QDO4RK6HXSA/>.

<sup>40</sup> *Ibid.*

to engage the heavily armed suspect and end the shooting.<sup>41</sup> Forty-nine people died.<sup>42</sup>

\* When police responded to the shooting at Robb Elementary School in Uvalde, Texas, in May 2022, responding officers who initially entered the building had to retreat after the gunman shot at them with an AR-15.<sup>43</sup> Officers determined that they “weren’t equipped to make entry into that room without several casualties” and decided to wait for Border Patrol, who had better body armor and shields.<sup>44</sup> When one officer arriving at the scene asked another what weapon the shooter had, the response was “AR. He has a battle rifle.”<sup>45</sup> In a later call to dispatch, the police chief said that officers “don’t have enough firepower” because “it’s all pistol and he has an AR-15.”<sup>46</sup> Officers explained that once they “found out it was a rifle he was

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<sup>41</sup> Martin Kaste, *Police Face Backlash Over Delayed Response to Orlando Shooting*, NPR (July 5, 2016), <https://www.npr.org/2016/07/05/484832479/police-face-backlash-over-delayed-response-to-orlando-shooting>.

<sup>42</sup> Federal Bureau of Investigation, *History: Pulse Nightclub Shooting*, <https://www.fbi.gov/history/cases-and-criminals/pulse-nightclub-shooting> (last visited Oct. 22, 2026).

<sup>43</sup> Zach Despart, “*He Has a Battle Rifle*”: *Police Feared Uvalde Gunman’s AR-15*, Houston Pub. Media (Mar. 20, 2023), <https://perma.cc/D78C-BVAC>.

<sup>44</sup> *Ibid.*

<sup>45</sup> Arelis R. Hernández, *Armed Uvalde Officers Waited for Key to Unlocked Door, Official Says*, Wash. Post (June 21, 2022), <https://www.washingtonpost.com/nation/2022/06/21/uvalde-shooting-police-response-rifles-hearing/>.

<sup>46</sup> Terri Langford, “*If There’s Kids in There, We Need to Go in*”: *Officers in Uvalde Were Ready with Guns, Shields and Tools—But Not Clear Orders*, Texas Tribune (June 20, 2022), <https://www.texastribune.org/2022/06/20/uvalde-police-shooting-response-records/>.

using, it was a different game plan” and “[w]e had no choice but to wait and try to get something that had better coverage where we could actually stand up to him.”<sup>47</sup> Seventy-seven minutes elapsed between when police arrived at the scene and when the police ended the shooting.<sup>48</sup> The shooter killed twenty-one people, including nineteen children.<sup>49</sup>

\* On the night of February 18, 2024, in Burnsville, Minnesota, officers responded to a sexual-assault call. But they were walking into an ambush: an individual who had barricaded himself and several children in his home opened fire on law enforcement officers.<sup>50</sup> The perpetrator was armed with multiple AR-15-style rifles and fired over 100 rounds at first responders.<sup>51</sup> Although responding officers’ pleas for “more armor” *were* answered and law enforcement ultimately responded with appropriate tactical armor and shields, it did not matter.<sup>52</sup> The shooter used .300 caliber Blackout ammunition to “bl[ow] through their tactical precautions,” killing two police officers and a paramedic.<sup>53</sup>

\* In July 2016, police were present at a Black Lives Matter protest in Dallas. A gunman armed with a

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<sup>47</sup> Despart, *supra* n.43.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> Mara H. Gottfried, *Family, Co-Workers React as Woman Who Bought Guns that Killed Burnsville First Responders Is Sentenced*, Yahoo News (Sept. 10, 2025), <https://perma.cc/3MCB-S6RP>.

<sup>51</sup> *Ibid.*

<sup>52</sup> Government’s Sentencing Memorandum 3, *United States v. Dyrdaahl*, No. 24-cr-00070 (D. Minn. Aug. 20, 2025), ECF No. 61.

<sup>53</sup> *Id.* at 4.

semiautomatic rifle opened fire on officers.<sup>54</sup> The bullets penetrated the officers' standard-issue protective vests.<sup>55</sup> The shooting lasted about fifteen minutes.<sup>56</sup> Five police officers died.<sup>57</sup>

\*       \*       \*

These tragic stories confirm that the uniquely lethal features of AR-15s have placed law enforcement officers and the communities they serve in real danger. First responders are often not equipped to engage suspects armed with overpowering semiautomatic rifles. When they encounter these weapons, officers die. And given these risks, officers are often forced to wait for the necessary protective gear before engaging a gunman armed with an AR-15. But that, too, prolongs shootings, compounds the loss, and even still is no guarantee of officer safety. Amici simply cannot overstate the dangers they have seen their officers and their communities face as a result of the proliferation of these weapons.

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<sup>54</sup> Jack Douglas Jr. & Ginger Allen, *Police Told to Leave Protective Gear Behind*, CBS Texas (June 29, 2017), <https://www.cbsnews.com/texas/news/police-told-to-leave-protective-gear-behind/>.

<sup>55</sup> *Ibid.*

<sup>56</sup> Brian New, *A Timeline of the July 7, 2016 Dallas Police Ambush*, CBS News (July 7, 2023), <https://www.cbsnews.com/texas/news/a-timeline-of-the-july-7-2016-dallas-police-ambush/>.

<sup>57</sup> Douglas & Allen, *supra* n.54.

**II. The proliferation of AR-15 platform rifles forces police into an unfortunate arms race—straining relationships with communities and hindering law enforcement efforts.**

Law enforcement is not primarily focused on the use of force. Nor should it be. While officers must be adequately armed to defend themselves and others, their priority is engaging with their communities: responding to emergency calls, stopping crime, rendering first aid and emergency assistance, ensuring the safe exercise of First Amendment rights, and the like. But the presence of AR-15s and similar weapons increasingly requires police officers to prepare for their shifts with the understanding that, at any moment, they might be required to respond to a shooter equipped with an extraordinarily powerful rifle. The natural response to that dynamic is for officers to increase their own firepower. Nobody benefits when law enforcement officers are forced into bearing the equipment that can frighten communities and distance police officers from the people they serve.

1. When law enforcement needs to increase its firepower and wear more armor just to patrol the streets, the result is a deeply troubling arms race.

As discussed, ordinary police equipment is no match for AR-15s. Officers are vulnerable to attack and unable to effectively respond to shootings perpetrated by criminals with AR-15s using standard-issue equipment. Unsurprisingly, as “criminally minded individuals” have wielded “high-capacity” semiautomatic weapons “for use against the public or the police” to tragic results, countless “agen-

cies have transitioned to these firearms in response.”<sup>58</sup> To be adequately prepared, “officers on the street must have gear that matches the threat.”<sup>59</sup> So increasingly, police departments are arming officers with AR-15s as either primary or secondary patrol rifles.<sup>60</sup> They also tap the Department of Defense’s law enforcement support office program, 10 U.S.C. § 2576a, to stockpile surplus military equipment, including “armored vehicles, battle-dress uniforms, helicopters, ballistic helmets, and body armor.”<sup>61</sup>

The result is an increasingly armed police force, whose officers are incentivized to don the extremely intimidating equipment that is necessary to defend themselves against the rifle that could be awaiting them around any corner or at the destination of any emergency call.

2. Neither the public nor the police benefit from that weaponization. From the “inception” of the first modern police force in the early 19th century, “the essential civilian character of the police was stressed; public service, self-control, and the importance of gaining the public’s trust were emphasized.”<sup>62</sup> The principles espoused by Sir Robert Peel, the father of modern policing, have borne the test of time: law enforcement at its best “gives reality to the historic tradition that the police are the public and

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<sup>58</sup> Jay Fortenbery, *Police Militarization in a Democratic Society*, FBI Law Enforcement Blog (June 13, 2018), <https://leb.fbi.gov/articles/featured-articles/police-militarization-in-a-democratic-society>.

<sup>59</sup> Phillips, *supra* n.25 (citation omitted).

<sup>60</sup> *Ibid.*

<sup>61</sup> Fortenbery, *supra* n.58.

<sup>62</sup> J. L. Lyman, *The Metropolitan Police Act of 1829*, 55 J. CRIM. L. CRIMINOLOGY & POLICE SCI. 141, 153 (1964).

that the public are the police.”<sup>63</sup> An effective police force must “seek and preserve public favor \* \* \* by ready offering of public service and friendship to all members of the public” and “by ready exercise of courtesy and good humor.”<sup>64</sup>

Law enforcement organizations are most effective when they build strong relationships with the individuals and organizations in the communities they serve. “Rather than responding to crime only after it occurs,” those relationships allow “agencies to proactively develop solutions to the immediate underlying conditions contributing to public safety problems” by receiving input from community members closest to those problems.<sup>65</sup> Countless law enforcement agencies, including many of the largest in the country, recognize the wisdom of, and have adopted formal policies prioritizing, this approach.<sup>66</sup>

The equipment necessary to protect against threats from AR-15s—long rifles, body armor, helmets with face shields, and the like—is antithetical to community-oriented policing. Amici know from experience what is evident from common sense: “Police patrolling in full military gear can appear intimidating and less approachable to the general public.”<sup>67</sup> And adding insult to injury,

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<sup>63</sup> Jennifer M. Brown, *The Future of Policing*, Part I (2014) (reproducing Peel’s nine policing principles).

<sup>64</sup> *Ibid.*

<sup>65</sup> Department of Justice, Community Oriented Policing Services, *Community Policing Defined* 12 (2016), <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-p157-pub.pdf>.

<sup>66</sup> *E.g.*, S.F. Admin. Code § 2A.83; New York City Police Department, *Community Policing Guidebook* (1992), <https://www.ojp.gov/pdffiles1/Digitization/145627NCJRS.pdf>.

<sup>67</sup> Fortenbery, *supra* n.58.

this more weaponized approach—though increasingly necessary—places a massive strain on budgets even while it leads to worse day-to-day outcomes. The threats posed by criminals with AR-15s “require large-scale planning and staged first responder resources, contingency plans, extended crisis site perimeters, immediate presence of tactically trained SWAT teams with special weapons and ceramic and metal plated body armor gear, tactical shields, and armored vehicles. These elements and tactics take time and significant resources few departments can provide on their own.”<sup>68</sup>

Needless to say, it is more difficult for a member of the public to approach an officer in “friendship” and appreciate that officer’s “good humor” when that officer bears an AR-15, thick body armor, or face-concealing tactical gear.<sup>69</sup> Nor do police enhance their image in the community by patrolling the streets in armored vehicles capable of withstanding rifle fire. But that is the inevitable consequence of the arms race that results from the proliferation of these weapons. That is a lose-lose proposition for police and civilians alike.

Police officers do not want to patrol their neighborhoods in helmets, face shields, and metal-plated body armor, or respond to peaceful protests with ballistic shields and long rifles. Indeed, in 2016, the Dallas Police Department attempted to resist just that. When a large crowd of Black Lives Matter protesters gathered to exercise their First Amendment rights, approximately 100 officers were assigned to monitor the event and maintain the public peace. Concerned with appearing overly militarized and inflaming tensions, the Department instructed officers to

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<sup>68</sup> Andrew Decl., *supra* n.21, at 5-6 ¶ 11.

<sup>69</sup> Brown, *supra* n.63.

leave rifles, heavy body armor, and helmets in their vehicles.

They were met by a shooter with a Saiga AK-74 5.45x39mm semiautomatic rifle, who began executing the law enforcement officers who were monitoring the protests. Making matters worse, a parallel group of protesters, also heavily armed, attended the rally as well, causing “instant confusion” when the shooter opened fire. As the police chief explained: “Someone is shooting at you from a perched position, and people are running with AR-15s and camo gear and gas masks and bulletproof vests. They are suspects until we eliminate that.”<sup>70</sup> In the end, the shooter killed five officers and seriously injured nine more, along with two civilians—the deadliest incident for U.S. law enforcement officers since the September 11 attacks.

The response to this tragedy—in which law enforcement officers’ reliance on their service pistols left them badly outgunned—was predictable and understandable, if regrettable. In Texas alone, “at least a dozen other police departments \* \* \* stocked up on rifles, helmets, and heavy-duty vests as a direct result of what happened in their backyard.”<sup>71</sup> The president of a large police union urged a “‘paradigm shift’ in how police are trained to monitor demonstrations,” with little choice but to “fall back on

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<sup>70</sup> Lisa Marie Payne, *Friend or Foe? Open-Carry Law Poses Challenge to Police*, U.S. News (July 11, 2016), <https://www.us-news.com/news/us/articles/2016-07-11/friend-or-foe-open-carry-law-poses-challenge-to-police>.

<sup>71</sup> CBS Texas, *Police Told to Leave Protective Gear Behind* (June 29, 2017), <https://www.youtube.com/watch?v=PfbDgThiSQA>.

military training.”<sup>72</sup> And the president of the Major Cities Chiefs Association candidly acknowledged that the resulting changes “will cause complaints about violating people’s constitutional rights to free assembly, but it is the only way to guarantee safety.”<sup>73</sup>

Amici fear that dynamic will only continue to take hold in our Nation’s communities. Law enforcement officers *should* be able to make the decision the Dallas Police Department made in July 2016, to protect their constituents’ rights to assemble without facing a heavily armed police force. Police departments nationwide *should* be able to make similar decisions across every aspect of their work, patrolling their neighborhoods as members of the communities they serve. This Court should not constitutionalize a regime in which widespread access to AR-15s is non-negotiable, and communities are left to choose between their safety and their First Amendment rights.

The Court should preserve States’ and municipalities’ legislative flexibility to relieve law enforcement officers from the corrosive fear that any member of the public may be armed with an AR-15. It should reject Petitioners’ proposed rule as unfounded in the Constitution and incompatible with public safety.

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<sup>72</sup> Nick Carey & Julia Harte, *After Dallas Shooting, U.S. Police Forces Rethinking Tactics*, Reuters (July 11, 2016), <https://perma.cc/64GJ-86T4>.

<sup>73</sup> *Ibid.*

**CONCLUSION**

The judgments of the Second and Seventh Circuits should be affirmed.

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