

AKTI Responds to New York City Police Department Targeting of Knife Retailers

At least five Manhattan and Queens knife retailers have been arrested since October 2003 in a series of NYPD raids on knife stores. The retailers were cited un-

der the New York State gravity knife statute that has been wrongly interpreted, AKTI believes, to include virtually any model of one-hand-opening knife com-

mercially available.

More than 300 different knife models were confiscated in the raids, including high-dollar "gentlemen's folders" and "multi-tools." In some cases, not all units stocked by a retailer of a particular model were seized. Officers left those where the set screw was too tight to allow them to swing the knife open, even when they first started the blade by pulling it out of the handle.

The NYPD had not provided inventories of seized knives to affected retailers as of court dates for several of them of April 1, 2004.

According to reliable sources, AKTI has learned that one retailer was allowed to plead guilty to what would amount to an ordinance violation equivalent to having the wrong kind of awning on his building (which is neither a misdemeanor nor a felony). Another had his case continued while the judge considers a motion for dismissal. A third will probably

Criminal Lawyer Believes NYC Prosecutions are Threat to Entire State of New York

Scott Tulman, Manhattan attorney and past president of the New York Criminal Lawyers Association, told AKTI he believes the recent New York City Police Department initiative to arrest knife retailers could be used on a statewide basis to harass and arrest individual knife owners, prosecute retailers and ultimately attempt to shut down the entire knife industry in New York State.

"I represent a client charged in Queens Co. who has been effectively put out of the knife business," Tulman said. "And I have spoken to attorneys representing Manhattan defendants who have also been effectively shut down."

In raids dating back to October 2003, the NYPD has confiscated hundreds of knife models from at least five retailers under the state's gravity knife statute. The seizures have included a broad variety of one-hand openers, as well as high-end "gentleman's folders" and "multi-tools." The "test" of the statute used by arresting officers has been whether they can cause the blade to open by "centrifugal force" using very dramatic and repeated arm-swinging. In some cases, they have even resorted to grabbing the knife blade and then attempting to get the handle to flip open away from the blade and lock.

"If I were asked to advise retailers currently selling knives in New York, I would tell them that selling virtually any one-hand opening knife puts them at risk of arrest and prosecution under the present circumstances," Tulman said. "And if aggressive prosecutors and police departments wanted to pursue this statewide, they could put several major manufacturers and suppliers at risk."

The knife raids and the threat of future raids have made even "unraided" retailers unsure about which knives they can sell. AKTI has been attempting to schedule a meeting with the NYPD to at least get a list of prohibited knife models. But as of early May 2004, the meeting has not been scheduled, and no clarifications have been provided by NYPD.

"The arbitrary application of the current statute, the uncertainty about which models are legal, and the questionable 'testing' of seized knives will only be effectively dealt with if AKTI attempts to clarify the New York gravity knife definition through new legislation," Tulman concluded.

AKTI-sponsored legislation in California (2001) and in Florida (2003), saved one-handers and a broad variety of other knives in those states.

My 85-year-old mother and every other gardener in this country probably has a small folding knife in their gardening kit.

Your current interpretation of this 'gravity knife' statute would make de facto criminals and innocent victims of all of them."

New York Arrests

be convicted because his inventory included specifically banned items such as Kung Fu stars.

Prior to the April 1 initial court dates of the various defendants, AKTI located and spoke to the police lieutenant apparently most active in this NYPD initiative. We also provided copies of the following letter to defense attorneys for their use in a possible defense based on "industry standards" and generally accepted definitions within the knife industry.

March 11, 2004

Dear Lieutenant Kenny:

Thank you for talking to me last night about NYPD efforts to deal with sellers of "gravity knives" as defined by your state statutes.

The American Knife & Tool Institute (AKTI) is the national organization that represents individual knife owners and major retailers, manufacturers, and distributors in the U.S. knife and tool industry. AKTI has a long history of working with and supporting law enforcement in our common goal of protecting law-abiding citizens. AKTI has always steadfastly opposed the use of knives for any criminal activity or assault. We believe that any person who uses a knife in the commission of a crime should be prosecuted to the full extent of the law.

I do not know the personal histories of any of the retailers arrested in this recent initiative to enforce the "gravity knife" statute. But it appears that at least some of these arrests have occurred because New York knife retailers still perceive "gravity knives" to be a distinct, different category of product from what the knife industry calls "folding knives." But I heard you loud and clear when you said you were enforcing New York law as it is written. And all of us at AKTI applaud your efforts to keep predators and violent criminals off the streets.

AKTI and AKTI members would hope that a meeting with New York law enforcement could clear up any ambiguities in this situation, perhaps even producing a list of banned knife models, and help ensure that NYPD efforts to protect law-abiding citizens is fair, equitable and consistent.

"Gravity knives, which were used by the German Army in WWII, have been banned in this country under Federal Law since the 1950s. NO major manufacturer in our industry makes or distributes them because they could be prosecuted under Federal Law."

If we can come to a clear understanding of exactly how the "gravity knife" statute will be interpreted, then blatant criminal offenders will be distinguishable from law-abiding citizens. We can also save potentially thousands of manufacturing and retail jobs in New York City and New York State. And I know there are currently hundreds of thousands of law-abiding New Yorkers and New York visitors who would be shocked to learn they are now de-facto criminals because they carry a small pocketknife or multi-tool that is now being considered a "gravity knife."

Let me try to paint a clearer picture of why AKTI and the knife industry, including retailers and individual knife owners might find this interpretation of "gravity knife" very unclear. Our member companies make several hundred models of knives commonly used as tools. They range from what we would call traditional pocketknives (like your and my old Boy Scout knife) to hunting knives to folding "rescue knives" (thousands of which were donated by companies in our industry to New York City policemen, fire fighters and rescue personnel in the aftermath of the 9/11 tragedy).

Gravity knives, which were used by the German Army in WWII, have been banned in this country under Federal Law since the 1950s. NO major manufacturer in our industry makes or distributes them because they could be prosecuted under Federal Law.

I do not claim to know the mind of every New York legislator who voted to ban "gravity knives" decades ago. But if

they were shown such a knife before the vote, here's what they would have voted to outlaw....

A gravity knife has a button in the handle that first releases the blade ... then the blade can slide or drop out of the channel in which it is held inside the body of the handle into a locked position by its own weight when the tip is pointed down. If the blade tip is held in a horizontal or upright position, a "flick of the wrist" would then be necessary to create "centrifugal force" sufficient to slide the blade straight out of its housing in the handle. The blade of the gravity knife does not pivot or fold out of the handle; it slides out of the handle from the end of the handle.

By contrast, the "folding knives" you have been confiscating have a blade pivot at the front of the handle and if the pivot screw is loosened, such blades can, with a great deal of centrifugal force applied, be made to swing out of the handle. Such folding knives do not have the release button found in the handle of the gravity knife. The blade of a typical folding knife must first be manually "started" by thumb pressure on a blade stud or hole in the blade before it can be made to swing out. And to take the blade of a knife in the fingers, then try to swing the handle out and away from the blade is actually an easier way to get "centrifugal force" to open the blade because knife handles are typically heavier than the blades they house.

Here's why that grab-the-blade-and-swing "test" ... as you described it ... would seem "unusual" to the typical New York knife owner or out-of-state visitor who might be carrying a small Swiss Army knife, for example. That's simply not the way knife owners open their knives. And knife owners are everywhere. We know that virtually every person in this country uses a knife of some

AKTI monitors legislation and regulations affecting knives in all 50 states through the StateNet service. However, members are urged to stay alert to potential knife issues at the city and county level and to report these issues to AKTI.

sort in their daily lives. Whether hunting, fishing, camping, biking, kayaking, backpacking or doing carpentry, plumbing, electrical or mechanic work, or rescuing an accident victim by cutting their seat-belt with a one-hand-opening knife while pulling a piece of twisted metal off them with the other, a small folding pocket knife is one of our necessary tools. My 85-year-old mother and every other gardener in this country probably has a small folding knife in their gardening kit. Your current interpretation of this "gravity knife" statute would make de facto criminals and innocent victims of all of them.

I do not believe that was the intent of the New York lawmakers who passed this statute. And arresting 85-year-old grandmas who were pruning their roses with these so-called "gravity knives" would be a social catastrophe beyond measure.

Here's how we worked with California law enforcement in 2001 when they were facing the issue of "junk knives" being carried by gang members. AKTI provided (and police departments, the California State District Attorneys Association and ultimately the California legislature accepted) the definition of a "folding knife" as one that (1) has a bias toward closure and (2) has a détente in the handle. The cheap, folding "junk knives" that California law enforcement saw as favored by gang members do not typically have those two features. As a result, that definition accepted by California lawmakers in 2001 is now the recognized industry standard for "folding knives" or "one-hand-opening knives" as distinguished from other distinct categories of knives such as switchblade knives and gravity knives.

Once again, we would welcome the opportunity to meet with you and other members of the law enforcement community to discuss how best to help protect New York's law-abiding citizens, the tourists who spend billions of dollars every year, and the legitimate, tax-paying retailers, distributors and manufacturers who sell legal folding knives and have done so for decades.

(Signed) David D. Kowalski
AKTI Communications Coordinator

New York State Penal Code ...

(Section 10 - Definitions)

12. "Deadly weapon" means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles.

(Section 265.00 Definitions)

5. "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force which, when released, is locked in place by means of a button, spring, lever or other device.

All Members Welcome

AKTI
ANNUAL MEETING
Thursday, June 3, 2004

5:00 p.m.

Brayton Room

before Blade Show

Renaissance Waverly Hotel
Cobb Galleria Center, Atlanta

For copies of AKTI pamphlets (1) My First Knife by Tom Fegely (2) A Guide to Understanding Knife Laws and (3) AKTI brochure contact Jan Billeb, AKTI, 22 Vista View Ln, Cody, WY 82414 or email akti@akti.org.

YES, I will join AKTI and help support responsible knife use!

Give generously! Your membership dues help ...

- 1) Fight for your knife rights...as we did in California, in Boston, in Florida, wherever AKTI is needed!
- 2) Communicate regularly with knife users and the editors of more than 50 outdoor publications!
- 3) Help lawmakers and law enforcement personnel with information...such as the knife measuring protocol.

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Note: Since the American Knife and Tool Institute, Inc. has filed as a 501(c)(6) not for profit tax status, dues may be deductible as a business expense, but not as a charitable contribution.



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Forum: go to www.akti.org and click
on AKTI Forum or go to
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Blade Length Protocol Copies Available

Copies of the new "Protocol for Measuring Knife Blade Length" adopted by AKTI in February 2004 (that will become effective January 1, 2005) is now available. While many states have statutes involving blade length, AKTI found no state has a consistent method or protocol for measuring knife blades.

AKTI has mailed this Protocol to the 50 state Attorneys General, various judges and lawmakers, as well as to such organizations as the US Department of Homeland Security.

While the Protocol is only advisory, AKTI believes it will be adopted by various law enforcement agencies and court officers, as well as cited as the "industry standard."

Single copies of the Protocol are free (send self-addressed, stamped envelope).

Retailers are urged to make these Protocols available to their customers. Retailer packets of 50 copies are available for \$5.00 (for shipping and handling).

To order, send a check or money order payable to AKTI at ... 22 Vista View Lane, Cody, WY 82414-9606.