

Note: This document has been drafted for a specific item and includes references and statements that may hold true only to the item for which this document has been generated.

The purpose of this document is to aid in determining whether or not possession of a specific item falls under a violation of the Rules and Regulations [*referred to as “the document”*] of a specific entity. The details of the item and entity, respectively, are listed below:

Item: Falcon® USA Flag Design Patriot Folding Pocket Knife, Dist. by Amazon Inc.

(<https://www.amazon.com/Assisted-Folding-Beautiful-Titanium-Collection/dp/Bo7MWS8QF1>)



Entity: Association Housing, LLC

The item in question, while not necessarily immune to being categorized under a separate label, will specifically be measured against the entity’s definition of a “dangerous weapon,” which if applied to the item, renders its presence on the premises of the entity [*Association Housing, LLC*] prohibited.

The criteria by which Association Housing, LLC currently measures objects to the standard of being a “dangerous weapon” consists of four parts, however, in the case of an object also being measured as a knife, that number increases to six, since a knife, as determined by the document, has two additional criteria (but only one of which must be met - see next page). While three of these criteria are more specific and absolute, two of them are slightly more broad and discretionary in nature, and one of them applies not to the object itself, but to the owner.

THE FOLLOWING IS THE CRITERIA BY WHICH AN ITEM’S STATUS IS DIRECTLY MEASURED AS A DANGEROUS WEAPON:

1) **“as defined by law”** This criteria is absolute. The item **passes** this criteria. The only federal law pertaining to prohibition of knives is concerning Switchblades (Switchblade Act of 1958, which covers only manufacture, distribution, and importation of these knives, not individual possession), and per the legally recognized definition, this knife is not a Switchblade. Additionally, per New York State law, there are no additional restrictions which apply to this type of folding knife. Even with regard to a “gravity knife,” which is defined as a knife which can open using only the force of gravity (and was legalized in New York on May 30, 2019), the knife in question does not fit this category, even if it had still been illegal, since the knife requires manual force to open.

2) **“any instrument, device, or object capable of inflicting physical harm or death”** This criteria, although potentially disputed, is generally believed to be absolute. Although the item **fails** this criteria, it must fail both this and one of the next two in order to be categorized as a “dangerous weapon,” since this criteria and, collectively, the next two, are dependent on each other in the document. Many objects (pens, rocks, scissors, heavy objects, etc) would fail this criteria if it were not also contingent on one of the following:

3) “**designed or specifically adapted for use as a weapon**” This criteria can many times be disagreed upon, since it involves the intent of the manufacturer in the production of the product, and also the overall design of the product. Because the intent of the manufacturer is often difficult, if not impossible to illuminate, the determination often falls to the second of the two factors. In this case however, the intended use of this item is stated clearly by the manufacturer: “**Use for Collection, Camping, Fishing, and Daily use: Open Boxes, Cut Ropes**” [*see product link at top of this page for source for source*]. No indication whatsoever exists that this item has been designed for use as a weapon by the manufacturer [*Falcon®*], or is being sold for such use by the distributor [*Amazon Inc.*]. In addition, as it relates to the item itself, excluding intent of the manufacturer, an appealing design and patriotic appearance are clearly the main focuses and selling points of this product, as opposed to ones more tactical or weaponized in nature. As a result, the item unquestionably **passes** this criteria, with both the physical design and manufacturer’s intent pointing clearly to the item as a tool and/or a collector’s item, rather than a weapon.

4) “**possessed, carried, or used as a weapon**” This criteria relates in no way to the object itself, and whether it passes or fails is subject to the behaviors and intentions of the owner. As measuring such would require the introduction of a third entity, this criteria is **not being assessed**; though in general, as it relates to intention, this can be determined by asking the owner why he/she prefers to carry a knife. [*a place is also provided at the bottom of this sheet for the respective owner to sign, indicating they do not intend to use the said item as a weapon*]

5 & 6) The object must not be justifiably categorized as a knife, per the two factor definition of the term laid out by the document, and explained on the next page. The item **passes** this criteria, since it meets one of the two categories necessary to not be considered a knife by the document’s definition (blade length = 3 ¼ in, which is less than 4 in).

Note that all quotes directly originate from the Rules and Regulations, published annually by Association Housing, LLC, with all context being preserved to the highest extent possible. To view those original Rules and Regulations, specifically pertaining to the prohibition of dangerous weapons, visit <https://flcc.edu/housing/RulesRegulations.pdf>, pg 10, sec 4

DETERMINATION: As of the time of this assessment, the above item is determined to comply with the Rules and Regulations of Association Housing, LLC, as it passes the necessary criteria outlined in the document for it to not be considered a “dangerous weapon.” By default, an owner signature below is not needed to pass the fourth criteria since affirmative action would be required on behalf of one looking to prove intent of the owner to use as a weapon. Regardless, the signature is recommended.

OPTIONAL OWNER SIGNATURE REGARDING CRITERIA NUMBER FOUR:

I hereby affirm, as the owner of the the item listed above, that I do not have any premeditated intention, nor do I predict it to be my spontaneous intention at any point in the future, to use the item listed above to impermissibly harm any other person or their property under any circumstances.

[The word “document” refers to the Rules and Regulations posted online by Association Housing, LLC]

The requirements set forth in the document state that in order for the object in question to **not** be considered a “knife” and hence a “dangerous weapon,” it must meet **at least one** of the following criteria:

- 1) blade is **not** longer than 4 inches
- 2) blade **is** part of a multitool

In the document’s criteria, use of the word “or” connecting the two phrases, as opposed to use of the word “and” dissociates the two criteria, allowing for any dissociates A) part of a multitool or B) not longer than 4 inches, to be considered acceptable, as it falls under one of the two categories necessary to be exempt from the document’s definition of a “knife.”

As follows is the literal wording of the document, in relation to the meaning of a “knife” as defined by the document and as enforced on campus:

“any blade not part of a multitool or longer than four inches”

(<https://flcc.edu/housing/RulesRegulations.pdf> pg 10, sec 4)

Had the phrasing utilized the word “and” instead of the word “or,” which is not the case, both criteria would need to be met in order for the object to not be considered a knife (per document definition), and hence be acceptable. However, because this is not the phrasing of the document, only one criteria must be met for such to be the determination.

Therefore, according to the document, any object which can be proven to comply with at least one of these two criteria is **not** considered to be a “knife” (and hence a “dangerous weapon”), and as such, does **not** fall under the list of items deemed prohibited from being on the premises by Association Housing, LLC.

Disclaimers:

1) It should be noted that regardless of any object’s standing (as determined by the document) as a “knife,” any other type of “dangerous weapon,” or any other type of prohibited object, that it is within the rights of any staff personnel to act as needed in an emergency situation, or in the case of any perceived threat posed by a resident to other persons or property. Additionally, any rules stated in the document are subject to change and may be, at any time, invalidated or overridden at the sole discretion of the director of Association Housing, LLC.

2) This document was neither created nor endorsed by Association Housing, LLC, and as such, any views and/or statements herein do not necessarily reflect those of Association Housing, LLC.