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8 and S.G. DISTRIBUTING, INC.

ORIGINAL

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN DIEGO

11 Judicial Council Coordination Proceeding
12 Special Title (Rule 1550(b))

JUDICIAL COUNCIL COORDINATION
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13 FIREARM CASES

14 Coordinated actions:

15 THE PEOPLE OF THE STATE OF
16 CALIFORNIA, ex rel. the County of Los
17 Angeles, et. al.,

Superior Court of California City & County of
San Francisco No. 303753

17 v.

Superior Court of California County of Los
Angeles No. BC210894

18 ARCADIA MACHINE & TOOL, et. al.,

Superior Court of California County of Los
Angeles No. BC214794

19 THE PEOPLE OF THE STATE OF
20 CALIFORNIA, by and through JAMES K.
21 HAHN, City Attorney of the City of Los
22 Angeles, et. al.,

DEFENDANT ANDREWS SPORTING
GOOD'S NOTICE OF LODGMENT IN
SUPPORT OF DEFENDANT ANDREWS
SPORTING GOODS' MOTION IN
LIMINE NUMBER ONE TO EXCLUDE
ANTICIPATED TRIAL TESTIMONY OF
PLAINTIFFS' GUN TRACE WITNESSES
GERALD A. NUNZIATO AND JOSEPH J.
VINCE, JR. AND REQUEST FOR KELLY
HEARING

22 v.

23 ARCADIA MACHINE & TOOL, et. al.,

VOLUME I of III (Exhibits 1-5)

24 THE PEOPLE OF THE STATE OF
25 CALIFORNIA, by and through San
26 Francisco City Attorney Louise H. Renne,
27 v.

Date:
Time:
Dept. 65
Hon. Vincent. P. DiFiglia

27 ARCADIA MACHINE & TOOL, et. al.

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RETURN VIA

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EXHIBIT "1"

EXHIBIT "1"

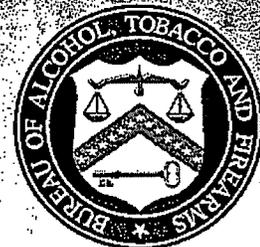


The Youth Crime Gun Interdiction Initiative

Crime Gun Trace Analysis Report: The Illegal Youth Firearms Market in Los Angeles^{CA}

February 1999

Department of the Treasury
Bureau of Alcohol, Tobacco, and Firearms





UNDER SECRETARY

DEPARTMENT OF THE TREASURY
WASHINGTON, DC 20226

February 1999

Make no mistake: Gun traffickers are funneling guns to lawless youth. We know how they operate, and we intend to shut them down . . .

President Clinton, August 8, 1997.

In July 1996, President Clinton announced the Youth Crime Gun Interdiction Initiative (YCGII). The initiative brings together federal, state, and local law enforcement officials to improve information about the illegal sources of guns recovered from juveniles and adult criminals, and to use that information to strengthen enforcement of the nation's firearms laws. One year later, in August 1997, the Department of the Treasury and the Bureau of Alcohol, Tobacco and Firearms (ATF) released the first YCGII report, analyzing crime gun trace information on guns recovered in 17 cities. Upon release of the one year report, President Clinton announced the expansion of YCGII to 10 additional cities.

The attached report, *Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Market in 27 Communities* (the *Trace Reports*), provides ATF crime gun analysis for a second year.

YCGII reflects the broad consensus in our country that juveniles should not have illegal access to firearms, and that certain people should never have access to guns. Through YCGII, ATF is addressing a fundamental problem in achieving those goals: insufficient information about how minors and criminals illegally acquire guns has impeded efforts to investigate and arrest illegal suppliers of firearms.

Through YCGII, ATF has successfully worked with police departments to produce the facts needed to better understand the illegal gun market nationally and in particular cities. In 1995, the year before YCGII commenced, ATF's National Tracing Center traced almost 77,000 crime guns in response to law enforcement requests. In 1998, the NTC traced over 197,000 crime guns, 39 percent of them from the 27 YCGII cities where law enforcement agencies are committed to comprehensive tracing and whose traces are analyzed in the attached report.

The annual *Trace Reports* provide information that has changed the common understanding of how minors and criminals illegally obtain firearms. When YCGII began, many law enforcement officials believed most juvenile and youth offenders stole their crime guns, and that attacking the illegal gun market therefore was not a useful law enforcement strategy. Through YCGII's comprehensive tracing and the *Trace Reports* analyses of the "time-to-crime" of guns recovered by law enforcement, ATF and police departments have shown that illegal gun market activity is an important element of crime gun acquisition by juveniles and youth.

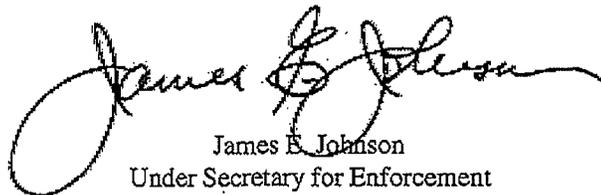
When YCGII began, many believed that illegal gun trafficking was primarily an interstate problem. Through the *Trace Reports*, ATF has shown that many crime guns were originally sold by Federally licensed firearms dealers in the state in which the city is located. When YCGII began, variations in the local crime gun supply were invisible. Through the *Trace Reports*, ATF has identified for local authorities the kinds of guns most frequently recovered from their local juveniles and criminals, establishing that there are local "crime guns of choice" the illegal sources of which can be targeted.

Through YCGII and its annual *Trace Reports*, ATF is now systematically sharing the strategic knowledge gained from crime gun tracing with its state and local law enforcement partners. For the individual city, these reports provide much needed knowledge. Among other things, this year's *Trace Reports* tell each of the 27 communities what proportion of its crime guns are recovered from juveniles, youth and adults; whether its crime guns are principally from within or without the state, and identifies the top source states; what kinds of guns are used; and what guns are moving particularly quickly from retail suppliers into the hands of juveniles and criminals, and are therefore more likely to have been illegally trafficked.

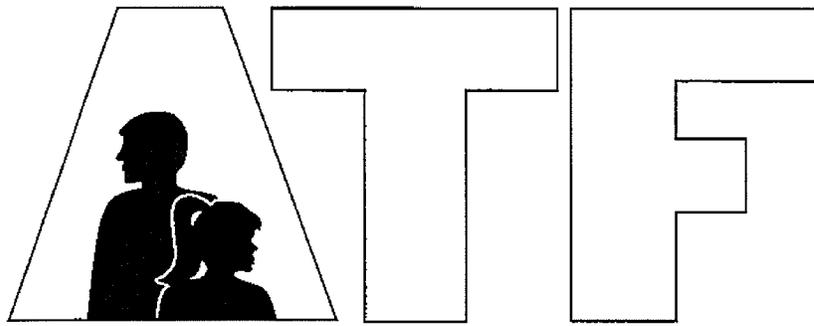
More and more state and local law enforcement agencies are recognizing that this type of strategic trace analysis, combined with specific investigative information available to local law enforcement authorities from ATF, can contribute significantly to successful investigations of illegal gun traffickers. Before YCGII, no police departments had formally committed to tracing all recovered crime guns. Now because of YCGII, 27 departments have made this commitment, and many more departments have expressed an interest in doing so. The *Trace Reports* lists a growing number of new and existing law enforcement partnerships throughout the country using crime gun trace information in investigations and in planning enforcement strategy. In 1998, the International Association of Chiefs of Police (IACP), which has assisted many departments in learning about the benefits of increased tracing, passed a resolution recommending the strategy of comprehensive crime gun tracing to support gun trafficking investigations for all its members.

Over the next year, we will continue to build Federal-local firearms enforcement partnerships, and to expand comprehensive crime gun tracing to fully support these partnerships and provide the information needed to make sound firearms policy decisions.

If we do these things, we can more effectively target the criminal behind the criminal — the illegal gun trafficker — and reduce violent crime across our nation. I commend ATF and its Federal, State, and local law enforcement partners for making YCGII an outstanding example of smarter, tougher law enforcement.



James E. Johnson
Under Secretary for Enforcement



**The Youth Crime Gun
Interdiction Initiative**

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Trace Analysis Report:
The Illegal
Youth Firearms Market in
Los Angeles^{CA}**

Department of the Treasury
Bureau of Alcohol, Tobacco, and Firearms



ATF CRIME GUN TRACE ANALYSIS REPORT

Atlanta, Georgia

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Forward by the Director of the Bureau of Alcohol, Tobacco & Firearms

This is the second year that the Bureau of Alcohol, Tobacco and Firearms (ATF) has published a report on the results of crime gun traces conducted by ATF's National Tracing Center at the request of Federal, State and local law enforcement officials participating in the Youth Crime Gun Interdiction Initiative (YCGII). Publication of this Report serves three of ATF's critical missions: vigorous investigation of illegal transfers of firearms; assisting State and local law enforcement agencies in enforcing their firearm laws; and informing the public.

The principle that good information is needed to make optimal decisions is universal in our contemporary world. This certainly holds true for Federal law enforcement. By developing innovative analytical techniques, using information technology, and establishing academic partnerships, ATF is continually improving available information about how juveniles, youth offenders, and other prohibited persons obtain firearms illegally. Through the YCGII Report's publication of uniform statistics about crime guns, ATF is providing Federal, State and local law enforcement officials with a common set of facts about illegal firearms trafficking in their communities that enforcement officials can use as a foundation for joint and well targeted enforcement operations.

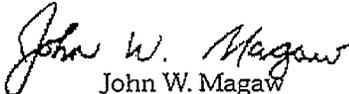
The first YCGII Report initiated the practice of age-differentiated reporting about recovered and traced firearms, providing a model for annual ATF reporting. Uniform, annual reporting of crime gun information for the city, State, and national levels is a multi-year endeavor. This year's Report includes the following improvements:

- Statistical information for an additional 10 cities
- Clarifications in most of the tables
- A new table on crime gun trace requests for firearms with obliterated serial numbers
- A description of the types of illegal transfers of firearms used by prohibited persons
- A section providing information for State and local law enforcement executives

ATF plans to further strengthen firearms enforcement by providing:

- Project LEAD on-line to all ATF offices for use by local joint firearms task forces
- Information about illegal traffickers to juveniles and youth and their trafficking patterns
- Reports on the frequency of crime gun purchases in multiple sales
- State and national level crime gun trace information
- Information on illegal transfers of used and stolen firearms
- Expansion of comprehensive crime gun tracing support to additional cities.

Vigorous enforcement of the laws against the illegal transfer of firearms will reduce armed and violent crime. ATF appreciates the growing collaboration with State and local law enforcement agencies to take advantage of the new enforcement opportunities provided by comprehensive crime gun tracing. Our children deserve our best efforts to stop illegal gun transfers and firearms traffickers.


John W. Magaw

ATF CRIME GUN TRACE ANALYSIS REPORT

Youth Crime Gun Interdiction Initiative

Introduction

This section describes the Initiative and this year's Report, and lists the participating communities.

The Youth Crime Gun Interdiction Initiative (YCGII). Part of ATF's nationwide illegal firearms trafficking program, the YCGII is an evolving collaboration among Federal, State and local law enforcement agencies to reduce youth gun violence. The collaboration is strengthening law enforcement of existing Federal and State firearms laws by providing the most complete and systematic knowledge available of firearms recovered by law enforcement agencies. Participants are using that information to initiate law enforcement operations against criminals illegally transferring firearms to juveniles, to adult criminals and other prohibited persons. Specifically, the YCGII collaboration is:

- Instituting comprehensive crime gun tracing in participating police departments, and assisting the departments to automate crime gun tracing;
- Using ATF's National Tracing Center to trace the firearms recovered by law enforcement officials and to enter that trace information into Project LEAD, an information system for illegal firearms trafficking data;
- Providing law enforcement officials access to investigative and analytical information about the nature and sources of crime guns recovered in their jurisdiction;
- Assisting in the development of criminal cases that enforce existing firearms laws and disrupt the illegal supply of firearms to juveniles and adult criminals;
- Using crime gun analysis to focus ATF's regulatory compliance activities in support of illegal trafficking prevention.

The 1998 YCGII Report. This Report provides general and detailed information about the findings derived from crime gun traces submitted by the 27 participating jurisdictions.

Part I of this report begins by describing the *Terms Used in this Report* and the *Trace Analysis Provided in This Report*. Next, the Report presents *General Findings: Local Illegal Firearms Markets*, which are based on the trace information collected from all the program's jurisdictions, and describes the different *Methods of Illegal Transfer of Firearms to Juveniles and Other Prohibited Persons*. It then provides an explanation of different *Enforcement Opportunities for Preventing Trafficking in Firearms* as well as an *Update: Comprehensive Community Crime Gun Tracing*. The Report goes on to describe *Local Law Enforcement Initiatives* associated with the YCGII and *Future Developments* regarding ATF's efforts to enforce firearms laws and report crime gun trace information. Finally, Part I presents a new section which provides *Information for Law Enforcement Executives*.

Part II of this Report presents uniform statistical reports that provide an overview of the crime guns that law enforcement officials in each of the participating jurisdictions recovered and submitted for tracing. Each report includes:

- number of crime guns recovered;
- number of crime guns that can be associated with particular age groups;
- types of crime guns recovered;
- most frequently traced crime guns, by type, manufacturer, and caliber;

- crime types associated with firearms that law enforcement officials recover;
- number of crime gun traces resulting in a first seller or buyer being identified, or the reasons why the first transaction could not be identified;
- how quickly the most frequently traced crime guns move from first retail sale by Federally Licensed Firearms Dealer to law enforcement recovery;
- most frequent source states for traced crime guns;
- number of recovered crime guns with obliterated serial numbers (new table).

The Youth Crime Gun Interdiction Initiative communities are:

Atlanta, Georgia
Baltimore, Maryland
Birmingham, Alabama
Boston, Massachusetts
Bridgeport, Connecticut
Chicago, Illinois
Cincinnati, Ohio
Cleveland, Ohio
Detroit, Michigan
Gary, Indiana
Houston, Texas
Inglewood, California
Jersey City, New Jersey
Los Angeles, California
Memphis, Tennessee
Miami, Florida
Milwaukee, Wisconsin
Minneapolis, Minnesota
New York City, New York
Philadelphia, Pennsylvania
Richmond, Virginia
Salinas, California
San Antonio, Texas
Seattle, Washington
St. Louis, Missouri
Tucson, Arizona
Washington, D.C.

Part I

Terms Used in the Report

Crime Gun

For purposes of firearms tracing, a crime gun is any firearm that is illegally possessed, used in a crime, or suspected to have been used in a crime. Table E in each community report shows the crime types associated with crime gun trace requests.

Firearm Trace

A firearm trace is the process of tracking a recovered crime gun's history from its source (manufacturer/importer) through the chain of distribution (wholesaler/retailer) to the individual who first purchases the firearm. Crime guns are traced by ATF's National Tracing Center (NTC). Because of the structure of Federal firearms regulation and recordkeeping requirements, it is generally not possible for the National Tracing Center to trace crime gun transfers beyond the first retail sale using firearm industry records. To further trace a crime gun's path, ATF must conduct an investigative trace, in which special agents investigate the subsequent chain of possession.

Trace Request

Requests for firearm traces are submitted to the NTC by Federal, State and local law enforcement to solve individual crimes and acquire illegal trafficking information. Requests may be submitted by telephone, facsimile, mail, or as an electronic file through the National Law Enforcement Telecommunications System (NLETS) or a law enforcement agency computer. ATF trace forms require a description of the firearm, the individuals possessing or associated with the firearm, the recovery location, and the underlying offense that brought the crime gun to the attention of law enforcement.

Comprehensive Tracing

Comprehensive tracing by community, or comprehensive community tracing, involves the tracing of all recovered crime guns in a geographic area (e.g., town, county, metropolitan area, or State). Trace information is used to solve individual cases, to maximize the investi-

gative information available in Project LEAD for use in identifying potential illegal firearms traffickers, and to analyze crime gun trends and illegal trafficking patterns.

Federal Firearms Licensee (FFL)

An FFL is any person, including a partnership, corporation, or business entity holding a valid license issued by ATF that allows them, or their employees, to "engage in the business" of dealing, manufacturing, importing, repairing, or pawnbrokering firearms. By law, all FFLs must keep records of their firearms transactions and forward all their records to ATF upon going out of business.

ATF National Tracing Center (NTC)

The NTC works with law enforcement agencies, firearms manufacturers and FFLs to determine the manufacturing and initial sale history of firearms recovered by law enforcement officials in the United States or abroad. The NTC is also the repository for all FFL out-of-business records.

Project LEAD

Project LEAD is ATF's information system designed to produce investigative leads concerning illegal firearms trafficking. The system compiles trace information resulting from trace requests in order to identify recurring trends and patterns that may indicate illegal trafficking. Project LEAD is an investigative tool provided to ATF field offices for use by local task forces.

Crime Gun Analysis Branch (CGAB)

ATF's crime gun analysis unit, located at the National Tracing Center, analyzes firearms trafficking patterns, supports investigations, and is responsible for compiling this Report.

Firearm Serial Number

The Gun Control Act of 1968 requires that a serial number be affixed to firearms manufactured or imported into the United States. This is the primary means of identifying a firearm and tracing it to the FFL that first sold it and to its first unlicensed purchaser.

Obliterated Serial Number

Some individuals attempt to obliterate the firearm serial number after they have purchased a firearm. ATF and local law enforcement agencies can restore the serial numbers of most crime guns that are recovered with obliterated or partially obliterated serial numbers. Obliteration of a serial number is a Federal crime, as is possession of a firearm with an obliterated serial number.

Firearm Type

The NTC categorizes firearms into a number of types, including semiautomatic pistols, revolvers, shotguns, rifles, machine guns, and unknown types. Firearms are usually described by identifying the firearm type, manufacturer, and caliber. Together with the serial number, this information is needed to accurately trace a firearm.

Purchaser

A firearm trace seeks to identify the FFL that first sold the crime gun and the first individual who purchased the firearm. This information can assist law enforcement officials in investigations and in understanding the sources of illegal trafficking in firearms.

Straw Purchaser

A straw purchaser is a person illegally purchasing a firearm for another person, for instance for a juvenile or adult felon.

Possessor

The possessor is the individual found in possession of the crime gun.

Time-to-Crime

Time-to-crime is the time between the initial retail sale of a firearm by an FFL and its recovery as a crime gun, or the submission of a trace request. This measure can be an important indicator of illegal firearm trafficking.

Source State

This is the State in which the FFL that first sold the crime gun at retail is located. The source State can only be determined if a trace is initiated and identifies the FFL that sold the firearm.

Juvenile, Youth, and Adult Age Categories

This Report provides Tables that present information by five age categories: juveniles (age 17 and under), youth (ages 18 to 24), and adult (age 25 and over), age unknown, and all categories combined.

Trace Analysis Provided in This Report

This section briefly discusses the nature and uses of the trace analysis provided in this Report.

Crime gun trace information. This Report is based on 76,260 crime gun trace requests. Trace requests themselves include, when completely filled out by the submitting jurisdiction, information on the firearm type (semiautomatic pistol, revolver, etc.), the manufacturer and caliber of the recovered crime gun, the location where the crime gun was recovered, and the date of birth of the possessor of the crime gun. Crime gun traces that identify a retail transaction by Federal firearms licensees (FFL) permit the identification of the FFL that first sold the gun at retail and the source State of the firearm, and permit ATF to query the FFL regarding the first retail purchaser of the firearm. Crime gun traces that identify the first retail purchaser of the crime gun provide information on that first purchaser and permit calculation of a time-to-crime for the crime gun.

Varying availability of crime gun trace data. Certain kinds of information are available for each of these trace requests, while other kinds of information are available only for some trace requests. Most trace requests include the firearm type and manufacturer, but not all trace requests include the age of the crime gun's possessor. Not all trace requests result in the identification of an FFL. Even when an FFL is identified, the trace may not disclose information on the first retail purchaser. Therefore, different analyses in this Report are based on different numbers of crime guns. For a given jurisdiction, for instance, information on firearm type is essentially complete. Age of possessor information is less complete, and so analyses including possessor age will be based on a smaller number of crime guns. Time-to-crime information is still less complete, so analyses of, for instance, time-to-crime by age of possessor will be based on a still smaller number of crime guns.

The implementation of comprehensive tracing. In most police jurisdictions in the United States, crime gun trace requests have traditionally been made only in order to help law enforcement agencies solve specific crimes. The National Tracing Center's Firearms Tracing System (FTS) continues to serve this purpose. However, the 27 jurisdictions participating in YCGII, however, are committed to the goal of tracing all recovered crime guns, which allows for the support of trafficking enforcement and for new analyses of the criminal use of firearms and of trafficking patterns. Each of the participating jurisdictions has made major progress toward establishing and maintaining a program of comprehensive tracing. In some jurisdictions, the implementation of comprehensive tracing was not complete during the entire time period covered in this report. For instance, between August 1, 1997 and July 31, 1998, the FTS recorded 2,291 trace requests originating in Los Angeles. Officials familiar with Los Angeles report that this number is an undercount of the actual number of recovered crime guns, due to the fact that comprehensive tracing was implemented part way through this period. This Report still provides analyses for Los Angeles and certain other jurisdictions in a similar position because the crime gun trace requests submitted during this period are helpful in supporting law enforcement operations and examining trafficking patterns.

The analyses in this Report. *Site-specific analyses.* Most analyses in this report are site-specific: for example, information on the types of crime guns recovered; on the age of possessors; on time-to-crime for the top ten crime guns recovered from juveniles, youth, and adults. A standard package of such analyses is provided for each of the 27 participating sites in Part II of this Report.

Limitations on combined analyses. The YCGII was not designed to provide a representative sample of the United States, or even of large urban jurisdictions. It clearly does not represent such a sample. Chicago, for instance, contributes 16,222, or about 21 percent, of the trace requests from all 27 jurisdictions. Because the total YCGII trace pool is not a representative national sample, certain analyses of the total pool are not appropriate. For example, in most of the sites, including Chicago, the leading source state for crime guns (based on traces providing source state information) is the State in which the site is located. The preponderance of traces from Chicago would therefore skew a combined analyses of the source state of crime guns toward Illinois. Other important dimensions, such as the types and manufacturers of most frequently recovered crime guns, vary substantially from site to site, suggesting that aggregate analysis would be misleading.

Selected combined analyses. Certain combined analyses are presented in this Report. For example, while the proportion of traces on which the possessor's age is known varies somewhat by jurisdiction, the distribution by possessor's age (where it is known) is fairly similar across all 27 jurisdictions. Thus, this Report describes the age distribution for traces from all 27 jurisdictions (see Figure 1). It also reports, for all 76,260 trace requests, on the proportion resulting in the identification of a first purchaser. For some categories, like crime guns with obliterated serial numbers, there appears to be complete and comprehensive data from some, but not all, YCGII jurisdictions. This Report presents the combined results for those jurisdictions with complete information as illustrative of the types of analyses that can be produced (see Figure 3).

The significance of time-to-crime. Time-to-crime is the time from initial retail sale of a firearm by an FFL to that firearm's recovery by law enforcement or the submission of a trace request. A short time-to-crime is considered an indicator of potential firearms trafficking. For investigative purposes, ATF presently considers a short time-to-crime to be three years or less. Because identifying information, such as the address of the original purchaser, is more likely still to be accurate and useful, traces of firearms with short time-to-crime can offer substantial investigative insight. However, time-to-crime can be an imperfect indicator of firearms trafficking. Newly purchased firearms can be stolen, for example; such a crime gun, if traced soon after the theft, would show a short time-to-crime. Similarly, older firearms can be sold used through FFLs or by private sellers and still be part of an illegal firearms trafficking enterprise. Traces of such firearms would not show short time-to-crime.

Time to crime calculations. The time-to-crime calculations in this Report are complicated by two ATF tracing practices. During the period covered in this Report, ATF did not initiate queries of manufacturers regarding traces of firearms manufactured before 1990 unless such an inquiry was specifically requested by a law enforcement management official (such a request might be made, for example, as part of the investigation of a particularly violent crime). However, the NTC queries its on-site Out-Of-Business records (records archived with the NTC by out-of-business FFLs) as a first step in conducting all traces. Some queries of the Out-Of-Business records produced full trace information on firearms manufactured before 1990. Thus, for the trace requests analyzed in this Report, time-to-crime can be calculated for some, but not all, trace requests associated with firearms sold before 1990. (Due to an increase in resources, the NTC is now able to initiate traces on all firearms manufactured prior to 1985.)

Law enforcement uses of crime gun trace data. This Report does not specifically identify any FFLs or first purchasers to whom crime guns have been traced. Investigations incorporating such law enforcement-sensitive trace information are conducted by ATF, or by State and local law enforcement agencies in conjunction with ATF. Using FFL and first purchaser information combined with other

investigative information and trace analysis, State and local law enforcement agencies can work with ATF in focusing enforcement efforts on the most active traffickers in their local illegal markets. These departments can also focus on traffickers contributing to particular local violent crime problems, such as youth firearms violence, violent drug groups, and other issues of local concern.

General Findings: Local Illegal Firearms Markets

These General Findings are based on trace information from the participating jurisdictions. These include 22 of the 67 cities in the United States with a population of 250,000 or larger, and five smaller jurisdictions. This is the largest collection of comprehensive, community-based information available on recovered crime guns. The National Tracing Center is not providing tables that aggregate and summarize all the information provided in Part II for each individual community. This is because, notwithstanding the large number of traces, the 27 communities combined may not comprise a statistical sample for purposes of national analysis. Nevertheless, some useful conclusions can be drawn.

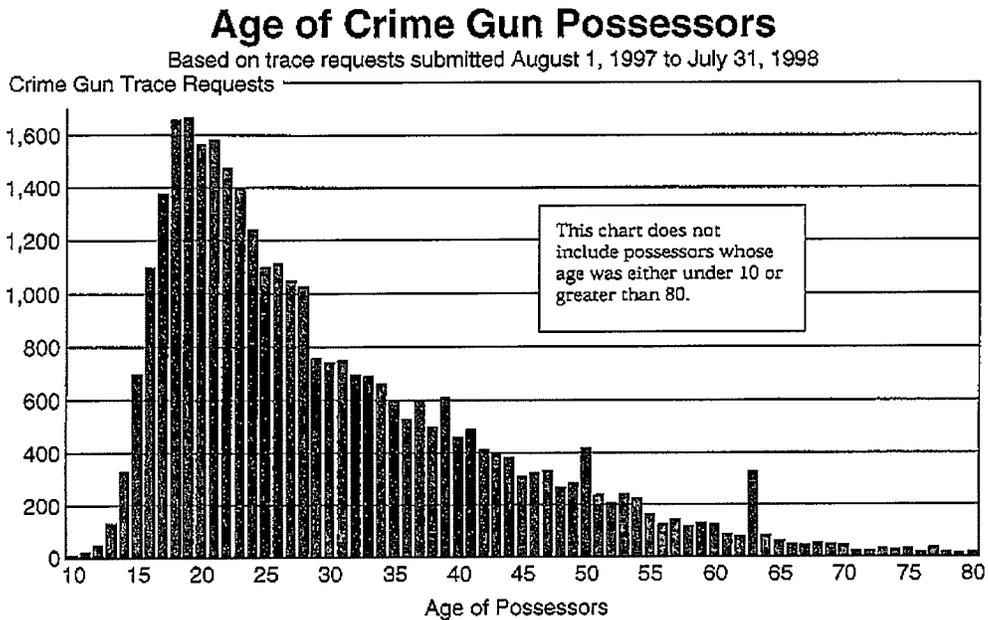
Crime guns recovered from juveniles (ages 17 and under) account for 11.3 percent of the crime guns submitted to the National Tracing Center.* (Here, as in all other findings where the age of possessors is noted, counts and percentages can be calculated only for those trace requests submitted with possessor age information.) Figure 1 shows that the number of crime guns increases from about 300 for juveniles aged 14 to about 1300

for individuals aged 17. Crime guns were recovered more frequently from individuals aged 16 and 17 than from individuals of any age older than 26.

Crime guns recovered from youth (ages 18 to 24) constitute 32.4 percent of all trace requests. There are more crime guns recovered from this seven-year age group than any other seven-year age group-

* Figures of recoveries by age group sum to 99.9 percent due to rounding. A discussion of rounding is included in the Technical Notes at the end of Part II.

Figure 1



ing in the juvenile or adult categories.

Figure 1 shows that across all age groups, the most frequent age of crime gun possession is 19. The second most frequent age is 18.

Crime guns recovered from adults (ages 25 and over) constitute 56.3 percent of all trace requests. While the broad age range included in the adult category (from ages 25 to 96 years), in contrast to the juvenile (17 years and younger) and youth (18 to 24 years) categories, essentially ensured this result, at no age older than 31 were more crime guns recovered than from 15 year olds, and more crime guns were received from 14 year olds than from any age older than 50.

8.1 of every ten crime guns traced were handguns. Handguns were the most prevalent type of crime guns recovered across all age groups.

Of handguns, semiautomatic pistols clearly predominate, making up the top category of guns recovered in each city, and 52 percent of all trace requests. Semi-automatic pistols were more prevalent in the juvenile (57.7 percent) and youth (60.2 percent) age groups than among the adults (46.6 percent).

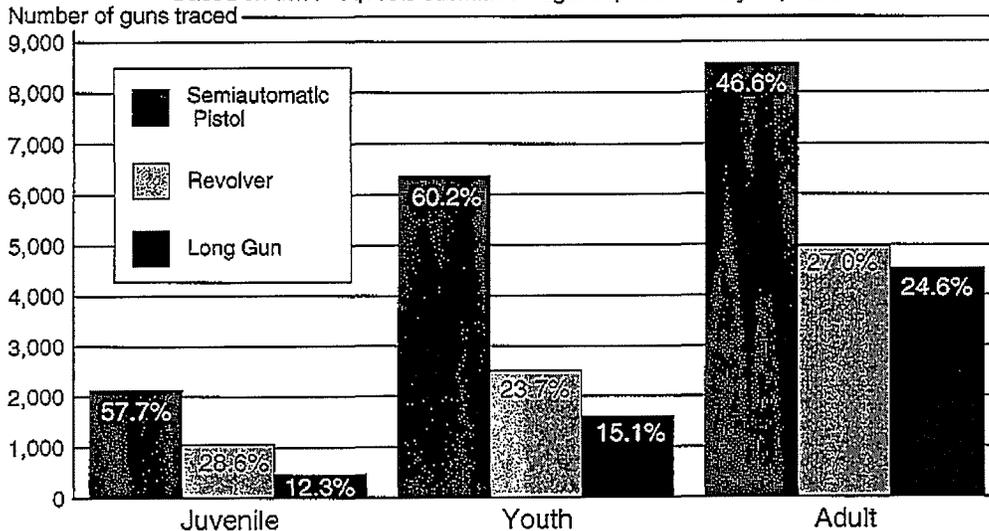
Revolvers made up 27.6 percent of total crime gun trace requests.

Long guns, including shotguns and rifles, accounted for 18.8 percent of total trace requests. While handguns were still the majority of adult crime guns, rifles and shotguns combined (24.6 percent) were about as prevalent among adults as revolvers (27 percent).

Figure 2

Major Gun Types by Possessor Age Group

Based on trace requests submitted August 1, 1997 to July 31, 1998



While findings about the types of firearms recovered are similar across sites, there are also some city-specific variations.

Atlanta and Houston had the largest percentage of semiautomatic pistols. Detroit had the largest percentage of revolvers, though semiautomatic pistols still dominated crime gun trace requests from that city. The prevalence of long guns was higher in San Antonio, Minneapolis, Salinas, and Milwaukee than in other cities.

Crime guns are concentrated among a relatively few makes and calibers of firearms, particularly for crime guns recovered from juveniles and youth. The top 10 most frequently traced types of crime guns, by manufacturer and caliber, represent a disproportionately large share of the total number of recovered firearms. Overall, the top 10 crime guns by manufacturer, type and caliber account for 24.6 percent of trace requests. Guns recovered from juveniles are slightly more concentrated, with the top 10 types of recovered firearms making up 28.3 percent of trace requests. The proportion of crime guns represented by the top 10 most frequently traced firearms diminishes slightly with increased possessor age, until it reaches a level of 23.1 percent among adult traces. The particular mix of firearms that dominates among crime guns changes from city to city, and is an important attribute of city-specific illegal firearms markets.

In general, the State in which the community is located is the largest single source of its traced crime guns. (A source State can only be identified in cases where a trace results in the identification of an FFL or retail purchaser.) In 21 of the 27 sites, the State itself supplies a *majority* of traced crime guns. In an additional four of the 27—Boston, Detroit, New York, and St. Louis—the State supplied a *plurality*. (A plurality indicates the State itself supplies more crime guns than any other single source State, while the com-

ination of all other States supplies more than half of the traced crime guns.) Jersey City was the only city in which the State itself was not the leading source State. Only 14 percent of traced crime guns recovered in Jersey City were first sold at retail in New Jersey. Crime guns recovered in Washington, D.C., which severely limits retail firearms sales, were from outside of the city.

Many recovered firearms are rapidly diverted from first retail sales at Federally licensed gun dealers to an illegal market that supplies juveniles, youth, and adults. This is indicated by the proportion of guns recovered by law enforcement officials that are new, that is, bought less than three years before recovery by enforcement officials. Experienced trafficking investigators have found that recovery of crime guns within three years is a significant trafficking indicator. New guns in juvenile or criminal hands signal direct diversion, by illegal firearms trafficking—for instance through straw purchases or off the book sales by corrupt FFLs. Of the crime guns submitted for tracing, ATF estimates that new crime guns comprise between 25 percent and 36 percent of the firearms recovered from juveniles, between 32 percent and 49 percent of the firearms recovered from youth, and between 27 percent and 40 percent of the firearms recovered from adults. (The method for arriving at these estimates is explained in the Technical Notes included at the end of Part II.)

The obliteration of firearm serial numbers is now a measurable as well as a significant problem. For the first time, reports of crime guns with obliterated serial numbers have been included for each participating city. Both the obliteration of a serial number and the possession of a firearm with an obliterated serial number are Federal crimes. The recovery of a firearm with an obliterated serial number is also an indicator of illegal

firearms trafficking, since the intentional obliteration of a serial number is intended to make it difficult for law enforcement officials to identify the last licensed seller and first unlicensed purchaser of the firearm.

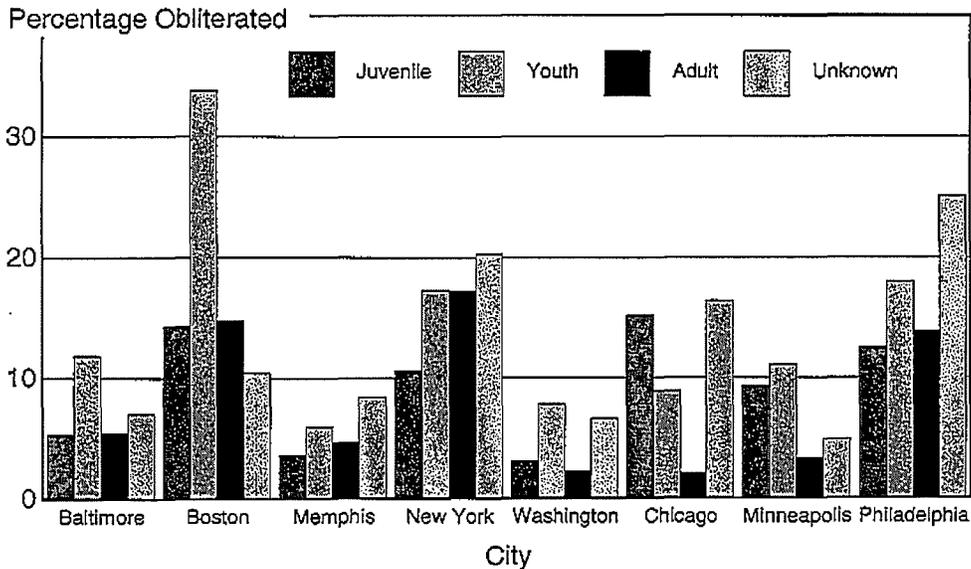
For eight cities where complete data are available, an average of 11.4 percent of handguns traced as crime guns have obliterated serial numbers. ATF has begun to work closely with police departments to encourage them to restore the serial numbers

on and submit trace requests for all of these guns. Only partial reporting of crime guns with obliterated serial numbers was possible due to the newness of this initiative. Reporting is comprehensive for eight cities: Chicago, Philadelphia, Minneapolis, Memphis, Washington, New York, Baltimore, and Boston. Preliminary analysis for these cities indicates that handguns traced with obliterated serial numbers are disproportionately semiautomatic pistols in the relatively high-powered 9mm and .380 calibers.

Figure 3

Percentage of Semiautomatic Pistols with Obliterated Serial Numbers by Age Group for Selected Cities

Based on trace requests submitted August 1, 1997 to July 31, 1998



Methods of Illegal Transfer of Firearms to Juveniles and Other Prohibited Persons

Since 1996, the Bureau of Alcohol, Tobacco and Firearms (ATF) has made the prevention of illegal firearms trafficking an operational priority, in combination with deterring and incarcerating armed criminals. During that time, in cooperation with State and local authorities, ATF has been developing a more precise picture of the structure of the illegal firearms market that supplies unauthorized juveniles, criminals and other prohibited persons.

Common view: two methods. The common view had been that there are two primary sources of illegally supplied firearms— old guns that are stolen and new guns that are trafficked. Further, a common view had been that trafficking occurs in large volume and primarily across state lines, and that, by contrast, theft of firearms is virtually always committed by individual juveniles and felons to acquire illegal firearms for their own personal use.

Revised view: multiple sources. Through crime gun tracing, trace analysis, and investigative work, ATF has learned that this picture is oversimplified. ATF has found that there are multiple illegal sources of firearms that law enforcement must address. Successful targeting of illegal firearms markets requires a combination of crime gun tracing, trace analysis, and more traditional criminal intelligence (confidential informants, debriefing arrestees, cooperating offenders, conditioned plea bargains, etc.). Effective local, State and Federal efforts to disrupt illegal firearms markets must recognize the complexity of illegal firearms trafficking, and formulate combined strategies to address its discrete components. These components encompass:

1. Trafficking in *new* firearms, interstate and intrastate, including by —

- Licensed firearm dealers, including pawn-brokers
- Large scale straw purchasers or straw purchasing rings
- Small scale straw purchasers, e.g. buying one or a few guns

2. Trafficking in *used* firearms, interstate and intrastate, including by —

- Licensed firearm dealers, including pawn-brokers
- Large scale straw purchasers or straw purchasing rings
- Small scale straw purchasers, e.g. buying one or a few guns
- Private sellers, including non-Federal firearms licensee sellers at gun shows and flea markets, or through want ads, gun

magazines, the Internet, and personal associations

- Bartering and trading within criminal networks

3. Trafficking in new and used *stolen* firearms, involving —

- Licensed gun dealer theft, including pawn-broker theft
- Organized fencing of stolen guns
- Common carrier theft
- Household and automobile theft
- Bartering and trading within criminal networks
- Manufacturer theft

4. *Not* trafficking —

- Individual thefts by adult and juvenile criminals for their own purposes

Enforcement Opportunities For Preventing Trafficking In Firearms

This section briefly reviews the sources of information available to law enforcement officials to obtain insight into and mount law enforcement against different portions of the illegal firearms market.

1. Trafficking in *new* firearms, interstate and intrastate.

Some crime guns move rapidly from first retail sale into the hands of juveniles and older felons. Where this is true, ATF crime gun trace information, which relies on transaction records required by Federal law to be maintained by Federally licensed firearms dealers (FFL), can be particularly useful. Information such as who was the first retail purchaser of the crime guns, their place of residence, other crime guns they may have purchased, and related facts, is more likely to be available and useful when a crime gun is relatively new. Project LEAD, ATF's crime gun trafficking information, facilitates law enforcement access to this investigative information.

2. Trafficking in *used* firearms, interstate and intrastate.

Not all trafficked crime guns are trafficked close to the time of their first retail sale. Used firearms, obtained from both FFLs and private sellers, are also trafficked. ATF investigative experience suggests that illegal trafficking of used firearms is a significant source of crime guns, and that used firearms trafficked to juveniles and adult criminals are likely to be older firearms. It can be more difficult to identify an illegal source for a used crime gun. Although FFLs maintain transaction records on used as well as new firearms, a National Tracing Center (NTC) trace generally proceeds only to the point of first retail sale; thus, the trace of a used crime gun will not identify subsequent—including the most recent—transactions through an FFL. Also, in addition to being sold by FFLs, used firearms are also sold by private sellers not required by Federal law to maintain records of firearms transactions.

Despite the difficulties, law enforcement officials can also target illegal sources of used firearms. Some States maintain transaction information applying to the sale of used firearms, which may be used by local law enforcement officials in a way similar to NTC crime gun trace information. A variety of traditional law enforcement techniques—confidential informants, stings, undercover investigations, debriefing arrestees, cooperating offenders, condi-

tioned plea bargains—may also be used to identify traffickers in used firearms.

3. Trafficking in new and used *stolen* firearms.

Firearms may be stolen from a variety of sources, including FFL dealers, pawnbrokers, manufacturers, common carriers, buildings and residences, and vehicles. ATF investigative experience shows that they may subsequently be sold by individuals and groups specializing in firearms trafficking or by those fencing a variety of stolen goods. Depending on the type of theft involved, these firearms may range from the relatively new to the quite old. For instance, a crime gun trace with a rapid time-to-crime may be the result of theft from an individual shortly after the first retail purchase of a new firearm. In general, however, stolen firearms, especially those stolen from individuals and residences, tend to be older. It is not possible, based on NTC trace information in this Report, to distinguish between older crime guns that are trafficked used guns, and those guns that have been stolen. FFLs are required to report thefts to ATF, which maintains a database of the information. FFL theft information may also be reported to the National Criminal Information Center (NCIC), which is accessible to State and local police. If an individual firearms owner knows the serial number of the stolen firearm and reports the theft to the police, this information may also be reported to NCIC. These sources of information can be helpful to local authorities in identifying sources of stolen firearms used in crime. Generally, traditional investigative methods are required to address trafficking in stolen firearms.

4. Not trafficking: individual thefts by criminals and juveniles for their own purposes.

When individuals steal firearms for their own criminal purposes, no trafficking occurs. Measures against burglary and the criminal possession and use of firearms (including laws aimed at violent juveniles and adult felons) can help address such crimes. In addition, however, such stolen firearms are sometimes subsequently stolen again and then trafficked, or are subsequently sold (or traded) and trafficked, and thus can become vulnerable to law enforcement measures aimed at illegal trafficking.

Update: Comprehensive Community Crime Gun Tracing

This section of the Report describes the progress made in comprehensive crime gun tracing during the past year.

Crime gun tracing as a basis for developing and sharing illegal gun market information and collaborating on trafficking investigations is a recent law enforcement innovation. It requires close cooperation between ATF and other Federal, State and local law enforcement authorities that recover crime guns and submit trace requests. This year, ATF's goals were to improve the infrastructure for comprehensive tracing, analysis, and delivery of trace information at ATF's National Tracing Center (NTC); to assist in maintaining and improving tracing capability in the original 17 Youth Crime Gun Interdiction Initiative (YCGII) communities; and to extend comprehensive tracing to police agencies in an additional 10 cities.

Number of Crime Guns Being Traced Continues to Increase. Law enforcement officials in the 27 participating cities submitted approximately 76,260 crime gun trace requests between August 1, 1997 and July 31, 1998. This represents 39 percent of the total number of crime gun trace requests submitted to the National Tracing Center during this period. The 10 new YCGII cities submitted 37,393 trace requests, 67 percent more than this group of communities submitted during the same period the previous year.

Reengineering at the National Tracing Center (NTC) to Handle Increased Tracing Volume and Speed Up Tracing. To handle the increased volume of trace requests from the 27 participating YCGII sites, and from other jurisdictions around the nation, the NTC in 1998 reengineered its Firearms Tracing System. The new system allows police departments to submit trace requests by electronic download from their records systems or through the National Law Enforcement Telecommunications System (NLETS) directly into ATF's tracing system. It also allows ATF to prepare customized trace analysis for particular jurisdictions. Reengineering the system took most of the past year. The new system can process more traces faster. A police department can expect a trace response in 9 to 13 business days, with urgent traces handled within hours or even minutes. As compared with trace response time during the last YCGII tracing period, this represents an almost 50 percent improvement in response time.

Communities Tracing Comprehensively. Police departments that join the YCGII make a commitment to trace all crime guns recovered in their jurisdictions. While the NTC cannot determine definitively whether all recovered crime guns are being traced, an evaluation can be made based on the number of trace requests, the tracing infrastructure in the law enforcement agencies, and on information obtained from local officials. On this basis, the NTC determined that during the study period, 23 of the 27 cities were tracing comprehensively. Four cities, Bridgeport, Houston, Los Angeles, and Seattle, either started late, or traced comprehensively during part of the year, due to staffing or computer issues, and are now either tracing all recovered crime guns or, with ATF's assistance, developing the systems to do so. ATF is continuing to work with all participating law enforcement agencies to increase the completeness of trace information provided.

More Police Departments Developing Electronic Batch Tracing Capability. The direct electronic transfer of trace requests is more accurate and cost-effective for both ATF and police departments, and makes tracing a large volume of crime guns manageable. Therefore, ATF in 1998 began providing technical assistance to police departments that have made a commitment to comprehensive tracing for the YCGII. The Department of Justice has also provided funding to support this effort. The NTC contacted each participating department to evaluate how their computer systems could most cost-effectively support electronic tracing. In many participating city police departments,

The Purpose of Comprehensive Community Crime Gun Tracing. By identifying the last licensed seller, and last unlicensed purchaser of record of a firearm used in a crime, ATF, with the assistance of licensed firearms manufacturers and sellers, may be able to undertake investigations to determine who transferred the crime weapon illegally to the juvenile, or the adult criminal from whom law enforcement officials recovered it. This knowledge allows Federal, State, and local law enforcement officials to investigate, arrest, and prosecute gun traffickers responsible for illegal transfers. Comprehensive tracing maximizes the number of investigative leads available for trafficking investigators. When established, comprehensive crime gun tracing enables ATF and other enforcement agency officials to determine regional and national patterns of illegal gun trafficking, allowing for more effective law enforcement operations.

ATF emphasizes that the appearance of a Federal firearms licensee (FFL) or a first unlicensed purchaser of record in association with a crime gun or in association with multiple crime guns in no way suggests that either the FFL or the first purchaser has committed criminal acts. Rather, such information may provide a starting point for further and more detailed investigation.

not all crime-gun and criminal-incident information is available in an automated format for comprehensive tracing purposes. It was also found that each department possessed a different degree of automation capability, which prompted the design of an electronic tracing program that was unique for each city. ATF expects 21 of 27 cities to be using some form of batch electronic trace submission system in 1999. Of the 27 participating police departments, 9 are now electronically transmitting crime gun trace requests to the NTC. The electronic trace file transmission is being

accomplished either through a direct dial-up connection from the police department or via the local ATF Office Network. Chicago, Cincinnati, Birmingham, San Antonio and Houston were among the cities that started electronic tracing this year. ATF will continue to work with police departments to expand batch downloading capacity to other cities throughout the country. ATF's goal is to establish electronic tracing support for all law enforcement agencies with significant numbers of crime gun recoveries.

National Law Enforcement Telecommunications System (NLETS). NLETS is the telecommunications system used by law enforcement for communications involving investigative information. For smaller departments, NLETS provides a good tracing solution, and it can supplement centralized electronic tracing systems in large departments. All 50 States are equipped with NLETS, with access to the system and system design handled by a State coordinator. In 10 YCGII cities, formatted tracing screens have been installed to allow the police department to trace firearms using this system and receive an immediate trace identification number from the NTC in response. ATF is continuing to work with NLETS Board of Directors and State representatives to provide automated means for law enforcement agencies with access to NLETS to trace firearms.

Training in Firearms Tracing and Illegal Trafficking Investigation. ATF provided training and technical assistance to ATF field offices and to local law enforcement officials in the recovery of crime guns, information required to initiate a trace, how to submit a trace request, and how to use comprehensive trace information to develop investigative leads for firearms trafficking cases. Due to the important role of firearms trafficking investigations in the reduction of violent crime, the International Association of Chiefs of Police, in a program funded by the Department of Justice's Bureau of Justice Assistance, provides training at the NTC for police departments that want to start comprehensive crime gun tracing and trafficking enforcement programs. Several YCGII cities have taken advantage of this program to receive additional training.

Partnerships With The Firearms Industry.

ATF and a number of Federal firearms licensees have formed working partnerships to facilitate the tracing of crime guns. Toward this end, ATF developed a standardized automated system called Access 2000. The system allows the NTC to query an FFL and print a crime gun's history based on the serial number, both speeding up the trace process and reducing industry trace-related costs. ATF is currently using this or similar computerized systems to obtain needed crime gun trace information from RSR Wholesale, Harrington and Richardson, Smith and Wesson, and Davidson Wholesale. Other firearms industry members have expressed an interest in acquiring the hardware and software needed to use Access 2000.

New Emphasis on Restoring and Reporting Obliterated Serial Numbers.

ATF over the past year has increased efforts to work with police departments and law enforcement laboratories to restore the obliterated serial numbers on crime guns. When obliterated serial numbers are restored or even partially restored, the information provides a firearms trafficking investigative lead that can be pursued. Taken as a group, crime guns with obliterated serial numbers are a major resource for identifying firearms trafficking trends and patterns. To develop local coordinated enforcement efforts to trace and proactively target leads derived from recovered crime guns with obliterated serial numbers, ATF began an effort to educate State and local investigators and firearms examiners on the importance of restoring obliterated serial numbers and tracing those firearms, in three day sessions of instructional and hands-on training. The first schools were held in Gary, Indiana; Nashville, Tennessee; and Albuquerque, New Mexico. ATF has been working closely with several YCGII cities—Chicago, Memphis, Minneapolis, Philadelphia, Washington, D.C., and Boston—to assist them in restoring obliterated serial numbers and comprehensive tracing of these weapons. Due to improved information in several cities, each Part II YCGII report now includes tables on crime gun recoveries with

ATF To Expand Availability of Project LEAD. Project LEAD is ATF's trafficking information system that supports enforcement operations. Trace information is entered in the system, which identifies patterns in crime gun sales and purchases, providing investigative leads to potential illegal traffickers. Project LEAD currently is periodically supplied to selected ATF offices on disks. During 1998, the NTC, in connection with its overall redesign, also reengineered Project LEAD to allow on-line analysis of all traces currently in the system by all ATF offices. ATF expects to complete this process in April 1999. On-line access will make Project LEAD more useful to special agents and local violence reduction task forces. Project LEAD has also been programmed to allow agents to search for sellers and purchasers specifically involved with crime guns recovered from juveniles and youth.

obliterated serial numbers. However information is considered complete for only 8 cities.

Institutionalizing Trace Analysis. Crime gun trace analysis is an increasingly valuable tool for law enforcement. To support this mission, ATF has established the Crime Gun Analysis Branch (CGAB) at the NTC. This organization is dedicated to assisting field investigations involving crime guns and crime gun trafficking. The CGAB supports all of the 27 YCGII cities and prepares this Report.

Analysis of Crime Guns Associated With Multiple Sales. The requirement that Federal firearms licensees record multiple sales of handguns is a significant investigative tool for illegal trafficking investigations. All crime gun trace requests involving handguns are checked to determine whether the firearm was first sold in a multiple sale. As reported last year, ATF has learned that crime guns later found with obliterated serial numbers are frequently purchased in multiple sales. This year ATF

conducted an assessment of the multiple sales reporting system. As a result of that assessment, ATF changed the multiple sales reporting procedure to simplify and reduce the paperwork burden on FFLs. The new reporting procedure is clearer, quicker, and more accessible to State and local law enforcement, making it a better investigative tool. The NTC anticipates that the new reporting system will facilitate crime gun tracing and analysis.

Improved Out-of-Business Records Collection. Crime gun traces begin with a check of out-of-business records, so that manufacturers are not contacted unless necessary. Over the past year, the NTC has made a concerted effort to ensure that its out-of-business records were complete, recognizing that many FFLs did not renew their licenses following changes made in licensing procedures by the 1994 Violent Crime Control and Law Enforcement Act. As a consequence of that effort, 41,000 out-of-business FFLs submitted records to the NTC between August 1997 and August 1998.

Increasing the Number of Traces That Identify an FFL and a First Retail Transaction. The NTC is continually improving its ability to diagnose the reasons for missing crime gun trace information— to learn what type of crime gun information is most consistently missing or inaccurately reported, and to determine whether the failure to match serial numbers is due to obliteration, faulty recording, incorrect FFL records, or data mismanagement. This effort is reflected in Table F of this Report, which has been refined and broken into two parts, Table F1 and F2, to more clearly pinpoint problems in the process so that they can be addressed.

For trace requests where the NTC initiated a trace, the NTC identified FFLs for 66.8 percent

of the crime guns and identified purchasers for 59.9 percent of the crime guns. For crime guns recovered from adults, FFLs were identified for 69.5 percent and purchasers were identified for 61.8 percent; for crime guns recovered from youth, FFLs were identified for 70.6 percent and purchasers were identified for 63.6 percent; and, for crime guns recovered from juveniles, FFLs were identified for 63.2 percent and purchasers were identified for 56.2 percent. The primary reasons that purchasers were not identified where a trace was initiated were: first, inaccurate or incomplete firearm serial numbers, including obliterated serial numbers (11.3 percent); second, inaccurate or incomplete identification of the firearm importer (7.1 percent); third, missing or incomplete FFL records (4 percent); and fourth, inaccurate or incomplete name of the manufacturer (3.4 percent).

For about a third of trace requests, the NTC did not initiate a trace, for one of three reasons. Firearms predating the enactment of the 1968 Gun Control Act are generally untraceable. Moreover, during the period covered in this report, the NTC's policy was not to trace firearms manufactured before 1990, unless specifically requested by a law enforcement management official, due to resource considerations. Nonetheless, because the NTC checks all crime gun serial numbers against the FFL out-of-business records, a significant number of pre-1990 traces were still completed and entered into the Firearms Tracing System and Project LEAD. In addition, the NTC does not trace weapons unless they meet the definition of firearm under the Gun Control Act of 1968. Weapons not meeting the definition include, for instance, air guns, certain antique firearms, and BB guns.

Update: Local Law Enforcement Initiatives

The Youth Crime Gun Interdiction Initiative and ATF's illegal trafficking program provide a foundation of investigative information and resources for locally led enforcement efforts aimed at reducing youth and other violent crime. Generally, ATF's enforcement strategy calls for a balance between enforcing laws aimed at deterring and incarcerating armed felons, and enforcing laws relating to the illegal transfer of firearms. The following is a description of some of the enforcement efforts linked to the YCGII that are underway in YCGII cities:

Project Atlantis. In Atlanta, ATF in conjunction with the Atlanta Police Department (APD) and their academic partners at Emory University, with the support of the U.S. Attorney, review Project LEAD information to focus on the illegal supply of firearms to youths 24 years old and younger. Emory University provides information on shooting incidents, which is entered into a mapping system pinpointing high crime zones by Zip Codes. This information is matched with Project LEAD crime gun trace information to identify potential traffickers to youth and juveniles in these areas. In addition, the APD has formed a Gun Unit that assists on interviews, works on related cases and forms a focus list of crime gun possessors and potential traffickers. Each target on the list will be interviewed jointly by an ATF special agent and a police official.

Baltimore's Police Youth Violence Task Force (Strike Force). The Strike Force mission is to identify and target gang members and violent offenders age 24 and under and to aggressively seek their apprehension and incarceration. Once the strike force has linked a particular gang to homicides, shootings, and other violent activities, it will target them for investigation, and where possible, for prosecution under Federal laws. The strike force is working with the State's Attorney to identify which defendants will be prosecuted in Federal court. The strike force has strong partnerships with all criminal justice agencies: the State Attorney's Office, the U.S. Attorney's Office, ATF, school police, and the Department of Juvenile Justice. By working with the Federal government, the community, and the criminal justice system, the strike force lets young people know that their violent crimes will be dealt with aggressively. The Baltimore Strike Force is working closely with the Maryland Gun Enforcement Initiative (described below) to develop trafficking

cases to reduce the illegal youth and juvenile gun supply.

The Maryland Gun Enforcement Initiative. Maryland is in the process of implementing the Maryland Gun Enforcement Initiative, a comprehensive state-wide initiative to reduce gun violence. This initiative targets illegal gun traffickers in an effort to intercept illegal firearms before they are used in violent crimes. Actions such as tracing every crime gun seized in Maryland, establishing an Office of Crime Gun Enforcement, targeting youth gun hot spots, and expanding awareness and enforcement of Maryland's Child Gun Access Prevention Law are all components of the initiative. Many Federal, State and local law enforcement agencies, as well as community institutions and organizations will be part of this initiative. Some of the participating agencies and organizations will include: ATF, the Maryland State Police, the State Attorney's Office, the U.S. Attorney for Maryland, the Washington/Baltimore High Intensity Drug Trafficking Area project (HIDTA), the Division of Parole and Probation, the Department of Juvenile Justice, the University of Maryland, the Governor's Office of Crime Control and Prevention.

The Boston Gun Project/Operation Ceasefire. In place since mid-1996, Boston's Operation Ceasefire is aimed at preventing youth homicide. It combines a local, State, and Federal effort to crack down on the illegal gun supply with a local, State, and Federal strategy to deter violence by youth gangs. Participants in the Gun Project met with gang members, juvenile inmates, and gang outreach workers to deliver the message: violence will not be tolerated in Boston; it will be met with a strong and coordinated interagency response. ATF agents, police, and prosecutors are also using comprehensive tracing, trace analysis,

and investigative techniques to identify and prosecute specific traffickers supplying gangs and other youths with firearms. Participants include the Boston Police Department, ATF, DEA, the U.S. Attorney, the Suffolk County District Attorney, the Massachusetts Department of Probation and Parole, the Massachusetts Department of Youth Services, school police, youth outreach workers, community groups, and academics from Harvard University's John F. Kennedy School of Government.

Chicago's Anti-Gun Enforcement Program (CAGE). The CAGE program, operated by the Chicago Police Department and ATF, is a gun crime suppression strategy designed to prevent the illegal purchase and transfer of firearms. Every crime gun that is recovered in the city of Chicago is traced. When Project LEAD indicates multiple recoveries of crime guns associated with the same first purchaser, ATF notifies the CAGE team and the suspect is interviewed. CAGE works with the U.S. Attorney's Office and State prosecutors to prosecute a suspect under Federal or State law as appropriate. CAGE also investigates any gun incidents that are determined to be gang-related.

Gary's Violent Crime Task Force (VCTF). The VCTF was established in 1994 to combine State, local, and Federal law enforcement resources to target violent crimes committed with firearms in and around Gary, Indiana. Authorities concluded that an impact on violent crime would be achieved by identifying firearms traffickers who supply violent criminals. The first objective of the VCTF is proactive investigation of crimes committed with firearms and interdiction of the gun supply in the Gary area, with emphasis on illegal trafficking to juveniles. With the help of ATF, the NTC and Project LEAD, trace data are used to support investigations. The VCTF is composed of ATF and the Gary, Hammond, Portage, and Lake County Police Departments in collaboration with the U.S. Attorney's Office, the Drug Enforcement Agency (DEA), Internal Revenue Service (IRS), and the Department of Housing and Urban Development.

Project LISA: New Jersey's statewide crime gun tracing system. ATF and the U.S. Attorney's Office implemented Project LISA (Locate, Identify, Seize and Apprehend) to establish a central

location and structure for producing, analyzing and utilizing firearms intelligence. LISA is a tracing and analysis program in which all law enforcement agencies participate— Federal, State, county and municipal, including all police departments, the State Police and all county prosecutor's offices. LISA aims to locate and trace recovered firearms, identify illegal traffickers, seize contraband firearms, and apprehend violators. Project LISA has resulted in identifying source States, types of firearms recovered, criminal activity involving trafficked firearms and gang activity, as well as documenting trafficking patterns and providing information in complex investigations. As a result, ATF has identified and the U.S. Attorney and local prosecutors have prosecuted, illegal gun traffickers and persons who have committed violent crimes involving the recovered guns. The New Jersey National Guard has been instrumental in providing manpower and computer training expertise. The participation by all law enforcement agencies State-wide is a key element of Project LISA's success.

Los Angeles Police Department (LAPD) Youth Crime Gun Interdiction Detail. This unit was created in November 1997. The LAPD works with ATF to prevent illegal firearms trafficking to youth and to reduce the injuries and deaths that occur as a result of trafficking to that population. Los Angeles is a 1998 YCGII city, and criminal investigations of traffickers are currently underway.

Memphis' Youth Crime Gun Task Force. A Youth Crime Gun Task Force has been formed in an effort to reduce the violent crime rate. The Gun Control Act of 1968 generally prohibits youths from legally purchasing or owning firearms unless specifically authorized. Therefore, rather than prosecuting the juveniles found in possession of a gun, the Memphis Task Force aims to remove the gun from the juvenile and find any adult who illegally provided it. A member of the task force or a juvenile court investigator interviews every juvenile arrested with a gun. Information obtained in interviews has led to investigations and subsequent arrests of adults making illegal gun sales. Participants and supporters of the Memphis Youth Crime Gun Task Force include the U.S. Attorney for

the Western District of Tennessee; the Memphis Police Department; the Shelby County Sheriff's Office; and ATF.

Miami's Firearms Suppression Team. In Miami, a program was initiated that involves setting up meetings every two weeks with the Firearms Suppression Team (FAST). The team is composed of the Metro-Dade Police Department, the City of Miami Police Department, and ATF. Prior to the meeting, all the trace results are reviewed by ATF Special Agents and Metro-Dade officers to determine investigative merit. The results are then discussed at the meeting and plans for investigative follow-up are determined. Project LEAD is available at these meetings so that leads developed by the police departments can be checked against the ATF Firearms Tracing System. Some of the participating agencies and organizations include: Metro-Dade Police Department, the City of Miami Police Department, ATF, Dade County State's Attorney's Office, the U.S. Attorney's Office, the Florida Department of Law Enforcement.

Philadelphia's Firearms Trafficking Task Force. The Philadelphia Police Department and ATF have formed the Firearms Trafficking Task Force, which has significantly enhanced and focused the collaboration between these agencies. The Task Force has a proactive mandate to identify, target, and shut down illegal sources of firearms in the city and their related distribution networks, and to promote the successful prosecution of firearms trafficking violators. The Task Force is identifying the source of illegal firearms sales, gathering intelligence on all crime gun recoveries, and coordinating their work with all relevant Federal and State agencies. Recognizing the importance of a firearms suppression strategy, the Mayor of Philadelphia has appointed a cabinet level position to coordinate the efforts and strategies undertaken to reduce firearms violence.

Richmond's Project Exile Task Force. The Project Exile Task Force is a multi-tiered program that was initiated on February 21, 1997. This initiative includes Youth Crime Gun Interdiction Initiative mandatory tracing of all firearms recovered in Richmond, interviewing case defendants and juveniles to identify illegal sources of

firearms, and compiling intelligence information on youth gangs and open homicide cases. Project Exile's strategy is to prosecute in Federal court all individuals arrested for illegally possessing a firearm, because of the length of mandatory sentences and pre-trial detention provisions. Some of the local, State and Federal law enforcement agencies that work on Project Exile include ATF, the Virginia State Police, the Richmond Police Department, Drug Enforcement Agency (DEA), the U.S. Marshals, and the Federal Bureau of Investigation (FBI).

St. Louis' Ceasefire Working Group. Members from several State and Federal law enforcement agencies and prominent civic groups have come together to form a "Ceasefire Working Group." The group is headed by the U.S. Attorney for the Eastern Judicial District of Missouri. This cooperative working group meets once a month to discuss ideas concerning crime prevention and intervention, and to develop enforcement strategies in an effort to combat violent crime in the St. Louis area. ATF issues that are discussed are the YCGII, the Violent Crime Coordinator (VCC) program, and other efforts to curb illegal firearms trafficking. Some of the participating agencies and organizations include: the U.S. Attorney's Office, ATF, St. Louis Metropolitan Police Department, St. Louis Sheriff's Department, St. Louis County Police, the Federal Bureau of Investigation, St. Louis Public Schools, the African American Clergy Coalition of Missouri, State and Federal Probation and Parole, and the Department of Housing and Urban Development.

Tucson's Serious Incident Multi-Agency Response Team (SMART). A violent crime task force has been formed under the name of SMART. During the last six months, this task force has dedicated its efforts to reducing violent crime among Tucson area youths. Suspects are targeted for Federal prosecution for involvement in firearms trafficking and for illegal possession of firearms. Suspects are identified through firearms tracing. This initiative includes the following agencies: ATF, FBI, U.S. Customs Service, U.S. Border Patrol, DEA, the Tucson Police Department, Pima County Attorney's Office, and the U.S. Attorney's Office.

Future Developments

ATF special agents, in cooperation with State and local enforcement authorities, are making trafficking cases from crime gun trace and related investigative information. Also, the ATF National Tracing Center and Crime Gun Analysis Branch are continuing to develop new techniques to analyze crime gun traces. Future developments will include the following:

Additional ATF Special Agents to Follow Up Trafficking Leads. ATF plans to assign additional new agents to YCGII sites to follow up on investigative leads generated by comprehensive tracing, Project LEAD, and other investigative activity.

On-Line Project LEAD. ATF will be providing Project LEAD on-line to ATF field offices in April, 1999. This will greatly increase access to Project LEAD by local gun enforcement task forces and facilitate the development of cases against illegal traffickers.

Expansion of Comprehensive Tracing Support and Trace Analysis Reporting. ATF plans to provide comprehensive tracing support and trace analysis reporting through YCGII to all cities with populations of 250,000 or more and to other jurisdictions with special firearms crime problems.

Development of New Training Tool. ATF is developing a CD-ROM that provides training in how to trace firearms accurately. The program will address common problems of misidentification of firearms. Initially, ATF will train representatives from all YCGII cities in the use of this program, who can then provide the police departments roll call training. Eventually, the training will be provided to all ATF field divisions.

Reports on Crime Guns Traced to Multiple Purchases. In the future, information on crime gun traces associated with multiple purchases will be included in crime gun trace analysis reports.

Additional Training and Reports on Crime Guns With Obliterated Serial Numbers. As more trace requests are submitted involving crime guns with obliterated serial numbers, the YCGII Report will include more extensive reporting relating to these firearms.

Analysis of Crime Guns Stolen from Federal Firearms Licensees. The NTC is developing analyses to determine how stolen firearms enter trafficking networks, and to improve methods available to the firearms retailing industry to prevent thefts.

Information About Illegal Traffickers and Their Trafficking Patterns. ATF has begun analyzing case reports for statistical information about traffickers and their trafficking patterns. This information will be reported in the future.

State and National Level Crime Gun Trace Information. With annual trace requests approaching 200,000, ATF is preparing to issue trace analysis reports by State and at the national level.

Information for Law Enforcement Executives

This section answers frequently asked questions from law enforcement executives about the Youth Crime Gun Interdiction Initiative, comprehensive tracing, and ATF's firearms enforcement programs.

What is comprehensive crime gun tracing?

This means submitting the serial numbers and related information from all firearms recovered by law enforcement authorities in a given jurisdiction to ATF's National Tracing Center (NTC). Until recently, most cities have submitted gun serial numbers for tracing only when the information is needed to solve a major crime.

What will comprehensive crime gun tracing do for policing and crime reduction in my city?

Firearms used in crime are often obtained through illegal transfers, i.e., firearms traffickers, straw purchasers, corrupt firearms dealers, and fences dealing in stolen firearms. When the NTC compiles comprehensive crime gun trace information, it can furnish information relating to the following questions: 1. What kinds of guns are being used by what kinds of criminals? 2. Who are the individuals selling guns on the streets? 3. Who are the firearms dealers involved? 4. What are the recovery locations? 5. Are the source areas in the city, the State, or from out of State? 6. Where should their resources be concentrated to stem the flow of firearms to their streets? With this information, a department working with ATF can establish an enforcement strategy to reduce juveniles' and criminals' illegal access to guns. Firearms tracing can also lead to improved officer safety, since it can alert officers to crime gun activity in a specific location, or by a particular individual.

Since ATF tracing has been around for a while, why is it being emphasized now?

Gun trafficking enforcement has been locked in a chicken and egg situation for some time. Without adequate crime gun tracing and other criminal intelligence, despite many important individual Federal illegal trafficking cases, it has been difficult to mount effective collabora-

tive Federal, State and local anti-trafficking strategies. At the same time, because of lack of knowledge about how to mount effective cooperative anti-trafficking initiatives, there has been low demand by State and local police agencies for tracing and trace information. Over the last several years, ATF has been attempting to bridge this gap from both directions— increasing the analysis of crime gun traces provided to local jurisdictions, and placing more emphasis on developing collaborative criminal investigation of illegal firearms trafficking.

In general, both Project LEAD, the NTC's firearms trafficking information system, and crime gun analysis, have greatly increased the potential productivity of a strategy for enforcing Federal, State and local laws against illegal gun transfers to juveniles and prohibited persons, especially violent criminals. Project LEAD is being more widely deployed, and is becoming easily accessible by gun task forces throughout the country for law enforcement operations. The NTC's growing capability to provide analyses of crime gun data that allow police agencies to see clearly the number, types, and sources of guns in their jurisdictions, allows for strategy development that was not possible when law enforcement officials relied exclusively on street intelligence.

What is needed to start comprehensive tracing, is it expensive, and will ATF assist?

Tracing is free to the requesting jurisdiction; the NTC will trace any and all crime guns submitted for tracing.

The NTC wants police departments to trace firearms and has developed several methods to make comprehensive tracing more efficient. The NTC works with police departments on establishing the easiest methods for them to trace firearms and provides training. Trace

forms can be filled out manually and faxed, or, in emergencies, trace requests can be made by telephone.

To provide a more efficient way to trace firearms without added paperwork and cost, the NTC has established an electronic trace connection through the National Law Enforcement Telecommunications System (NLETS). When officers check the system for stolen firearms, they can continue to another screen and process a trace request at the same time. This not only saves time but also paperwork, and they are ensured that their information has been received by the NTC. The NLETS tracing screen is available at present in about 19 States, and ATF is working with the NLETS organization to expand the capability. There is no additional cost to the department for the NLETS connection.

To assist larger police departments, the NTC has created an electronic batch download program that can be adapted to submit large numbers of traces from the department's own centralized recordkeeping system. For example, the NTC uses this method with the New York Police Department and Chicago Police Department and has received tens of thousands of traces from them. The NTC supplied the equipment for the downloading, and assisted with the necessary customizing programming. The NTC will also send teams of NTC tracing personnel to help police departments search their firearms vaults for backlogs of firearms that have not been traced.

Funding sources for trace related assistance have included the NTC, the YCGII, and the Department of Justice's Community Oriented Policing Office (COPS Office) "Making Officer Redeployment Effective" (MORE) program.

Does the police department receive responses to trace requests directly, how long does it take, and what information is provided?

After a firearm is submitted to be traced, the trace report containing the results of the trace is returned to the requester. A routine firearm trace takes nine to 13 business days, when the trace can be completed. Urgent traces, which must adhere to certain criteria, are completed

within 24 hours. Criteria for an urgent trace include: assaults, bank robbery, kidnapping, murder/suicide, rape/sex crimes, terrorist act or threat, undercover investigation, necessity to hold a suspect in custody, or issuance of a search warrant.

Trace results contain information about the FFL who came in contact with the firearm, i.e., manufacturer, wholesaler, retailer, as well as information about the individual who first purchased the firearm. A firearms trace acts as an avenue to obtain additional investigative leads which may tie the suspect to other crimes otherwise unknown if the gun had not been traced.

ATF would like to emphasize that the appearance of an FFL or a first purchaser in association with a crime gun or in association with multiple crime guns in no way suggests that either the FFL or first purchaser has committed criminal acts. Rather, such information may provide a starting point for further and more detailed investigations.

Does the police department have access to Project LEAD?

Project LEAD, ATF's automated illegal firearms trafficking information system, produces investigative leads based on analysis of nationwide and regional crime gun trace information, and identifies patterns in crime gun recoveries. Project LEAD can pinpoint repeat sources of crime guns to particular age groups or locations. Queries to Project LEAD, must be made through an ATF field division office. The value of Project LEAD depends on law enforcement agencies tracing crime guns comprehensively. ATF field divisions have a designated Project LEAD Coordinator who is instructed to work closely with local law enforcement and provide them with data related to their firearms trafficking trends and patterns. ATF is working to install on-line Project LEAD capability in all ATF field offices by April, 1999. This will make Project LEAD readily available to local task forces. Currently, the NTC is developing a Geographic Information System to analyze crime gun recoveries that will be integrated with Project LEAD and be available to local jurisdictions.

Do all crime gun traces result in identification of purchasers, and if not, why submit all recovered firearms for tracing?

Most crime gun traces result in useful information. Comprehensive community tracing allows the NTC to report back uniform statistics regarding the kinds of guns associated with particular types of offenders in reporting jurisdictions. Trace requests that result in identifying a FFL can reveal concentrations of crime guns flowing from particular dealers, and provide information on the source State of that firearm, thus helping local law enforcement officials understand whether crime guns they recover have crossed State lines. Trace requests that result in the identification of first purchasers are obviously even more useful for trafficking investigations.

How will comprehensive crime gun tracing help reduce the juvenile gun problem?

One of the surprising findings of both last year's and this year's YCGII Report is that a large proportion of crime guns recovered from juveniles, and adult felons, are quite new and most likely deliberately and illegally trafficked. This year's YCGII Report also confirms last year's finding that many crime guns were first sold at retail in-state. The long held presumption that guns used in crimes were all borrowed from home, stolen, and old, or new guns that were trafficked across State lines, appears to be incorrect. Comprehensive crime gun tracing and trace analysis can support both trafficking investigations aimed at these sources of newer firearms and the deployment of traditional criminal investigation techniques (debriefings,

confidential informants, turning of arrestees, etc.) aimed at sources of new and older firearms. Because juveniles have less access to the firearms market than adults, a strategy that targets their illegal supply can be especially productive.

How do comprehensive tracing and an illegal trafficking enforcement strategy relate to a strategy of deterring and incarcerating persons illegally possessing, carrying, or using firearms?

ATF enforces Federal firearms laws, and assists State and local law enforcement authorities in enforcing their gun laws. At the Federal level, ATF believes that a balance between attacking the illegal supply of firearms to prohibited persons, including juveniles and adult felons, and deterring and incarcerating armed violent offenders, is necessary to reducing violent crime. ATF's comprehensive tracing and trace analysis are part of the Boston Gun Project/Ceasefire and numerous other violence reduction and law enforcement strategies. Local law enforcement authorities are actively searching to find the best mix of local enforcement operations. ATF is providing new assistance to that effort by working to institute comprehensive tracing capabilities in communities and using trace analysis to support investigations. These tools are providing new opportunities to attack the illegal gun market, which often has been ignored because it was viewed as impervious to law enforcement efforts. Nevertheless, it is critical to focus both on the illegal sources and on the illegal users of firearms in order to reduce violence in a community.



Part II

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Report Period: August 1, 1997 - July 31, 1998

Table A: Requests for Crime Gun Traces

This table displays the number of crime gun trace requests from this community to the National Tracing Center. It also indicates the completeness of certain trace data submitted for analysis. Lack of data may reflect unavailability or an issue that remains to be addressed by the police department and ATF. Since participating police agencies are in various stages of electronic and procedural changes to enhance comprehensive tracing of all crime guns recovered, complete information may not have been readily available (ie. possessor identity, possessor's date of birth, date crime gun recovered, etc.).

	Number of Requests	Percent of Requests
Trace Requests	2,291	100.0%
Trace Request Identifies Possessor	1,689	73.7%
Trace Request Provides Possessor's Date of Birth	1,502	65.6%
Trace Request Identifies Date Crime Gun Recovered	2,134	93.1%

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Report Period: August 1, 1997 - July 31, 1998

Table B: Crime Gun Trace Requests by Age of Possessor

This table provides information concerning the age of the possessors of the crime guns for which trace requests were submitted from this community to the National Tracing Center. Lack of data may reflect unavailability or an issue that remains to be addressed by the police department and ATF. Since participating police agencies are in various stages of electronic and procedural changes to enhance comprehensive tracing of all crime guns recovered, complete information may not have been readily available (ie. possessor identity, possessor's date of birth, date crime gun recovered, etc.). In addition, not all crime guns can be associated with a possessor when a trace request is made since not all recovered firearms are found in an individual's possession. Therefore, the breakdown by age group is not expected to be based on all recovered crime guns.

	Number of Requests	Percent of Requests
Trace Requests	2,291	100.0%
Trace Requests for Which Possessor's Age Can Be Determined	1,502	65.6%
Juvenile Crime Gun Trace Requests (Ages 17 and Under)	202	13.4%*
Youth Crime Gun Trace Requests (18 Years of Age Through 24 Years of Age)	523	34.8%*
Adult Crime Gun Trace Requests (25 Years of Age or Older)	777	51.7%*

* Based on the trace requests for which the possessor's age can be determined.

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Report Period: August 1, 1997 - July 31, 1998

Table C: Crime Gun Trace Requests by Type of Firearm

This table depicts the number of crime gun trace requests from this community by firearm type. Recoveries are identified as having been from adults, youth, juveniles, age unknown, and a combined category. This information can be useful in developing an enforcement strategy that focuses on the kinds of crime guns used by particular age groups.

Type of Firearm	Juveniles (ages 17 & under)		Youth (ages 18-24)		Adults (ages 25 & over)		Age Unknown		Total	
	#	%	#	%	#	%	#	%	#	%
	Semiautomatic Pistol	125	61.9%	313	59.8%	406	52.3%	353	44.7%	1,197	52.2%
Revolver	54	26.7%	124	23.7%	182	23.4%	207	26.2%	567	24.7%
Rifle	12	5.9%	49	9.4%	106	13.6%	136	17.2%	303	13.2%
Shotgun	9	4.5%	32	6.1%	73	9.4%	83	10.5%	197	8.6%
Derringer	2	1.0%	5	1.0%	7	0.9%	10	1.3%	24	1.0%
Combination*	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Machine Gun	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Unknown Gun Type	0	0.0%	0	0.0%	3	0.0%	0	0.0%	3	0.1%
Total	202	100.0%	523	100.0%	777	100.0%	789	100.0%	2,291	100.0%

* A combination firearm is a multi-barreled firearm containing two or more different caliber barrels.

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Report Period: August 1, 1997 - July 31, 1998

**Table D: Most Frequent Crime Gun Trace Requests:
Type, Manufacturer, and Caliber by Age of Possessor**

This table depicts the most frequently recovered and traced crime guns by firearm type, manufacturer, and caliber in this community. This report does not distinguish among models of firearms of the same type, manufacturer and caliber. For instance, all .38 caliber revolvers manufactured by Smith and Wesson are considered as a group. Recovered crime guns are often concentrated among relatively few kinds of firearms.

Juveniles (ages 17 and under)

Type of Crime Gun	Manufacturer	Caliber	Number of Kinds of Crime Guns	Number of Crime Guns	Percent of Crime Guns
Semiautomatic Pistol	Raven	.25		17	8.4%
Semiautomatic Pistol	Phoenix	.25		10	5.0%
Revolver	Smith & Wesson	.38		8	4.0%
Semiautomatic Pistol	Bryco	9mm		6	3.0%
Semiautomatic Pistol	Beretta	.25		5	2.5%
Revolver	RG Industries	.22		5	2.5%
Semiautomatic Pistol	Lorcin	.25		5	2.5%
Semiautomatic Pistol	Davis	.380		5	2.5%
Rifle	North China Industries	7.62mm		4	2.0%
Semiautomatic Pistol	Smith & Wesson	9mm		4	2.0%
Summary for Ten Most Frequent Kinds of Crime Guns			10	69	34.2%
Summary for All Other Kinds of Crime Guns			90	133	65.8%
Total Crime Guns			100	202	100.0%

Youth (ages 18 through 24)

Type of Crime Gun	Manufacturer	Caliber	Number of Kinds of Crime Guns	Number of Crime Guns	Percent of Crime Guns
Revolver	Smith & Wesson	.38		28	5.4%
Semiautomatic Pistol	Davis	.380		20	3.8%
Semiautomatic Pistol	Raven	.25		20	3.8%
Semiautomatic Pistol	Lorcin	.380		17	3.3%
Semiautomatic Pistol	Glock	9mm		15	2.9%
Semiautomatic Pistol	Ruger	9mm		11	2.1%
Semiautomatic Pistol	Colt	.45		10	1.9%
Rifle	Ruger	.22		10	1.9%
Shotgun	Mossberg	12GA		9	1.7%
Semiautomatic Pistol	Beretta	9mm		9	1.7%
Summary for Ten Most Frequent Kinds of Crime Guns			10	149	28.5%
Summary for All Other Kinds of Crime Guns			171	374	71.5%
Total Crime Guns			181	523	100.0%

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Adults (ages 25 and older)

Type of Crime Gun	Manufacturer	Caliber	Number of Kinds of Crime Guns	Number of Crime Guns	Percent of Crime Guns
Revolver	Smith & Wesson	.38		26	3.3%
Revolver	Smith & Wesson	.357		20	2.6%
Semiautomatic Pistol	Ruger	9mm		20	2.6%
Semiautomatic Pistol	Colt	.45		19	2.4%
Semiautomatic Pistol	Beretta	.25		19	2.4%
Semiautomatic Pistol	Raven	.25		18	2.3%
Semiautomatic Pistol	Davis	.380		17	2.2%
Semiautomatic Pistol	Smith & Wesson	9mm		16	2.1%
Rifle	Marlin	.22		13	1.7%
Semiautomatic Pistol	Glock	9mm		13	1.7%
Summary for Ten Most Frequent Kinds of Crime Guns			10	181	23.3%
Summary for All Other Kinds of Crime Guns			235	596	76.7%
Total Crime Guns			245	777	100.0%

All Crime Guns in This Jurisdiction*

Type of Crime Gun	Manufacturer	Caliber	Number of Kinds of Crime Guns	Number of Crime Guns	Percent of Crime Guns
Revolver	Smith & Wesson	.38		107	4.7%
Semiautomatic Pistol	Raven	.25		73	3.2%
Revolver	Smith & Wesson	.357		67	2.9%
Semiautomatic Pistol	Davis	.380		54	2.4%
Rifle	North China Industries	7.62mm		47	2.1%
Semiautomatic Pistol	Smith & Wesson	9mm		46	2.0%
Semiautomatic Pistol	Ruger	9mm		44	1.9%
Shotgun	Mossberg	12GA		42	1.8%
Semiautomatic Pistol	Glock	9mm		41	1.8%
Semiautomatic Pistol	Lorcin	.380		41	1.8%
Summary for Ten Most Frequent Kinds of Crime Guns			10	562	24.5%
Summary for All Other Kinds of Crime Guns			401	1,729	75.5%
Total Crime Guns			411	2,291	100.0%

* This section reports the top ten guns traced for all age groups and where the possessor's age is unknown. Therefore, guns appearing in this section may differ from those that appear in the first three sections of this table.

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Report Period: August 1, 1997 - July 31, 1998

Table E: Crime Types Most Frequently Associated with Crime Gun Trace Requests

This table depicts the crimes most frequently associated with firearms trace requests submitted from this jurisdiction by age. This information can be useful in developing an enforcement or intervention strategy that focuses on particular types of crimes. The general term "Firearm Offenses" can include any offense or crime in which a firearm was involved. It is also commonly used by local law enforcement agencies when more detailed crime information is not available at the time the trace request is submitted to the National Tracing Center.

Crime Type	Juveniles		Youth		Adults		Age Unknown		Total	
	#	%	#	%	#	%	#	%	#	%
Firearm Offenses	173	85.6%	399	76.3%	621	79.9%	644	81.6%	1,837	80.2%
Homicide	5	2.5%	4	0.8%	18	2.3%	59	7.5%	86	3.8%
Kidnapping	0	0.0%	1	0.2%	0	0.0%	3	0.4%	4	0.2%
Robbery	10	5.0%	13	2.5%	10	1.3%	11	1.4%	44	1.9%
Sex Crimes	0	0.0%	0	0.0%	0	0.0%	1	0.1%	1	0.0%
Assaults/Threats	1	0.5%	16	3.1%	43	5.5%	14	1.8%	74	3.2%
Burglary/Theft/Fraud	5	2.5%	19	3.6%	5	0.6%	5	0.6%	34	1.5%
Vice Crimes	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Narcotics	7	3.5%	54	10.3%	71	9.1%	11	1.4%	143	6.2%
Other Crime Types*	1	0.5%	17	3.3%	9	1.2%	41	5.2%	68	3.0%
Total	202	100.0%	523	100.0%	777	100.0%	789	100.0%	2,291	100.0%

* Other Crime Types include: arson, immigration and explosives violations.

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Report Period: August 1, 1997 - July 31, 1998

Table F1: Results of Crime Gun Traces

This table depicts the number and percentages of crime gun trace requests received by the NTC for this community; the number and percentage of crime gun traces that were able to be initiated; and the extent to which the trace progressed. Where a trace identifies a Federal firearms licensee (FFL, or retail dealer), the NTC can generally determine the source state of the firearm and the date on which it was first sold at retail. Further information from the FFL is required to identify first purchasers.

Juveniles (ages 17 and under)

	Number of Crime Gun Trace Requests	Percent of Crime Gun Trace Requests	Percent of Crime Gun Traces Initiated
Crime Gun Trace Requests	202	100.0%	
Crime Gun Traces Initiated*	133	65.8%	100.0%
Crime Gun Traced to FFL**	99	49.0%	74.4%
Purchaser Identified***	74	36.6%	55.6%

Youth (ages 18 through 24)

	Number of Crime Gun Trace Requests	Percent of Crime Gun Trace Requests	Percent of Crime Gun Traces Initiated
Crime Gun Trace Requests	523	100.0%	
Crime Gun Traces Initiated*	365	69.8%	100.0%
Crime Gun Traced to FFL**	264	50.5%	72.3%
Purchaser Identified***	210	40.2%	57.5%

* This Table is based on crime guns associated with adults, youth, juveniles, and individuals whose ages are unknown. Crime gun trace requests may not be initiated for various reasons, such as: the NTC received incorrect information or insufficient information to complete a firearms trace request; improper nomenclature of a firearm or misidentification of a firearm or the firearm's importer. Many firearms first sold at retail prior to 1990 can be traced through the National Tracing Center's Out-of-Business records; otherwise, however, the NTC does not trace firearms older than 1990 unless specifically requested by a law enforcement official. Firearms predating the enactment of the 1968 Gun Control Act are generally untraceable. In addition, NTC policy is not to trace weapons that are not covered under Title I of the Gun Control Act. This includes firearms such as machine guns, as well as black powder or BB guns.

** Reasons that crime guns may not be traced to a Federal firearms licensee include: the fact that manufacturer or wholesaler records were incomplete, destroyed, missing, not properly maintained, illegible, seized by law enforcement officials or were not received by the NTC Out-of-Business records section when one of those entities went out of business (FFL is an abbreviation for Federal firearms licensee).

*** Reasons that crime guns may not be traceable to a first purchaser include: that retailer records were incomplete, destroyed, missing, not properly maintained, illegible, seized by law enforcement officials or were not received by the NTC Out-of-Business section when the FFL went out of business.

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Adults (ages 25 and over)

	Number of Crime Gun Trace Requests	Percent of Crime Gun Trace Requests	Percent of Crime Gun Traces Initiated
Crime Gun Trace Requests	777	100.0%	
Crime Gun Traces Initiated*	546	70.3%	100.0%
Crime Gun Traced to FFL**	379	48.8%	69.4%
Purchaser Identified***	309	39.8%	56.6%

All Crime Guns in This Jurisdiction

	Number of Crime Gun Trace Requests	Percent of Crime Gun Trace Requests	Percent of Crime Gun Traces Initiated
Crime Gun Trace Requests	2,291	100.0%	
Crime Gun Traces Initiated*	1,567	68.4%	100.0%
Crime Gun Traced to FFL**	1,076	47.0%	68.7%
Purchaser Identified***	882	38.5%	56.3%

* This Table is based on crime guns associated with adults, youth, juveniles, and individuals whose ages are unknown. Crime gun trace requests may not be initiated for various reasons, such as: the NTC received incorrect information or insufficient information to complete a firearms trace request; improper nomenclature of a firearm or misidentification of a firearm or the firearm's importer. Many firearms first sold at retail prior to 1990 can be traced through the National Tracing Center's Out-of-Business records; otherwise, however, the NTC does not trace firearms older than 1990 unless specifically requested by a law enforcement official. Firearms predating the enactment of the 1968 Gun Control Act are generally untraceable. In addition, NTC policy is not to trace weapons that are not covered under Title I of the Gun Control Act. This includes firearms such as machine guns, as well as black powder or BB guns.

** Reasons that crime guns may not be traced to a Federal firearms licensee include: the fact that manufacturer or wholesaler records were incomplete, destroyed, missing, not properly maintained, illegible, seized by law enforcement officials or were not received by the NTC Out-of-Business records section when one of those entities went out of business (FFL is an abbreviation for Federal firearms licensee).

*** Reasons that crime guns may not be traceable to a first purchaser include: that retailer records were incomplete, destroyed, missing, not properly maintained, illegible, seized by law enforcement officials or were not received by the NTC Out-of-Business section when the FFL went out of business.

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Report Period: August 1, 1997 - July 31, 1998

Table F2: Results of Crime Gun Traces—Detailed Analyses

	Number of Crime Guns	Percent of Crime Guns
Crime Gun Trace Requests	2,291	100.0%
Crime Gun Trace Not Initiated	724	31.6%
Reasons Trace Not Initiated*		
Firearm Manufactured Before 1990 and Not Traceable Through Out-of-Business Records	689	30.1%
Other Reasons	35	1.5%
Crime Gun Trace Initiated	1,567	68.4%
Trace Initiated: Purchaser Identified	882	38.5%
Trace Initiated: Purchaser Not Identified	685	29.9%
Reasons Purchaser Not Identified		
Trace Terminated Before Inquiry		
Made of Federal Firearms Licensee	491	21.4%
Problem with Manufacturer Name	87	3.8%
Problem with Importer Name	230	10.0%
Problem with Crime Gun Serial Number**	159	6.9%
Crime Gun Previously Reported Stolen	15	0.7%
Trace Terminated After Inquiry		
Made of Federal Firearms Licensee	194	8.5%
No Response from Licensee	0	0.0%
Licensee Records Are Unavailable	120	5.2%
FFL Records on this Crime Gun Are Unavailable	64	2.8%
Licensee Reports This Crime Gun Stolen	10	0.4%

* Crime gun trace requests may not be initiated for various reasons: the NTC received incorrect information or insufficient information to complete a firearm's trace request; improper nomenclature of a firearm or misidentification of a firearm or the firearm's importer. Many firearms first sold at retail prior to 1990 can be traced through the National Tracing Center's Out-of-Business records; otherwise, however, the NTC does not trace firearms older than 1990 unless specifically requested by a law enforcement official. Firearms predating the enactment of the 1968 Gun Control Act are generally untraceable. In addition, NTC policy is not to trace weapons that are not covered under Title I of the Gun Control Act. This includes firearms such as machine guns, as well as black powder or BB guns.

** This category includes misread, obliterated and obscured serial numbers. The number submitted may also be wrongly identified as a serial number or may not match records of guns manufactured. See Table I: Crime Guns with Obliterated Serial Numbers.

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Report Period: August 1, 1997 - July 31, 1998

Table G: Time-to-Crime Rates for Most Frequently Traced Crime Guns by Type, Manufacturer and Caliber

This table depicts "time-to-crime" rates for those crime guns most frequently requested for tracing as depicted in Report E. Time-to-crime is the period of time between the first retail sale of a firearm by a Federal firearms licensee and the time the firearm is recovered by enforcement officials or requested for tracing. A short time-to-crime rate can be an indicator of illegal trafficking. In the tables below, the proportion of traceable firearms showing a time-to-crime rate of less than three years is shown; experienced trafficking investigators view a time-to-crime rate of less than three years as an especially useful trafficking indicator. Time-to-crime information can be useful in developing an enforcement strategy that identifies and investigates the specific sources of these firearms.

Juveniles (ages 17 and under)

Type of Crime Gun	Manufacturer	Caliber	Number of Crime Guns		Time to Crime*		Fastest Case (in Days)
			All	With Time-to-Crime	Less than 3 Years Number	Percent	
Semiautomatic Pistol	Raven	.25	17	10	0	0.0%	1,670
Semiautomatic Pistol	Phoenix	.25	10	6	3	50.0%	66
Revolver	Smith & Wesson	.38	8	2	0	0.0%	4,368
Semiautomatic Pistol	Bryco	9mm	6	2	2	100.0%	317
Semiautomatic Pistol	Beretta	.25	5	3	0	0.0%	1,832
Revolver	RG Industries	.22	5	0	0		
Semiautomatic Pistol	Lorcin	.25	5	2	1	50.0%	1,087
Semiautomatic Pistol	Davis	.380	5	4	2	50.0%	314
Rifle	North China Industries	7.62mm	4	0	0		
Semiautomatic Pistol	Smith & Wesson	9mm	4	1	1	100.0%	6

Youth (ages 18 through 24)

Type of Crime Gun	Manufacturer	Caliber	Number of Crime Guns		Time to Crime*		Fastest Case (in Days)
			All	With Time-to-Crime	Less than 3 Years Number	Percent	
Revolver	Smith & Wesson	.38	28	6	0	0.0%	2,353
Semiautomatic Pistol	Davis	.380	20	15	5	33.3%	10
Semiautomatic Pistol	Raven	.25	20	7	0	0.0%	1,839
Semiautomatic Pistol	Lorcin	.380	17	12	6	50.0%	51
Semiautomatic Pistol	Glock	9mm	15	7	3	42.9%	27
Semiautomatic Pistol	Ruger	9mm	11	10	6	60.0%	27
Semiautomatic Pistol	Colt	.45	10	1	0	0.0%	3,071
Rifle	Ruger	.22	10	4	1	25.0%	511
Shotgun	Mossberg	12GA	9	4	1	25.0%	869
Semiautomatic Pistol	Beretta	9mm	9	6	5	83.3%	40

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Adults (ages 25 and over)

Type of Crime Gun	Manufacturer	Caliber	Number of Crime Guns		Time to Crime*		Fastest Case (in Days)
			All	With Time-to-Crime	Less than 3 Years Number	Percent	
Revolver	Smith & Wesson	.38	26	7	1	14.3%	883
Revolver	Smith & Wesson	.357	20	13	7	53.8%	355
Semiautomatic Pistol	Ruger	9mm	20	16	3	18.8%	774
Semiautomatic Pistol	Colt	.45	19	7	0	0.0%	1,379
Semiautomatic Pistol	Beretta	.25	19	12	5	41.7%	232
Semiautomatic Pistol	Raven	.25	18	7	1	14.3%	349
Semiautomatic Pistol	Davis	.380	17	11	3	27.3%	40
Semiautomatic Pistol	Smith & Wesson	9mm	16	7	2	28.6%	235
Rifle	Marlin	.22	13	5	0	0.0%	1,463
Semiautomatic Pistol	Glock	9mm	13	10	4	40.0%	297

All Crime Guns in this Jurisdiction**

Type of Crime Gun	Manufacturer	Caliber	Number of Crime Guns		Time to Crime*		Fastest Case (in Days)
			All	With Time-to-Crime	Less than 3 Years Number	Percent	
Revolver	Smith & Wesson	.38	107	26	4	15.4%	244
Semiautomatic Pistol	Raven	.25	73	35	1	2.9%	349
Revolver	Smith & Wesson	.357	67	31	15	48.4%	1
Semiautomatic Pistol	Davis	.380	54	40	11	27.5%	10
Rifle	North China Industries	7.62mm	47	5	1	20.0%	570
Semiautomatic Pistol	Smith & Wesson	9mm	46	27	12	44.4%	0
Semiautomatic Pistol	Ruger	9mm	44	35	13	37.1%	7
Shotgun	Mossberg	12GA	42	23	3	13.0%	869
Semiautomatic Pistol	Glock	9mm	41	26	10	38.5%	27
Semiautomatic Pistol	Lorcin	.380	41	30	18	60.0%	33

* In 71 of the 76,260 traces in this report, the Time to Crime is 0; this indicates the recovery of a firearm during or immediately following a sale from a Federal firearms licensee.

** This table is based on crime guns associated with adults, youth, juveniles and individuals whose ages are unknown.

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Report Period: August 1, 1997 - July 31, 1998

Table H: Most Frequent Source States for Crime Guns Traced to a Firearms Dealer

This table depicts the most frequent source states for crime guns recovered in this city and traced to a firearms dealer. This information can be useful in developing an enforcement strategy that identifies and investigates the specific illegal sources of crime guns from those areas.

Juveniles (ages 17 and under)

Crime Gun Source State	Number of Crime Guns	Percent Crime Guns*
California	75	66.4%
Utah	4	3.5%
Florida	3	2.7%
New Mexico	3	2.7%
New York	3	2.7%
Nevada	3	2.7%
Missouri	2	1.8%
Ohio	2	1.8%
Washington	2	1.8%
Texas	2	1.8%
Total: Top 10 Source States	99	87.6%
Total: Other Source States	14	12.4%
Total : All Crime Guns with Source State Identified	113	100.0%

Youth (ages 18 through 24)

Crime Gun Source State	Number of Crime Guns	Percent Crime Guns*
California	193	67.2%
Arizona	11	3.8%
Florida	8	2.8%
Texas	8	2.8%
Nevada	7	2.4%
Georgia	7	2.4%
Utah	4	1.4%
Washington	4	1.4%
Missouri	4	1.4%
Oklahoma	4	1.4%
Total: Top 10 Source States	250	87.1%
Total: Other Source States	37	12.9%
Total : All Crime Guns with Source State Identified	287	100.0%

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Adults (ages 25 and over)

Crime Gun Source State	Number of Crime Guns	Percent Crime Guns*
California	291	74.4%
Arizona	18	4.6%
Nevada	6	1.5%
Texas	6	1.5%
Florida	5	1.3%
Georgia	4	1.0%
Arkansas	4	1.0%
Washington	4	1.0%
Ohio	4	1.0%
Mississippi	4	1.0%
Total: Top 10 Source States	346	88.5%
Total: Other Source States	45	11.5%
Total : All Crime Guns with Source State Identified	391	100.0%

All Crime Guns in this Jurisdiction

Crime Gun Source State	Number of Crime Guns	Percent Crime Guns*
California	823	71.7%
Arizona	42	3.7%
Nevada	22	1.9%
Florida	21	1.8%
Texas	20	1.7%
Georgia	15	1.3%
Utah	13	1.1%
Washington	12	1.0%
Ohio	11	1.0%
Arkansas	10	0.9%
Total: Top 10 Source States	989	86.1%
Total: Other Source States	159	13.9%
Total : All Crime Guns with Source State Identified	1,148	100.0%

* This Table is based on crime guns associated with adult, youth, juvenile, and individuals whose ages are unknown.

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Report Period: August 1, 1997 - July 31, 1998

Table I: Crime Guns with Obliterated Serial Numbers*

Crime guns can have partially or completely obliterated serial numbers. This report may reflect an undercount of obliterated and restored serial numbers because trace requests from local law enforcement agencies may not indicate when obliterated serial numbers have already been restored prior to their submission to the National Tracing Center.

Juveniles (ages 17 and under)

Type of Firearm	All Crime Guns		Obliterated Serial Number		
	Number	Percent**	Number	Percent**	Percent of Type**
Semiautomatic Pistol	125	69.1%	1	100.0%	0.8%
Revolver	54	29.8%	0	0.0%	0.0%
Derringer	2	1.1%	0	0.0%	0.0%
Total	181	100.0%	1	100.0%	0.6%

Youth (ages 18 through 24)

Type of Firearm	All Crime Guns		Obliterated Serial Number		
	Number	Percent**	Number	Percent**	Percent of Type**
Semiautomatic Pistol	313	70.8%	3	100.0%	1.0%
Revolver	124	28.1%	0	0.0%	0.0%
Derringer	5	1.1%	0	0.0%	0.0%
Total	442	100.0%	3	100.0%	0.7%

ATF CRIME GUN TRACE ANALYSIS REPORT

Los Angeles, California

Adults (ages 25 and over)

Type of Firearm	All Crime Guns		Obliterated Serial Number		
	Number	Percent**	Number	Percent**	Percent of Type**
Semiautomatic Pistol	406	68.2%	7	58.3%	1.7%
Revolver	182	30.6%	5	41.7%	2.7%
Derringer	7	1.2%	0	0.0%	0.0%
Total	595	100.0%	12	100.0%	2.0%

Age Unknown

Type of Firearm	All Crime Guns		Obliterated Serial Number		
	Number	Percent**	Number	Percent**	Percent of Type**
Semiautomatic Pistol	353	61.9%	10	76.9%	2.8%
Revolver	207	36.3%	3	23.1%	1.4%
Derringer	10	1.8%	0	0.0%	0.0%
Total	570	100.0%	13	100.0%	2.3%

* Figures on obliterated serial numbers include handguns only. It is not always possible to determine from trace data whether or not the serial number of a long gun has been obliterated.

** Based on the trace requests for which the possessor's age can be determined.

Technical Notes

1. Interpreting Information in National Tracing Center Records from YCGII Jurisdictions

This note discusses limitations in using this information to compare one YCGII jurisdiction with another and comparing the same jurisdiction from one year to the next.

The Youth Crime Gun Interdiction Initiative began in 1996. It is an emerging collaboration among Federal, State and local law enforcement officials, ATF field offices, the ATF National Tracing Center, and the academic community to improve enforcement of the Federal firearms laws, especially those relating to illegal firearms transfers.

This is the second report published by ATF which uses information from trace requests submitted from YCGII jurisdictions to describe the nature of crime guns recovered by law enforcement agencies in those jurisdictions. This information improves the knowledge base for the enforcement of Federal and State firearm regulations, however, it is subject to several limitations. These arise out of three basic factors.

First, the program is undergoing constant change. The effort to achieve comprehensive tracing has not been fully institutionalized. In 17 jurisdictions, this is only the second year of this program; in 10 jurisdictions, this is the first full year of participation.

Second, the extent of program implementation varies from one jurisdiction to another based on each one's size, extent of agency computerization, and the nature of its crime gun problem. At this stage of development, it is not appropriate to attempt to impose a single program on all participating jurisdictions.

Third, the program is still developing. ATF and local law enforcement agencies are still learning from each other how to best implement this program and to utilize the information obtained. This report and others to be produced by the Crime Gun Analysis Branch of the National Tracing Center are part of that developing process.

These factors result in data limitations, among them the following:

The crime gun traces from the first year in any jurisdiction may include many crime guns recovered in previous years. These weapons, or records of them, have been maintained by law enforcement agencies and they are included in the program's efforts to obtain comprehensive tracing and a usable initial set of trace data. ATF refers to this phenomenon as "vaulting," since some departments keep old firearms in vaults. This is generally a one-time phenomenon, which generates an unusually high number of crime guns in each jurisdiction's initial report.

Some jurisdictions have not yet reported all the firearms for the past year. Changing law enforcement procedures to obtain all crime guns from all agencies does not happen immediately or consistently throughout a particular agency. In such jurisdictions, the lag in reporting recovered firearms to ATF will generate data on fewer firearms than law enforcement agencies actually recovered in that jurisdiction.

The data reported here reflects the behavior of law enforcement agencies whose policies and practices, including when and how firearms are recovered and how those recoveries are recorded, are changing in response to local attention to firearms crimes. These changes could increase or decrease the number of firearms trace requests made to the National Tracing Center.

The basic underlying criminal behavior may also be changing. In some jurisdictions, like New York City and Boston, the number of firearms related homicides and other crimes has dropped dramatically between 1996 and 1998. Changes in the number of trace requests could reflect changes in the number of crime guns that come to the attention of law enforcement agencies.

While the 27 participating jurisdictions provide a wide spectrum of American life, they do not in any way represent a national sample of law

enforcement agencies or crime guns recovered by law enforcement agencies. Participation in this program is voluntary, and jurisdictions were not selected to be a representation of large cities or of the nation as a whole.

For these and other reasons, the available data from the Youth Crime Gun Interdiction Initiative does not constitute a fully developed statistical series from which reliable comparisons can be made from one reporting period to the next or from one participating jurisdiction to another. The data is used in this report as descriptive of the trace requests of particular jurisdictions during the past year. The nature of these limitations is similar to those initially encountered by the FBI's Uniform Crime Reports (UCR). Begun in the 1930's as a voluntary program by a few large jurisdictions, the UCR program has been developed over the past 70 years to include consistent definitions and standards detailed reporting procedures and nearly uniform participation by law enforcement agencies. The purpose of YCGII is to assist law enforcement by providing a detailed description of crime guns recovered in a given jurisdiction during the past year, and that is the most appropriate use of the data in this report.

2. Time-to-Crime Estimation Procedure

To estimate the percentage of crime guns rapidly diverted from retail sale at federally licensed firearms dealers, ATF used the following method:

ATF arrived at a high end estimate of the proportion of guns rapidly diverted to crime gun status by comparing the number of crime guns with a time-to-crime of less than three years, with the number of crime guns with a time-to-crime of more than three years, among the subset of the crime guns submitted for tracing that were traced to a purchaser and for which the date of purchase and the age of possessor was available. These methods of estimation produce a high end estimate of the proportion of guns diverted from the retail market because they do not include in the estimate any data from guns that were not traced because they were manufactured prior to 1990. Guns manufactured and sold on the retail market prior to 1990 would clearly add to the number of guns with a time-to-crime of greater than 3 years. The analysis of time-to-crime by age of possessor using this estimation procedure is presented in the High End Estimate table below.

**Time-to-Crime: High End Estimates of
The Percentage of Successfully Traced Crime Guns Rapidly Diverted
From First Retail Sale at Federally Licensed Firearms Dealers**

Time-to-Crime	Adult		Youth		Juvenile		Row Totals	
	%	[guns]	%	[guns]	%	[guns]	%	[guns]
Less than three years	40.2	(2,968)	49.0	(2,354)	36.4	(516)	42.9	(5,838)
More than three years	59.8	(4,407)	51.0	(2,451)	63.6	(900)	57.1	(7,758)
Column Totals	100%	7,375	100%	4,805	100%	1,416	100%	13,596

Number of Missing Observations: 62,664

ATF used two sets of procedures to develop Low End time-to-crime estimates for crime guns for which the age of possessor was known but for which the date of purchase was missing. First, all traces terminated because the guns in question were manufactured before 1990 were assumed to have a time-to-crime of greater than three years. Second, crime guns manufactured (and sold) during the 36 months prior to the end of the YCGII reporting period (August 1995 to July 1998) must have had a time-to-crime of less than three years. ATF conservatively assumed that crime guns manufactured during the 67 months from January 1990 to July 1995 had a time-to-crime greater than three years. ATF assumed that the number of

guns with longer time-to-crime was proportional to the number of months in the earlier period while the number with short time-to-crime was proportional to the number of months in the later period. Using this method, 34.95% of the crime guns which were manufactured after 1989 and for which there was no date of purchase available were estimated to have a time-to-crime of three years or less, and 65.05% were estimated to have a time-to-crime of more than three years. The analysis of time-to-crime by age of possessor using these estimation procedures produces Low End estimates of time-to-crime. These estimates are presented below.

**Time-to-Crime: Low End Estimates of
The Percentage of Successfully Traced Crime Guns Rapidly Diverted
From First Retail Sale at Federally Licensed Firearms Dealers**

Time-to-Crime	Adult		Youth		Juvenile		Row Totals	
	%	[guns]	%	[guns]	%	[guns]	%	[guns]
Less than three years	27.1	(4,985)	32.3	(3,413)	25.1	(951)	28.6	(9,349)
More than three years	72.9	(13,385)	67.7	(7,169)	74.4	(2,841)	71.4	(23,395)
Column Totals	100%	(18,370)	100%	(10,582)	100%	(3,792)	100%	(32,744)

Number of Missing Observations: 43,516

3. Calculation of Percentages.

The tables and figures in this report were prepared using SPSS or Microsoft Excel software. We have chosen to report all percentages as they were calculated by these programs. It is occasionally possible, using a calculator or different software, to produce percentages that differ by as much as 0.1 percent from the reported percentages.

4. Factors Affecting Trace Outcomes

There is an additional factor affecting trace outcomes identified in Table F2. For investigative reasons, a small number of traces, between one and two percent for all 27 cities combined, were either deliberately not initiated at all, or were suspended before an FFL query. In the current Table F2, the outcomes of these traces are attributed to other factors that were also present.

Acknowledgments

The development of a new uniform reporting system to present crime gun trace information from cities across the United States is a great challenge and much hard work. It is being accomplished due to the commitment and dedication of the individuals responsible for collecting, researching, analyzing, and publishing the data contained in this report. The ATF Crime Gun Analysis Branch and the National Tracing Center would like to acknowledge the assistance of the many people in connection with this report. These include the following: ATF special agents and their police department counterparts who ensured traces were submitted in a timely and accurate fashion to the NTC; ATF Headquarters staff which provided consistent support; and the Department of Treasury's Office of the Under Secretary for Enforcement, including Assistant Secretary Elisabeth A. Bresee for her continuing support, Senior Advisor Susan Ginsburg, for her vision and assistance, and Pat Esposito, Herb Jones, Patrick Bell, and Douglas James. There have also been outside agencies and organizations whose officials and associates have offered encouragement and outstanding support for

this initiative over the past two years including: the International Association of Chiefs of Police, the Department of Justice, and participants in the Homicide Research Working Group. We also wish to recognize and thank certain individuals who have contributed immeasurably to this report: all of our academic partners, especially Glenn Pierce, Northeastern University; LeBaron Briggs, Northeastern University; David M. Kennedy, Kennedy School of Government, Harvard University; and Joel Garner, Joint Centers for Justice Studies, Shepherdstown, West Virginia. It is our NTC and Crime Gun Analysis Branch staff, especially Jerry Nunziato, Ron Schuman, Jeff Heckel, John Freeman, Robbi Santore, Shane Glassing, Neil Troppman, and Kris Bryant who have made this report possible. Finally, the Report would not have been possible without the fine work of Treasury Printing and Graphics, especially Nancy ElDieahy and Karen Biehl. Thank you all for your support, your efforts, your dedication, and your commitment to our common goal— combating violent crime to make the streets of America safer.

Joseph J. Vince, Jr.
Chief
Crime Gun Analysis Branch

David Kriegbaum
Acting Special Agent in Charge
National Tracing Center

Bureau of Alcohol, Tobacco and Firearms
Department of the Treasury

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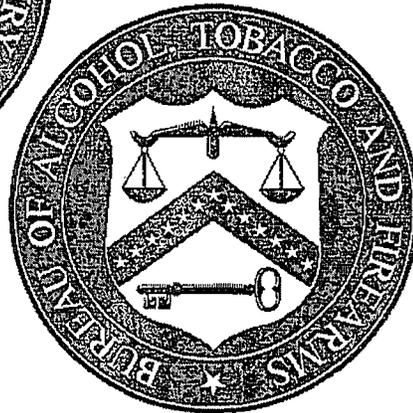
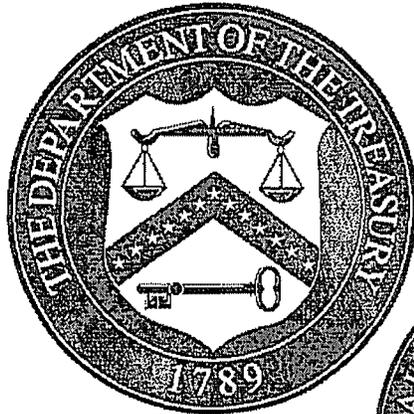
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EXHIBIT "2"

EXHIBIT "2"

Commerce in Firearms in the United States



February 2000

**Department of the Treasury
Bureau of Alcohol, Tobacco & Firearms**

*"Working for a Sound and Safer America
through Innovation and Partnership"*



DIRECTOR

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Washington, D.C., February 2, 2000

Dear Secretary Summers:

The Bureau of Alcohol, Tobacco and Firearms (ATF) submits this report on its activities relating to the regulation of firearms during the calendar year 1999. This report is submitted in accordance with ATF's mission of informing the public.

Sincerely,

A handwritten signature in black ink that reads "Bradley A. Buckles" with a horizontal line extending to the right.

Bradley A. Buckles,
Director

Commerce in Firearms in the United States

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EXECUTIVE SUMMARY

Each year, about 4-1/2 million new firearms, including approximately 2 million handguns, are sold in the United States. An estimated 2 million secondhand firearms are sold each year as well. A critical part of the mission of the Bureau of Alcohol, Tobacco and Firearms (ATF) is to prevent diversion of these firearms from the legal to the illegal market, and to keep them out of the hands of criminals, unauthorized juveniles and other prohibited persons under the Gun Control Act (GCA). This report presents data on the firearms market and describes ATF's regulatory enforcement programs to prevent firearms trafficking. Criminal investigation, which is also central to ATF's anti-trafficking work, is discussed in separate reports.¹

Federal Firearms Licensees (FFLs). Because firearms manufacturers, importers, distributors and dealers produce and handle weapons, Congress requires them to obtain licenses from ATF. ATF screens applicants and oversees licensees to ensure that they comply with the firearms laws. From 1975 to 1992, the licensee population grew from 161,927 to 284,117. In 1992, a large number of retail licensees were not actively engaged in a firearms business. Many of these used their licenses only to buy firearms across State lines at wholesale prices. The growing licensee population strained enforcement resources, and the inactive licensees were holding licenses meant only for those engaged in the firearms business. In 1993 and 1994, Congress added several safeguards to ensure that only legitimate gun dealers obtain Federal licenses, including increased fees and certification requirements. Following ATF's implementation of those provisions, the number of Federal firearms licensees dropped from 284,117 in 1992 to 103,942 in 1999. Of these, 80,570 are retail dealers or pawnbrokers. ATF is now able to utilize its resources more effectively because of the smaller licensee population, and this will help ensure that only legitimate businesses are licensed. Despite the decline, 31 percent of retail licensees in 1998 had not sold a gun in the previous year.

Anti-Trafficking Enforcement. This report highlights two developments in the past five years that have brought law enforcement and the firearms industry into a new era in reducing illegal access to guns. First, the Brady Handgun Violence Prevention Act of 1993 prevents prohibited persons from buying guns from licensed firearms dealers by requiring these dealers to run background checks on purchasers. From the establishment of the National Instant Criminal Background Check System (NICS) in November 1998 to December 31, 1999, over 10 million transactions have been processed. Of these, the Federal Bureau of Investigation (FBI) handled approximately five million, and denied 89,836 unlawful firearms transfers. The States conducting background checks through the NICS processed the other five million and, the Department of Justice estimates, denied at least as many transfers.

Second, ATF has intensified its focus on illegal gun trafficking, aided substantially by the expanded tracing of crime guns by State and local law enforcement officials, as well as Congressionally mandated reporting of firearms stolen from FFLs. Tracing enables law enforcement to solve individual crimes by linking suspects to weapons and to identify

¹ For recent reporting on criminal investigations involving the diversion of firearms by licensed and unlicensed dealers, see the *Youth Crime Gun Interdiction Initiative Performance Report*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, February 1999 (analyzing 648 illegal trafficking investigations involving youth and juveniles and more than 26,900 firearms); and *Gun Shows: Brady Checks and Crime Gun Tracing*, Department of the Treasury and Department of Justice, January 1999 (analyzing 314 illegal trafficking investigations involving gun shows and more than 54,000 firearms).

broader trafficking patterns. Trace information can indicate, for instance, that a purchaser — possibly a straw purchaser or other unlicensed seller — is repeatedly buying firearms from a dealer, or that crime guns from a particular area are repeatedly originating from a particular licensed dealer.

In 1993, recognizing the significant potential of tracing and pursuant to a Presidential directive, ATF began a concerted effort to increase crime gun tracing and trafficking enforcement and to demonstrate the value of tracing to State and local law enforcement agencies. In 1996, President Clinton directed ATF to further strengthen crime gun tracing and enforcement efforts through the Youth Crime Gun Interdiction Initiative, a program in which a jurisdiction commits to tracing all recovered crime guns. Seventeen cities participated in the first year, and 38 are participating in FY 2000. Since 1993, the number of law enforcement trace requests has increased from 55,000 to over 200,000.

As a result of increased crime gun tracing, ATF has identified a series of trafficking indicators that signal whether an FFL or retail purchaser should be investigated for trafficking. These indicators include multiple crime gun traces, sometimes associated with multiple purchases, short time-to-crime traces where the gun is used in a crime within three years after its retail sale, incomplete trace results due to an unresponsive FFL, and reports of lost or stolen guns, among others. Of course, crime gun

traces to a dealer do not necessarily indicate illegal activity by the dealer or its employees. Nevertheless, when trafficking indicators are present, it is important to find out why guns are falling into criminal hands and to take action against all violations of law.

ATF's tracing data and analysis has allowed ATF to strengthen both its criminal and regulatory enforcement programs. Most significantly for regulatory enforcement purposes, ATF's tracing data has shown that a small number of dealers account for a large proportion of the firearms traced from crimes. Just 1.2 percent of dealers — 1,020 of the approximately 83,200 licensed retail dealers and pawnbrokers — accounted for over 57 percent of the crime guns traced to current dealers in 1998. And just over 450 licensed dealers in 1998 had 10 or more crime guns with a time-to-crime of three years or less traced to them. ATF is now targeting enforcement and inspection resources at these dealers, as well as making crime gun trace analysis available to criminal investigators. By following up on crime gun trace information and other trafficking indicators, ATF can determine the reasons for diversion of firearms from this relatively small proportion of dealers to the illegal market and take regulatory and criminal enforcement actions that will curb this illegal flow of guns. This targeted enforcement should yield significant results: preventing diversion from this concentrated group of dealers will curtail a significant portion of the illegal market in firearms.

INTRODUCTION

In enacting the Gun Control Act of 1968, Congress declared that its purpose was to keep firearms out of the hands of those not legally entitled to possess them, and to assist Federal, State and local law enforcement officials in their efforts to reduce crime and violence. Congress sought to achieve this without placing any unnecessary burden on law-abiding citizens acquiring, possessing or using firearms for lawful activity. Congress authorized the Secretary of the Treasury to enforce the laws regulating the manufacture, importation, distribution and sale of firearms, and the laws prohibiting the criminal possession and misuse of firearms. The Secretary also has jurisdiction over the administration and collection of the Federal excise taxes imposed on firearms and ammunition under the Internal Revenue Code of 1986. In addition, the Secretary enforces the National Firearms Act (NFA), which requires the registration of certain weapons, such as machineguns and destructive devices, and imposes taxes on the making and transfer of such weapons. These authorities have been delegated to the Bureau of Alcohol, Tobacco and Firearms.

This report is the first in an annual series that will present and analyze data collected by ATF and other Federal agencies relating to the firearms industry and its regulation. Appendices to this report contain statistical tables relating to the firearms industry and regulatory enforcement activities; information concerning ATF licenses, forms, resources, and programs; and a brief history of the Federal firearms laws.

Part I of this report provides information about firearms sales and prices. It shows the flow of new firearms to the domestic market over time by presenting data on manufacturers' reported sales, together with reported exports and imports. Part I also includes data on producer prices for firearms. ATF is providing this information to foster a better understanding of the firearms market, the changing demand for guns by individuals, and the broad characteristics of the regulated firearms industry.

Part II focuses on three topics of current interest: (1) changes in the size and characteristics of the Federal firearms licensee population resulting from licensing law reforms; (2) new methods of keeping firearms out of the hands of criminals and others not legally entitled to possess them, including Brady Act background checks, which prevent the illegal transfer of firearms by licensed dealers to criminals and

other prohibited persons, and increased crime gun tracing and analysis, which enables ATF to identify licensed dealers that are the sources of firearms used in crime and provides other investigative leads to illegal traffickers; and (3) how the licensing reforms, the Brady Act, and the growth of crime gun tracing and analysis have enabled ATF to strengthen its inspection program.

Part II also highlights areas where enhanced crime gun tracing, regulatory enforcement, and voluntary industry compliance are needed. ATF's strategic goal with respect to the retail dealer population is to prevent the diversion of firearms from legal to illegal channels, and in particular, to felons, juveniles and other prohibited persons. This requires a focused and fair inspection program. If manufacturers and dealers voluntarily comply with Federal law, and ATF can deter violations and correct problems by licensees through industry education and regulatory actions, guns can be kept from falling into the wrong hands, community safety is improved, and costs to the nation's criminal justice system are reduced.

Although important strides have been made toward preventing the illegal diversion of firearms from retail dealers, much more can be achieved.

PART I

Manufacturers' Firearms Entering Into Commerce

In enforcing the GCA, NFA, and firearms and ammunition excise tax provisions of the Internal Revenue Code, ATF collects information on the manufacture, importation and exportation of firearms. This section presents data on manufacturers' reported sales, along with reported exports and imports, to show the flow of new firearms to the domestic market over time. It also includes data for producer prices for firearms which are the best available price data and suggestive of the prices paid by consumers.

Manufacturers' Sales, Exports and Imports

Firearms manufacturers and importers are required by law to maintain records of the production, export, and import of firearms. Manufacturers' reports to ATF show the number of manufactured firearms "disposed of in commerce" each calendar year, as well as the number produced for export.² The term "disposed of in commerce" refers to manufacturers' final sales, which equal production of firearms less the increase in manufacturers' inventories of firearms. Data from these reports are available by specific types of firearms and are reported in Appendix A. The manufacturers' reports exclude production for the U.S. military, but include firearms purchased by domestic law enforcement agencies. The annual volume of firearms imports by year is compiled by ATF and the Bureau of the Census from U.S. Customs data.³

Secondhand firearms and other data limitations

Care must be taken in interpreting these data. The data from the manufacturers' reports do not represent retail sales to the civilian market. Rather, they represent firearms produced by manufacturers for distribution, and include production for law enforcement uses as well as for civilians. Retail sales differ from the manufacturers' net sales shown in the figures, because retail sales do not include firearms accumulated in wholesaler and retailer inventories or sales to law enforcement agencies.⁴ Further, the data represent sales of *new* firearms and say nothing about trade in secondhand firearms. A recent survey suggests that trade in secondhand firearms runs at about two million per year.⁵ These firearms may be sold in the primary or secondary market.⁶ Although the data are subject to limitations, some broad inferences can be drawn.

² The forms used by manufacturers to report "dispositions" and exports can be found in Appendix B.

³ See Appendix Tables A.1.1-A.1.4 for data on the number of domestically manufactured firearms, exports and imports. Import data were compiled by ATF by fiscal year prior to 1992, and by calendar year after 1992.

⁴ The data reported here also raise measurement concerns. The data from the manufacturers' reports are compiled without follow-up verification or cross checks so errors that occur in the filing of the reports result directly in errors in the data. The measurement of exports is not exact because firearms licensees other than manufacturers also export firearms. Finally, ATF began collecting the data from manufacturers in 1972; data prior to that were collected through alternative sources and are not exactly comparable.

⁵ *Guns in America, Results of a Comprehensive National Survey on Firearms Ownership and Use*, Philip J. Cook and Jens Ludwig, Police Foundation, 1996.

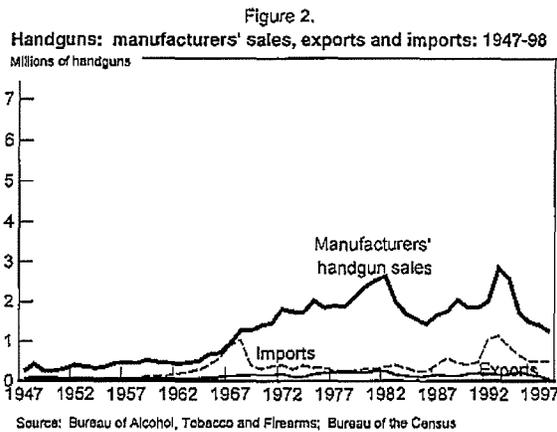
⁶ The primary market denotes sales occurring through FFLs. The secondary market denotes transactions through unlicensed sellers.

U.S. as net importer

Figure 1 shows the reported number of small arms firearms (handguns, rifles and shotguns) sold by manufacturers along with reported exports and imports from 1947 to 1998.⁷



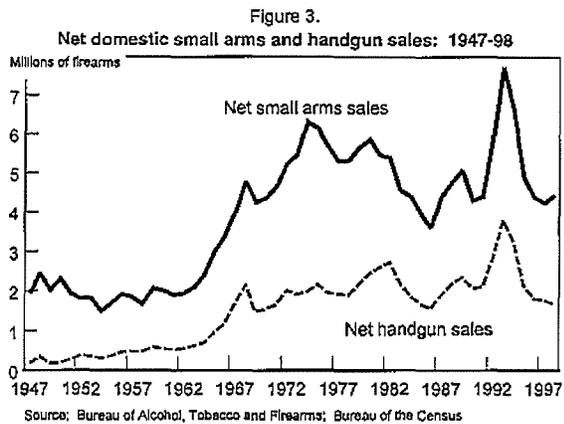
Figure 2 shows reported handgun sales, exports and imports over the same period. In both figures, imports generally have exceeded exports – that is, the U.S. is a net importer of small arms. From 1990 to 1999, the data suggest that net imports of rifles, shotguns and



handguns combined averaged as much as 1 million per year, with handguns accounting for about half that amount.⁸

Net domestic sales

Figure 3 presents net domestic sales for total small arms and for the subcategory of handguns – with net domestic sales defined as manufacturers' sales minus exports plus imports. Annual firearms sales in the United States have trended up over the past 50 years,



surging in the early 1990s to a peak in 1993 of nearly 8 million small arms, of which 4 million were handguns. In recent years, sales have fallen back to about half that peak level — nearly 4-1/2 million annually — roughly the same level as in the mid- to late-1980s. As noted earlier, these sales are for new firearms.

Figure 3 shows that a significant part of the increase in overall firearms sales in the period from 1990 to 1993 can be attributed to an increase in handgun sales. The surge in sales may have resulted from efforts to purchase firearms, particularly handguns, prior to enactment of the Brady Act. Another possible factor is public perceptions of higher crime; both the

⁷ As used in this discussion, the term "small arms" refers to handguns, rifles and shotguns, but excludes machine guns and other weapons that are often classified as small arms. Import data used for Figures 1, 2 and 3 have been adjusted for 1992 and earlier years to approximate calendar year values.

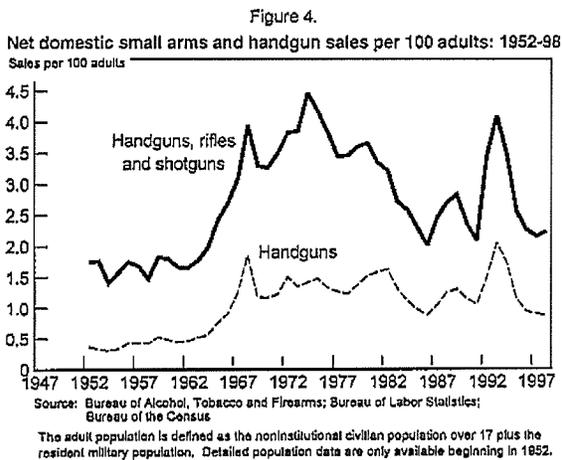
⁸ ATF's National Tracing Center data show that for fiscal years 1998 and 1999, 12.9 percent of traced crime guns were of foreign manufacture.

violent crime rate and the firearm homicide rate peaked in the early 1990s.

A survey conducted in 1994 showed that the total number of firearms in private hands today is approximately 200 million.⁹ This finding is consistent with the data on the flow of new guns described above, recognizing that firearms have a long life.

Population growth and firearms sales

To examine the role of population growth in the upward trend in firearms sales, Figure 4 presents net sales per 100 adult residents of the United States. Because the adult population has increased dramatically over the past 50

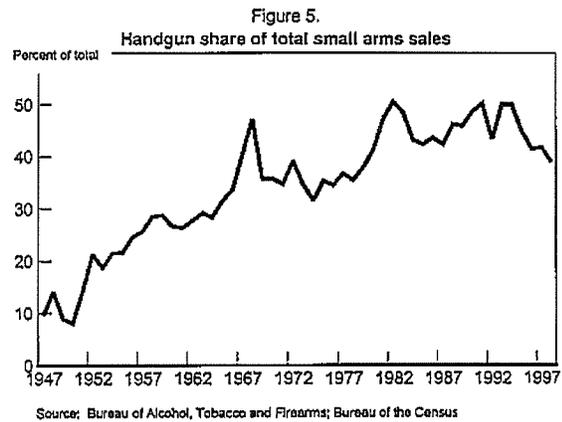


years, the long-term upward trend in sales shown in Figure 3 is significantly muted in Figure 4. Still, sales per adult are higher today than in the 1950s and early 1960s. Indeed, sales of handguns per adult are now roughly twice the

level of forty years ago. The temporary spike in the sales of handguns and other small arms in the early 1990s is as evident in Figure 4 as in Figure 3.

Handgun share of firearms sales

The relative mix of sales between long guns and handguns has changed significantly over time, with handguns accounting for a growing share of total sales (Figure 5). The handgun share trended up steadily from the late 1940s, when



handguns accounted for about 1 out of every 10 small arms sold, to the early 1990s, when handguns accounted for roughly half of the sales of small arms. The handgun share has slipped back slightly in recent years, to about 40 percent of small arms sales. Handguns are of particular interest because they are the weapon of preference in the commission of gun crimes and two-thirds of all homicides in the United States are committed using handguns.¹⁰

⁹ *Guns in America.*

¹⁰ Centers for Disease Control.

The Size of the U.S. Firearms Industry

The Census of Manufacturers for 1997 from the Bureau of the Census shows that there were 191 small arms manufacturing companies with combined total product shipments valued at about \$1.2 billion. Employment in small arms manufacturing was 9,907 employees with a total payroll of roughly \$320 million. Small arms production was concentrated in Connecticut (11 establishments with \$227 million in shipments, about 19 percent of the U.S. total) and Massachusetts (5 establishments with \$135 million in shipments, about 11 percent of the U.S. total). By type of product, pistols and revolvers accounted for about \$289 million in shipments; rifles, \$373 million in shipments; and single-barreled shotguns, \$155 million in shipments. A related industry – small arms ammunition – had product shipments valued at \$859 million and employment of 6,863.¹¹

The Value of New Firearms Sales Implied by Excise Tax Collections

Information on the value of new firearms sales also can be gleaned from the flow of excise tax revenue (see Appendix Table A.2.1). Excise taxes apply to all civilian sales of firearms as well as those for Federal law enforcement, but do not apply to sales to State and local law enforcement agencies or the U.S. military. It should also be noted that the reported excise

tax collections include taxes imposed on the sale of some weapons (such as certain “black powder” guns) that are not classified as “firearms” under the GCA.

Based on excise tax rates of 10 percent for pistols and revolvers and 11 percent for other firearms, excise tax collections indicate a value of sales of roughly \$1.045 billion for fiscal year 1996, with \$386 million in handguns and \$658 million in other firearms.¹² Peak excise tax collections occurred in fiscal year 1994. That fact, coupled with the surge in sales reported by manufacturers for calendar year 1993, suggests that a large volume of sales occurred in the overlapping period, the fourth quarter of 1993, which included the period leading up to implementation of the Brady Act.

Prices of Small Arms

Comprehensive price data for the industry do not exist. In particular, reliable data at the retail or consumer price level are not available.¹³ However, as part of the Producer Price Index (PPI), the Bureau of Labor Statistics compiles prices for various firearms categories, including the general category of “small arms” and the more specific categories of “pistols and revolvers,” “shotguns,” and “rifles, centerfire”.¹⁴ The price data correspond roughly to the manufacturers’ data reported above and represent prices at the manufacturer or wholesale level, not at the retail level.

¹¹ By comparison, the Census of Manufacturers shows that other industries under ATF’s purview are much larger than the firearms industry. In 1997, cigarette manufacturers had product shipments valued at \$28.3 billion and distilleries, wineries and breweries together accounted for \$27.7 billion in product shipments.

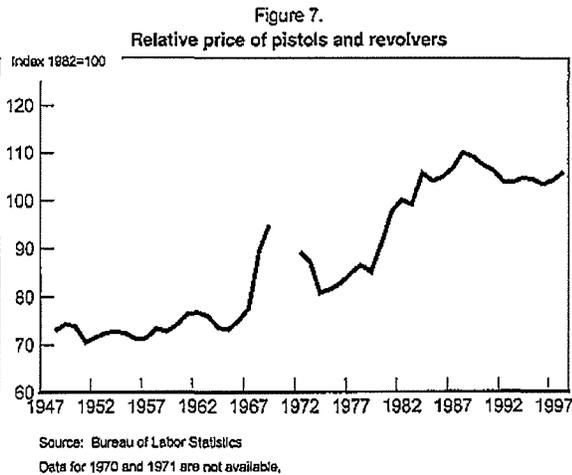
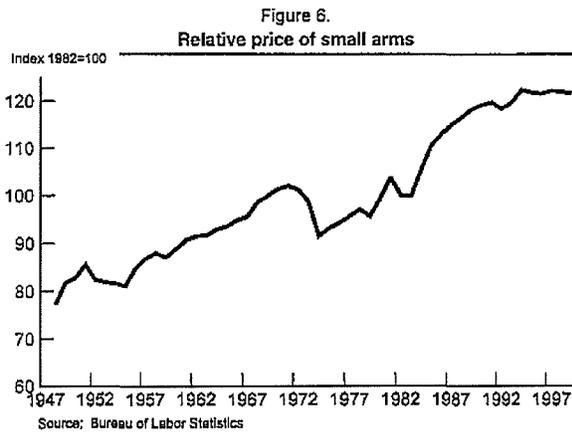
¹² The implied total value of sales from the excise tax data is roughly consistent with the value of shipments from the Census data.

¹³ While some private industry sources of price data exist, such as gun catalogues, these sources reflect suggested retail prices that do not necessarily represent actual transaction prices.

¹⁴ See Appendix Table A.3 for PPI data.

Figure 6 shows the PPI for small arms relative to the PPI for finished consumer goods excluding food and energy, for the period 1948 to 1998.¹⁵ The upward trend shows that, for most of the period, the price of small arms increased faster than the price of finished consumer goods. The relative price leveled off in the late 1990s, showing that small arms prices recently have increased at about the same rate as prices for other finished consumer goods. Figure 7

shows the relative price for pistols and revolvers, a subcategory of small arms. After a temporary surge in the late-1960s, producer prices for pistols and revolvers increased relative to other finished consumer goods from the mid-1970s to the mid-1980s. During the late-1980s and early 1990s, however, prices for pistols and revolvers rose slightly less than those for other consumer goods, before flattening out in recent years.



¹⁵ The PPI for consumer goods excluding food and energy is available beginning in 1974. The series was extended historically by using the rates of change of the PPI for consumer goods excluding food prior to 1974.

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EXHIBIT "3"

EXHIBIT "3"

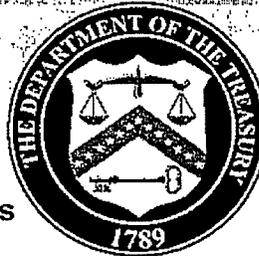
Crime Gun Trace Reports (2000) Los Angeles^{CA}



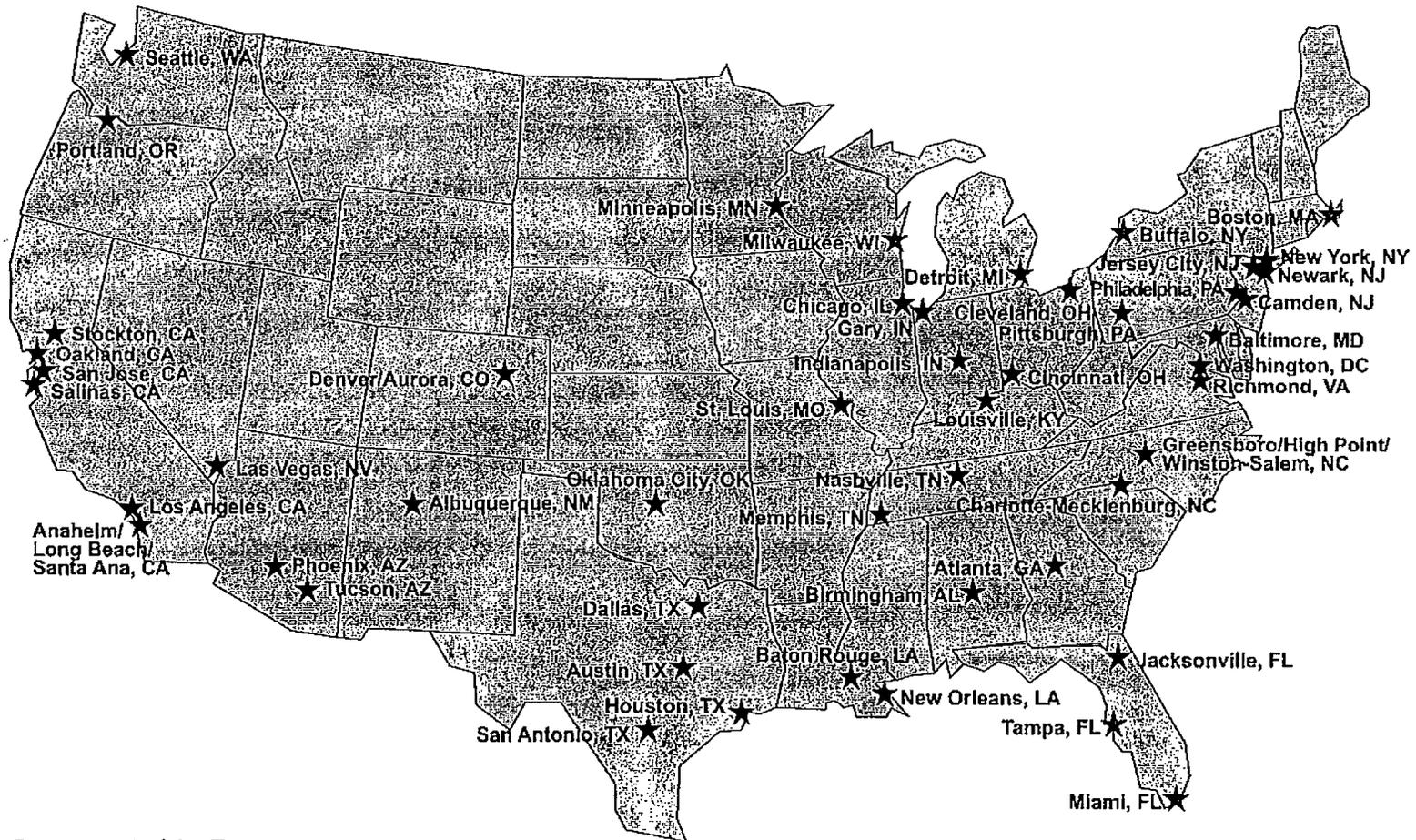
The Youth Crime Gun
Interdiction Initiative

July 2002

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms



Youth Crime Gun Interdiction Initiative 2001 Cities



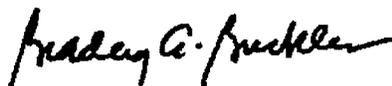
Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
National Tracing Center Division
Crime Gun Analysis Branch

Foreword by the Director of the Bureau of Alcohol, Tobacco and Firearms

This publication of crime gun data for calendar year 2000 marks the fourth annual compilation of firearms trace analyses since the inception of the Youth Crime Gun Interdiction Initiative (YCGII) in 1996. As the number of communities involved has increased from the original 17 to 55, so has the value of this information as a relevant tool for law enforcement. With this knowledge, communities have formulated sound gun enforcement strategies for proactive use in firearms investigations. This is a direct result of the strong partnerships our agents have forged with every participating agency. Any level of success is impossible without this valued cooperation.

This report analyzing calendar year 2000 gun traces was delayed as a result of our redirection of a portion of our law enforcement resources after the tragic events of September 11, 2001. ATF agents, inspectors, and support staff joined thousands of other Federal, State and local law enforcement personnel across the country to pursue every available lead. At our National Tracing Center, a majority of the staff was dedicated to reviewing and analyzing massive amounts of related information.

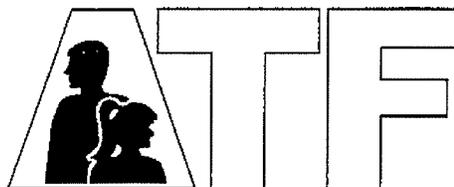
The information in this report clearly demonstrates our commitment to this program, to our partnerships, and to the protection of our citizens. The enforcement approach embodied in YCGII provides each community the opportunity and ability to customize their efforts to address their own gun problems, trends, sources, and investigations. As we have seen, violence against Americans can take many forms. With strong partnerships, continued vigilance, and the use of the information at hand, we can continue to challenge those who would criminally use an illegally obtained firearm.



Bradley A. Buckles



Crime Gun Trace Reports (2000) Los Angeles^{CA}



The Youth Crime Gun
Interdiction Initiative

July 2002
Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms



CRIME GUN TRACE REPORTS (2000) Los Angeles, California

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Acknowledgements

COMBINATION GUN

A multi-barreled firearm designed or redesigned, made or remade, and intended to be fired from the shoulder having two or more different caliber barrels. Such firearms generally exhibit some combination of rifled barrels and smoothbore shotgun barrels.

MACHINEGUN

This term includes, in part, any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon.

DESTRUCTIVE DEVICE

This term includes, in part, any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.

IMPORTER

Any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution. The term shall include any person who engages in such business on a part-time basis.

INVESTIGATIVE TRACE

Investigative traces are traces that go beyond the first retail purchaser through the chain of possession until the crime gun reaches the crime gun possessor. After its initial retail purchase, a crime gun may be transferred repeatedly before being used in a crime. Further information regarding the crime gun's trail is obtained by ATF field personnel and/or other members of the law enforcement community.

MANUFACTURER

Any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution. The term shall include any person who engages in such business on a part-time basis.

MARKET AREA

An area where firearms acquired in one or more source areas are possessed by individuals from whom they are later recovered.

OBLITERATED SERIAL NUMBER

Some individuals obliterate or attempt to obliterate the firearm serial number to make it more difficult to trace. ATF and local law enforcement agencies can restore the serial numbers of many of these crime guns. Obliteration of a serial number is a felony under Federal law, as is the possession of a firearm with an obliterated serial number.

PAWNBROKER

Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

POSSESSOR

The individual in possession of a crime gun at the time of its recovery by law enforcement.

ONLINE LEAD

ATF's information system designed to produce investigative leads concerning illegal firearms trafficking. The system compiles trace information in order to identify recurring trends and patterns that may indicate illegal trafficking. Online LEAD is an investigative tool provided to ATF field offices for use by local and State task forces.

PURCHASER

The individual who purchases a firearm from an FFL. A firearm trace seeks to identify the FFL who first sold the crime gun and the first individual who purchased the firearm. This information can assist law enforcement officials in investigations and in understanding the sources of illegal trafficking in firearms.

SOURCE AREA

A geographic area where illegal firearms traffickers obtain firearms that they acquire and transport to other locations for unlawful resale and/or transfer.

SOURCE STATE

The State in which the FFL that first sold the crime gun at retail is located. The source State can only be determined if a trace identifies the FFL who sold the firearm.

STRAW PURCHASE

The acquisition of a firearm(s) from a Federally licensed firearms dealer by an individual (the straw purchaser) for the purpose of concealing the identity of the true intended receiver of the firearm(s).

STRAW PURCHASER

A person illegally purchasing a firearm from a Federally licensed firearms dealer for another person, including for unlicensed sellers, criminal users, juveniles, and other prohibited possessors. Straw purchasers may be friends, associates, relatives, or members of the same gang.

TIME-TO-CRIME

The period of time between a firearm's acquisition by an unlicensed person from a retail licensee and law enforcement's recovery of that firearm during use, or suspected use, in a crime. A short time-to-crime suggests the firearm will be easier to trace. This measure can be an important indicator of illegal firearms trafficking. In those instances where the date of recovery is not provided, the date of the trace request is utilized to calculate time-to-crime.

Appendix B



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Technical Notes

1. Interpreting Information in National Tracing Center Records from Participating Jurisdictions

This note discusses limitations in using this information to compare one participating jurisdiction with another and to track the same jurisdiction from 1 year to the next.

The Youth Crime Gun Interdiction Initiative (YCGII) began in 1996. It is an emerging collaboration among Federal, State, and local law enforcement officials, ATF field offices, the ATF National Tracing Center, and ATF contractors from the academic community to improve enforcement of the Federal firearms laws, especially those relating to illegal firearms transfers to youth offenders, felons, juveniles, and other prohibited persons.

This is the fourth report published by ATF that uses information from trace requests submitted from YCGII jurisdictions to describe crime guns recovered by law enforcement agencies in those jurisdictions. This information improves the knowledge base for the enforcement of Federal and State firearm laws and regulations. It is, however, subject to several limitations. These arise out of three basic factors:

First, the program is undergoing constant change. Over the first 4 years of the YCGII program's operation, for United States cities with populations over 250,000 inhabitants, the percent of the population covered by participating YCGII jurisdictions increased from 28.5 percent to 80.4 percent (see Table B1). Over this period, the number of cities in the over 250,000-population group also increased from 11 to 44 cities (or from 16.7 to 66.7 percent of this group). These improvements in program coverage are important because achieving comprehensive tracing in cities with populations of over 250,000 inhabitants has been a primary objective of the YCGII program. However, because of YCGII's rapid increases in program coverage, year-to-comparisons for aggregate population group of cities over 250,000 are inappropriate.

Second, the extent of program implementation varies from one jurisdiction to another based on each one's size, extent of agency computerization, information intake procedures, firearms-focused law enforcement

activity, and the nature of its crime gun problem. At this stage of development, it is not appropriate to attempt to impose a single standard on all participating jurisdictions.

Third, the program is still developing. ATF and local law enforcement agencies are still learning from each other how to best implement this program and to utilize the information obtained. This report and others to be produced by the Crime Gun Analysis Branch (CGAB) of the National Tracing Center are part of that developing process.

These factors result in data limitations, among them changing law enforcement procedures to obtain all crime guns from all agencies does not happen immediately or consistently throughout a particular agency. In such jurisdictions, the lag in reporting recovered firearms to ATF will generate data on fewer firearms than law enforcement agencies actually recovered.

The data reported here also reflects the behavior of law enforcement agencies whose policies and practices, including when and how firearms are recovered and how those recoveries are recorded, are changing in response to local attention to firearms crimes. These changes could increase or decrease the number of firearms trace requests made to the National Tracing Center.

Crime rates are changing. Changes in the number of trace requests could reflect changes in the number of crime guns that come to the attention of law enforcement agencies.

While the 50 participating jurisdictions represent a wide spectrum of American life, they do not represent a national sample of law enforcement agencies or crime guns recovered by law enforcement agencies. Participation in this program is voluntary, and jurisdictions included were not selected to be representative of the nation as a whole, rather they were included primarily because of a focus on youth gun crime. In 2000, however, 44 of the 50 jurisdictions had a population over 250,000. The population of these 44 jurisdictions represents more than four-fifths of the population of all U.S. cities combined with

populations of 250,000 or more. This made it appropriate to generate summary data for these large cities as a group.

For these and other reasons, the available data from the participating jurisdictions does not yet constitute a fully developed statistical series from which reliable comparisons can be made from one reporting period to the next or from one participating jurisdiction to another. The data is used in this report as descriptive of the trace requests of particular jurisdictions during the past year. The nature of these limitations is

similar to those initially encountered by the Federal Bureau of Investigation's Uniform Crime Reports program (UCR). Begun in the 1930's as a voluntary program by a few large jurisdictions, the UCR program has been developed over the past 70 years to include consistent definitions and standards, detailed reporting procedures, and nearly uniform participation by law enforcement agencies. The purpose of YCGII is to assist law enforcement by providing a detailed description of crime guns recovered in a given jurisdiction during the past year, and that is the most appropriate use of the data in this report.

Table B1: Percent of Cities and Percent of Population of Cities over 250,000 Inhabitants Participating in the YCGII Program by Year

	YCGII Program Year			
	1997	1998	1999	2000
Percent of Cities over 250,000 in YCGII Program	16.7	30.3	45.5	66.7
Percent of Population in Cities in YCGII Program	28.5	54.1	67.2	80.4

2. National Analysis Based on 80.4 Percent of the Population of Cities with 250,000 or More Inhabitants

This percentage is sufficient for this report to constitute a national report on crime guns in cities of this size. ATF is providing the analysis on a population basis in order to permit use of crime gun trace information in conjunction with the FBI's Uniform Crime Reports, which publish the crime statistics submitted by law enforcement agencies by size of the jurisdiction's population.

3. Classification of Traces Based on Time and Geography

In order to include all crime guns traced from each city during the calendar year period of this report, the Crime Gun Analysis Branch employed the following criteria. If the recovery date on the trace fell within 2000, the trace was included. If no recovery date was given, but the trace was received by the National Tracing Center during 2000, the trace was also included. A careful analysis of recovery State, recovery city, tracing agency ORI Code, tracing agency name, local ATF office codes, and tracing agency city was conducted to determine which traces were from recoveries in each of the 50 cities. The ORI code is used to identify law enforcement agencies in the Firearms Tracing System database. If the recovery city and State fields included either a known city name or the name of a known sub-unit of a YCGII city (for example Bronx, NY), the trace was included in the analysis. If no recovery city was given, but the tracing agency was identified as the YCGII city's main police department or an agency whose jurisdiction was only within the city, the trace was also included.

4. Calculation of Percentages

The tables and figures in this report were prepared using the Statistical Package for the Social Sciences (SPSS) or Microsoft Excel software. We have chosen to report all percentages as these programs calculated them. It is occasionally possible, using a calculator or different software, to produce percentages that differ by as much as 0.1 percent from the reported percentages.

5. Possessor's Age

Table B2: Age of Possessor from Figure 1

Age	Frequency	Age	Frequency
10	13	46	464
11	35	47	604
12	54	48	431
13	141	49	600
14	331	50	203
15	569	51	263
16	1,147	52	277
17	1,706	53	272
18	2,569	54	200
19	2,744	55	211
20	2,751	56	182
21	2,930	57	123
22	2,553	58	137
23	2,420	59	137
24	2,118	60	120
25	1,942	61	107
26	1,768	62	105
27	1,651	63	111
28	1,620	64	54
29	1,339	65	77
30	1,321	66	77
31	1,174	67	65
32	1,041	68	73
33	1,019	69	50
34	1,067	70	73
35	976	71	42
36	932	72	48
37	1,044	73	54
38	1,040	74	38
39	831	75	43
40	1,017	76	464
41	878	77	604
42	845	78	431
43	746	79	600
44	699	80	203
45	699		

6. Distance to Recovery Location

Distance to crime gun recovery location is defined as distance in miles between the business location of the Federally licensed firearms dealer that sold a crime gun recovered by a law enforcement agency and the recovery location of the firearm. Distance-to-Recovery is calculated as the distance between the centroids of the zip code of the Federally licensed firearms dealer that sold the crime gun and the zip code of the location where the gun was recovered by a law enforcement agency. Distance-to-recovery is calculated for crime guns, 1) that were traced to a first time retail purchaser, 2) where a zip code is available for the business location of the FFL that sold the gun or where a zip code could be derived from the business address of the FFL, and 3) where there is a zip code for the location where the crime gun was recovered or where the a zip code could be derived from the street address of the recovery location.

7. Time-to-Crime Estimation

In previous reports to estimate the percentage of crime guns rapidly diverted from retail sale at Federally licensed firearms dealers, ATF produced high and low estimates of the proportion of guns rapidly diverted to crime gun status. These estimates were derived because resource limitations did not allow the National Tracing Center to trace many older crime guns. Since 1999, however, additional resources

have enabled the National Tracing Center to initiate traces on all recovered crime guns without respect to the age of the gun. The only exception to this standard is for crime guns that were manufactured prior to 1969 or crime guns that were sold by a manufacturer, wholesaler, or retail gun dealer more than 20 years prior to the gun's recovery by a law enforcement agency. (FFLs are not required to maintain firearm sale and purchase records beyond 20 years.) However, firearms in these latter two categories are still traced by ATF if records of their sale and purchase can be located in ATF's FFL out-of-business records files.

These changes in ATF's tracing procedures have greatly reduced or eliminated the utility of ATF's high and low estimates of time-to-crime, because the percentage of firearms traces not initiated due to the age of the firearm has dropped to approximately ten percent of all trace requests from approximately 30 percent of all trace requests in 1997 and 22 percent in 1998. In addition, there are other categories of crime guns trace requests for which traces are not initiated (e.g., crime guns with obliterated serial numbers) which if they could be traced would yield lower not higher estimates of time-to-crime.

Appendix C



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OMB No. 1512-0541

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
NATIONAL TRACING CENTER TRACE REQUEST**

FOR NTC DATA ENTRY ONLY

Phone: 1-800-769-7133 Falling Waters, WV 25419 FAX: 1-800-378-7223

NOTE: * - REQUIRED ENTRY FIELD (Must be completed for trace processing) ** - REQUIRED ENTRY WITH LISTED DATA RESPONSE (See back for codes and options)

PART I - TRACE INITIATION INFORMATION

1a. DATE OF REQUEST 1b. PRIORITY** ROUTINE URGENT (Justification required) FOR NTC INFORMATION ONLY

JUSTIFICATION

1c. SPECIAL INSTRUCTIONS

PART II - CRIME CODE INFORMATION

2a. GANG INVOLVED? GANG NAME: _____ 2b. PROJECT CODE** 2c. NCIC CRIME CODE**

JUVENILE INVOLVED? YOUTH CRIME GUN ENTERED IN NIBIN? NIBIN No.:

PART III - ATF AGENT REQUESTING TRACE

3a. ORGANIZATION CODE* 3b. PHONE NUMBER: FAX NUMBER: 3c. ATF SPECIAL AGENT'S NAME (Last, first, middle)

3d. BADGE NUMBER 3e. ATF CASE NUMBER 3f. FIELD OFFICE

PART IV - OTHER AGENCY REQUESTING TRACE

4a. ORI NUMBER* 4b. PHONE NUMBER: FAX NUMBER: 4c. OTHER AGENCY OFFICER'S NAME (Last, first, middle)

4d. BADGE NUMBER 4e. OTHER AGENCY CASE NUMBER 4f. DEPARTMENT/UNIT

4g. MAILING ADDRESS

PART V - FIREARMS INFORMATION

5a. SERIAL NUMBER* OBLITERATED ATTEMPT TO RAISE 5b. FIREARMS MANUFACTURER*

5c. TYPE** 5d. CALIBER* 5e. MODEL* 5f. COUNTRY OF ORIGIN* (Importer required if other than U.S.)

5g. IMPORTER* 5h. ADDITIONAL MARKINGS*

PART VI - POSSESSOR INFORMATION

6a. NAME (Last) (First) (Middle) (Suffix) CRIMINAL HISTORY

ALIAS (AKA) (Last) (First) (Middle) (Suffix) AKA DATE OF BIRTH

6b. HEIGHT 6c. WEIGHT 6d. SEX 6e. RACE 6f. ADDRESS - ROUTE NUMBER

6g. APT. NUMBER 6h. STREET No. 6i. DIRECTION 6j. STREET NAME 6k. CITY

6l. COUNTY 6m. STATE 6n. ZIP CODE 6o. COUNTRY

6p. DATE OF BIRTH 6q. PLACE OF BIRTH 6r. POSSESSOR'S ID NUMBER ID TYPE/STATE

PART VII - ASSOCIATE INFORMATION

7a. NAME (Last) (First) (Middle) (Suffix) CRIMINAL HISTORY

ALIAS (AKA) (Last) (First) (Middle) (Suffix) AKA DATE OF BIRTH

7b. HEIGHT 7c. WEIGHT 7d. SEX 7e. RACE 7f. ADDRESS - ROUTE NUMBER

7g. APT. NUMBER 7h. STREET No. 7i. DIRECTION 7j. STREET NAME 7k. CITY

7l. COUNTY 7m. STATE 7n. ZIP CODE 7o. COUNTRY

7p. DATE OF BIRTH 7q. PLACE OF BIRTH 7r. ASSOCIATE'S ID NUMBER 7s. ID TYPE/STATE

PART VIII - FIREARM RECOVERY INFORMATION

8a. RECOVERY DATE* 8b. ROUTE NUMBER 8c. APT. NUMBER 8d. STREET No. 8e. DIRECTION 8f. STREET NAME

8g. CITY* 8h. STATE* 8i. ZIP CODE

8j. ADDITIONAL INFORMATION

ATF F 3312.1 (3-2000) PREVIOUS EDITION IS OBSOLETE

INSTRUCTIONS FOR COMPLETING ATF F 3312.1 - REQUEST FOR A FIREARMS TRACE

GENERAL INSTRUCTIONS - *Required Data Entry Fields And **Available Optional/Codes Listed For Reference

The information requested on this form is needed to initiate a trace request. All fields marked with an asterisk (*) indicate required entry data fields. All areas so marked must be completed in order to effectively and expeditiously execute the trace request. Fields marked with a double asterisk (**) indicate areas of required data entry with available options and codes listed for reference (refer to lists below to determine the appropriate entry and correct nomenclature).

REQUIRED ENTRY FIELDS INCLUDE:

- Question 1b** - (Justify Urgent Trace) See Priorities listed below
- Question 2b** & 2c** - Include Project Code and list NCIC Code
- Question 3a* - Office Organizational Code For Use by ATF Requester Only
- Question 4a* - ORI - NCIC Originating Requestor Identifier
- Question 5a*, 5b*, 5c**, 5d*, 5e*, 5f*, 5g* & 5h* - Verify data
- Question 8a*, 8g* & 8h* - Confirm Recovery data to be submitted

QUESTION 1B - TRACE PRIORITY (Enter Numbered Qualifier to Justify Urgent Trace Request)

NOTE: An urgent trace is deemed necessary when the violation are significant and circumstances warrant or require that the firearm be traced without undue delay. Examples of this are: to hold a suspect, provide probable cause, officer and public safety, etc. The following are examples of significant violations.

- 1 - Assault
- 2 - Bank Robbery
- 3 - Kidnapping
- 4 - Murder/Suicide
- 5 - Rape/Sex
- 6 - Terrorist Act
- 7 - Terrorist Threat
- 8 - Other (specify circumstance)

QUESTION 2B - PROJECT CODES (Enter all codes that apply)

- AIS - Adult in School
- GNG - Gang Related
- JSS - Juvenile & School (Ages 17 & under)
- JVV - Juvenile & Violence (Ages 17 & under)
- DBL - Obligated Serial Number
- ORG - Organized Crime
- SCH - School Involvement (No Possessor)
- SEN - Sensitive/Significant
- MUN - Murder and Narcotics (Ages 25 & older)
- MIL - Militia Related Project
- YCG - Youth Crime Gun
- YIS - Juvenile and School (Ages 18 - 24)

QUESTION 2C - NCIC CRIME CODES (Enter one code only. For complete listing refer to NCIC Manual)

0199 Sovereignty	1311 Aggravated Assault (Police)	2999 Damage Property	5399 Public Peace
0299 Military	1399 Assault	3599 Dangerous Drugs	5499 Traffic Offense
0399 Immigration	1499 Abortion	3699 Sex Offense	5599 Health - Salskeeping
0507 Homicide (Police)	1602 Threat (Terroristic)	3799 Obscenity	5699 Civil Rights
0911 Homicide (Suicide)	1702 Material Witness (Federal)	3802 Cruelty Toward Child	5799 Invaade Privacy
0999 Homicide (Street)	2099 Arson	3803 Cruelty Toward Spouse	5899 Smuggling (Customs)
1099 Kidnapping	2199 Extortion	3999 Gambling	5999 Election Laws
1191 Rape	2299 Burglary	4099 Commercial Sex	6099 Antitrust
1199 Sexual Assault	2399 Larceny	4199 Liquor	6199 Tax Revenue
1201 Robbery (Business)	2411 Unauthorized Use of Auto	4699 Construction Police	6299 Conservation
1204 Robbery (Street)	2499 Stolen Vehicle	4999 Fight - Escape	7099 Crimes Against Person
1211 Bank Robbery	2599 Counterfeiting	5099 Obstrual	7199 Property Crimes
1212 Car Jacking	2699 Fraud	5199 Bribery	7299 Morals
1299 Robbery	2799 Embezzlement	5211 Explosives	7399 Public Order Crimes
1301 Aggravated Assault (Family)	2899 Stolen Property	5212 Possession of Weapon	8100 Escape (Juvenile)

QUESTION 5C - TYPE OF FIREARM

- C = Combination - A weapon designed to be fired from the shoulder which is fitted with both a rifled barrel 16" or greater in length and a smooth-bore barrel 18" or greater in length with an overall length of 26" or more.
- M = Machine Gun - A weapon of handgun, rifle or shotgun configuration designed to automatically fire more than one shot, without manually reloading, by a single function of the trigger.
- P = Pistol - A weapon which includes single shot and both single or double-action semiautomatic handguns fitted with a barrel(s) with an integral chamber design or having a chamber(s) permanently aligned with the barrel.
- PR = Pistol/Revolver - A weapon which includes both single and double-action handguns having a breechloading chambered cylinder designed with a repulsive function based on rotation.
- PD = Pistol/Derringer - A weapon which includes single barrel, superposed (over/under) and multi-barrel configuration handguns based on a hinged or pivoting barrel small frame pistol design.
- R = Rifle - A weapon designed to be fired from the shoulder which discharges a single projectile through one or more rifled barrels 16" or greater in length with an overall length of 26" or more.
- S = Shotgun - A weapon designed to be fired from the shoulder which discharge a single or multiple projectiles through one or more smooth-bore barrels 18" or greater in length with an overall length of 26" or more.

PAPERWORK REDUCTION ACT

This request is in accordance with the Paperwork Reduction Act of 1985. The information collection is used by Federal, State and local law enforcement officials to request that the Bureau of Alcohol, Tobacco and Firearms trace firearms used or suspected to have been used in crimes.

The estimated average burden associated with this collection of information is 6 minutes per responder or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Records Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF F 3312.1 (3-2000)

Acknowledgements

The development of a new uniform reporting system to present crime gun trace information from cities across the United States is a great challenge and an exceptional amount of hard work. It can only be accomplished through the commitment and dedication of the people who collect, research, analyze, and publish the data contained in this report. ATF would like to acknowledge the assistance of those who have made pivotal contributions in furthering the expertise and effectiveness of law enforcement and expanding the scope of public knowledge in the unique area of firearms enforcement.

The cornerstone of this effort is the wealth of information on firearms and the crimes in which they are misused. This comes solely from the ATF special agents and their police department counterparts who together have ensured that crime gun traces were submitted timely and accurately. Many worked to improve the comprehensiveness of the information systems and developed new investigative uses for trace information.

Many officials and associates of other agencies and organizations have continued to offer encouragement, practical advice, and outstanding support for this effort in the first 4 years, including the International Association of Chiefs of Police and the Department of Justice, in particular the Bureau of Justice Statistics and the National Institute of Justice.

A number of individuals at ATF provided key support and guidance, especially those employees from the offices of Terrence Austin, Chief, National Tracing Center Division and Michael Bouchard, Director

Youth Crime Gun Interdiction Initiative. A special thanks to Robin Shoemaker, Program Manager, Firearms Programs Division.

The heart of this project is a unique partnership between ATF and members of academic institutions. Together, this team is responsible for the insight that this information provides. In addition to those already mentioned, our joint team has included Gary Orchowksi, ATF, Chief, Crime Gun Analysis Branch, and from that staff: Dr. John Freeman, Jeff Heckel, Michelle Bennett Darden, Neil Troppman, Robert Burrows, Hilda Guy, Robbi Santore, and Christine Kimes Raposa.

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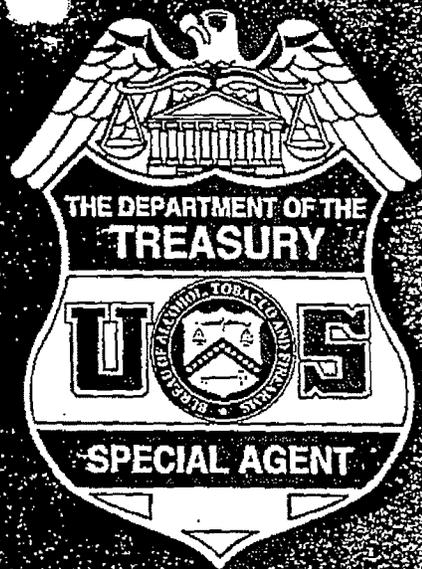
Finally, thanks to Teresa Gayhart, Scott Robertson, LaTyce Watkins, Heather DeHaven, Daniel Pinckney and Carol Beebe of Milvets Systems Technology, Inc. for providing the necessary support and assistance to the Crime Gun Analysis Branch.

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EXHIBIT "4"

EXHIBIT "4"

U.S. DEPARTMENT OF THE TREASURY
Bureau of Alcohol,
Tobacco and Firearms



Guide to Investigating Illegal Firearms Trafficking

**LIMITED DISTRIBUTION
FOR OFFICIAL USE ONLY**

OCTOBER 1997

SECTION-V

ILLEGAL FIREARMS TRAFFICKING INDICATORS



SECTION

FIREARMS SAFETY

1. Treat every firearm as if it were loaded.
2. Always keep the muzzle pointed in a safe direction.
3. Always keep your finger off the trigger and outside the trigger guard unless you intend to fire the weapon.

CLEARING A FIREARM

1. Always keep the muzzle pointed in a safe direction. (Use a firearm clearing barrel where available.)
2. Remove the magazine or source of ammunition.
3. Open the breech and inspect the chamber to ensure the firearm is completely unloaded.

ILLEGAL FIREARMS TRAFFICKING INDICATORS

Firearms trafficking indicators may indicate that certain events have taken place which may involve illegal activity. The presence of one or more of the following indicators alone does not prove that illegal firearms trafficking is taking place. After determining the presence of one or more indicators, an investigator must explore the factors surrounding the indicator and evaluate the totality of circumstances.

SECTION

The following information or activity may indicate illegal firearms trafficking by a Federal Firearms licensee (FFL), the FFL's clientele, or both.

- Frequent involvement in a crime-related firearms trace by an address, individual, or FFL (retail, wholesale, distributor, manufacturer). Frequent involvement may indicate involvement in illegal firearms trafficking.
- Short time-to-crime rates for an individual or FFL. This may indicate an active illegal firearms trafficker. In most instances, it is easier to trace a crime gun and locate the illegal trafficker if the firearm(s) has a short time-to-crime.
- Short time-to-sale rates for an FFL. This may indicate that firearms being recovered in crimes were specifically ordered for or by an individual(s).
- Frequent reports of firearms thefts by an FFL and the frequency or location of any recoveries of those firearms reported stolen. A corrupt FFL may cover or account for firearms which are being illegally diverted "off paper" by reporting them as stolen.
- Frequent purchases of under two handguns in a 5-day period from one or multiple FFLs in an area by the same individual. This may indicate an individual is actively trying to prevent detection by avoiding the multiple sales reporting threshold.
- FFLs who often cannot account for firearms they received or often do not have information needed to complete firearms trace requests. This may indicate an FFL who either improperly maintains records or is diverting firearms off paper. In this event, the investigator should contact the wholesaler(s) or other source of the firearm for which the FFL cannot account and determine how many other firearms the FFL has received from that source. The FFL's records should then be checked for the presence of these firearms. Additionally, this indicator may be a sign that the FFL in the trace chain who reports transferring a firearm to the FFL who can produce no record is actually the FFL illegally diverting firearms. In some instances, an FFL who is illegally diverting firearms may provide fictitious information to the NTC when questioned as to the disposition of a firearm. That fictitious information may involve the FFL in question reporting to the NTC that they transferred the firearms to another FFL (usually a large wholesaler is identified) when in fact the firearm was illegally diverted.
- FFLs who have no records that reflect the receipt of firearms found at

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PART II

Important Developments in Regulatory Enforcement of the Federal Firearms Laws

Part II discusses changes in the Federal firearms licensee population resulting from reforms in the Federal firearms licensing law; new methods of keeping guns out of the hands of criminals and others not legally entitled to possess them; and how these two developments have strengthened ATF's Federal firearms licensee inspection program.

Recent Changes in the Licensing of Federal Firearms Dealers

The Gun Control Act of 1968 established the first comprehensive Federal licensing system for importers, manufacturers and dealers in firearms to the retail level. That system requires licensees to maintain detailed records on transactions in firearms, and subjects their business premises to inspection by ATF. From 1968 until 1993, the process to obtain a Federal firearms license was overly simple. The annual fee was only \$10 for a license that authorized the person to ship, transport and receive firearms in interstate commerce and engage in retail sales. The statute required ATF to issue a license within 45 days to anyone who was 21 years old, had premises from which they intended to conduct business and who otherwise was not prohibited from possessing firearms. The statute was designed to limit the discretion of ATF in denying licenses. Over time the numbers of licensees began to swell until 1992 when the numbers reached over 284,000.

The salient feature of a license that makes it desirable is that it enables the holder to purchase firearms in interstate commerce from other licensees. Consequently, even if a person had no plans to engage in a full-fledged retail business, the license was useful because license holders could purchase firearms out of State and sometimes at wholesale prices for themselves, friends or others. With the system cluttered with vast numbers of individuals who had no business, it was increasingly difficult for ATF to police the system. While many simply had a license they didn't need or use, others used this relatively anonymous process to obtain a license that was used to purchase large quantities of firearms that were then sold without any records and the licensee would disappear. By 1993, it was clear the process had to be revisited. In 1993, Congress increased the license application fee to \$200 for three years. Again, in 1994, Congress imposed requirements that applicants submit photographs and fingerprints to better enable ATF to identify applicants and new criteria that en-

ures that the business to be conducted would comply with all applicable State and local laws.

Licensed and Unlicensed Firearms Sellers

ATF enforces the licensing provisions of the GCA, which regulate the interstate movement of firearms. Persons engaged in the business of manufacturing, importing or dealing in firearms must obtain a license from the Secretary of the Treasury. The license entitles the holder to ship, transport and receive unlimited quantities of firearms in interstate or foreign commerce.

Federal law does not require all sellers of guns to obtain a Federal firearms license. In fact, the GCA specifically provides that a person who makes "occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms" is *not* required to obtain a firearms

license.¹⁶ Non-licensed sellers are prohibited from knowingly selling a firearm to a person prohibited by law from possessing a firearm.¹⁷ However, they are not required to conduct Brady background checks, or maintain records that permit the firearm to be traced if it is recovered by law enforcement officials in connection with a crime.

Both licensed and unlicensed gun sellers may be sources of guns for felons, unauthorized juveniles and other prohibited persons, and may be the subjects of ATF criminal investigations involving firearms trafficking.¹⁸ ATF has regulatory oversight over licensed dealers who are required to keep records of transfers and are subject to ATF inspection. There is no such oversight over unlicensed sellers. An FFL must maintain records of all acquisitions and dispositions of firearms and comply with applicable State and local laws in transferring firearms. Any unlicensed person who acquires a firearm from an FFL must complete an ATF Form 4473, Firearms Transaction Record, which includes questions about whether the purchaser falls into any of the GCA's categories of prohibited persons. An FFL must initiate a criminal background check under the Brady Act prior to transferring a firearm to an unlicensed purchaser. FFLs are subject to certain reporting requirements regarding stolen firearms and

multiple sales of handguns.¹⁹ Finally, FFLs must respond to requests within 24 hours from ATF for information to assist in tracing a crime gun. Unlicensed sellers have no such requirements.

ATF receives and examines applications for Federal firearms licenses at its National Licensing Center (NLC), where it runs criminal records checks and reviews documents for problems that are apparent on the face of the application, which it seeks to resolve before referring the license application to the relevant field office. Area supervisors in the field offices review all new license applications. ATF conducts full field inspections of all new manufacturer, importer, and pawnbroker applicants. In addition, full field inspections are conducted of other new applicants based on such factors as the applicant's proximity to high crime areas, State lines, or areas involved in illegal trafficking of firearms (either as a source or a recipient), and the applicability of zoning and other local ordinances. In processing license applications, ATF's objectives are to exclude unqualified applicants and to educate new licensees in their legal obligations for operating a firearms business. Where possible, ATF conducts a face-to-face interview with new applicants, except those who apply for a collector's license.²⁰

¹⁶ See 18 U.S.C. § 921(a)(21)(C).

¹⁷ Persons prohibited under the Gun Control Act of 1968 from possessing firearms include persons who have been convicted of a crime punishable by imprisonment for a term exceeding one year; fugitives from justice; persons who are unlawful users of, or addicted to any controlled substance; persons who have been adjudicated as mental defectives or have been committed to a mental institution; illegal aliens, or aliens who were admitted to the United States under a nonimmigrant visa; persons who have been dishonorably discharged from the Armed Forces; persons who have renounced their United States citizenship; persons subject to certain types of restraining orders; and persons who have been convicted of a misdemeanor crime of domestic violence. The GCA also prohibits anyone under a felony indictment from receiving, transporting or shipping firearms. Further, the GCA generally bans the possession of handguns by any person under 18.

¹⁸ *Youth Crime Gun Interdiction Performance Report*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, February 1999; and *Gun Shows: Brady Checks and Crime Gun Traces*, The Department of the Treasury and Department of Justice, January 1999.

¹⁹ An FFL is required to report to ATF the theft or loss of a firearm from the FFL's inventory or collection within 48 hours of discovering the theft or loss. The FFL also must report the theft or loss to the appropriate local authorities. 18 U.S.C. § 923(g)(6). The licensee shall report the theft or loss to ATF by telephoning a nationwide toll free number and by completing ATF Form 3310.11, Federal Firearms Licensee Theft/Loss Report. 27 C.F.R. § 178.39a. An FFL must file a multiple sales report (MSR) whenever the licensee sells two or more handguns to a single purchaser within five consecutive business days.

²⁰ A Type 03 Collector license allows the holder to receive, ship and sell in interstate commerce only firearms classified as "curios and relics" under the Gun Control Act. See Appendix B, describing the different categories of Federal firearms licenses under the GCA.

The GCA places an affirmative obligation on the Secretary to issue a Federal firearms license to any applicant who pays the required fee and meets the statutory criteria.

Changes in the Federal Firearms Licensing System

In 1993, the Administration and Congress focused on efforts to keep firearms out of the hands of criminals and regulate the illegal flow of guns. Noting that it was often easier to acquire a gun dealer license than a driver's license, the President directed a review of gun dealer licensing in August 1993, aimed at ensuring that only those engaged in a legitimate firearms business are licensed. At that time, ATF estimated that 46 percent of licensed dealers conducted no business at all, but used their licenses to buy and sell firearms across State lines at wholesale prices, often in violation of State and local zoning or tax laws.

In modifying the Federal firearms licensing system in 1993 and 1994, Congress added more safeguards to ensure that only legitimate gun dealers obtained Federal licenses. The 1993 Brady Act increased the dealer licensing fee from \$10 per year to \$200 for the first three years and \$90 for each addi-

tional three-year period. The Brady Act also requires license applicants to certify that they informed their Chief Law Enforcement Officer (CLEO) of the locality in which their premises will be located of their intent to apply for a license. Subsequently, under the Violent Crime Control and Law Enforcement Act of 1994 (Crime Act), licensees were required to submit photographs and fingerprints as part of their application, and to certify that their firearms business complied with all State and local laws, including zoning regulations.

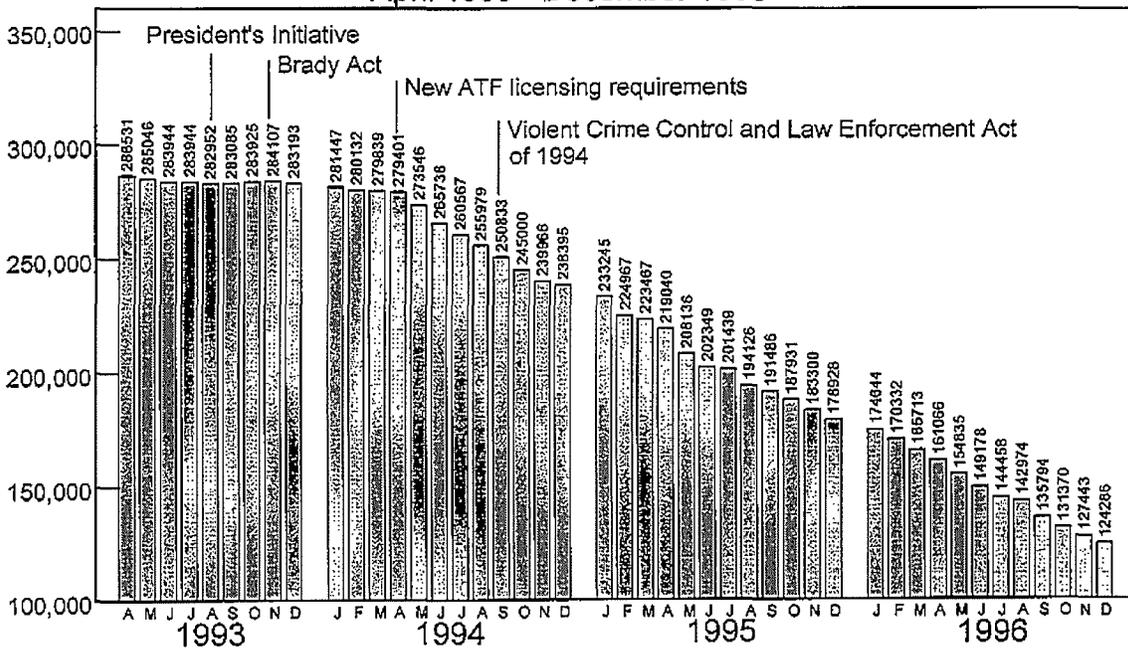
Following these changes, the NLC reviewed the eligibility of the entire licensee population over a three-year period. As licensees applied for renewal of licenses, they were required to submit complete new application packages with photographs, fingerprints and information about the proposed business. The majority of these renewal applications, as well as new applications, were sent to field offices where inspectors contacted the applicants. Beginning in 1993, ATF field offices established partnerships with State and local licensing and zoning authorities to disqualify the licensees who were operating in violation of State or local law and to ensure that applicants had notified local CLEOs of their intent to enter the gun business.

Impact of Licensing Reforms on the Size of the Licensee Population

The 1993 and 1994 licensing reforms resulted in a substantial decrease in the FFL population. The total number of licensees dropped

from 284,117 in 1992 to 107,554 in 1997, when the three-year cycle of re-licensing under the new laws was completed. The initial decline was 49 percent or more for all 50 States.²¹ Figure 8 shows the decline in the number of licensees, flagging the dates of executive and Congressional actions.

Figure 8.
Number of Federal firearms licenses by year
April 1993 - December 1996



Source: Bureau of Alcohol, Tobacco and Firearms

²¹ See *A Progress Report: Gun Dealer Licensing & Illegal Gun Trafficking*, Department of the Treasury, 1997.

Since 1977, the licensee population has continued a slow decrease. As shown by Figure 9, as of December 1, 1999, there were a total of 103,845 FFLs, the lowest number of licensees since 1969.

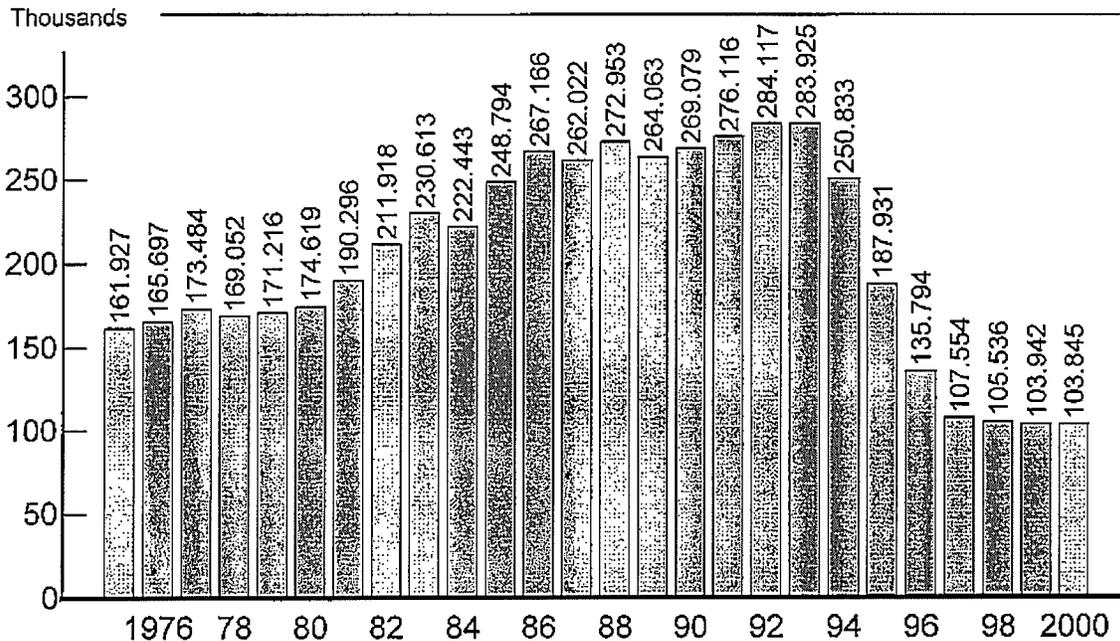
The licensee population began to decline after ATF instituted more rigorous scrutiny of applications and the license fee was increased from

\$30 to \$200 for a three-year license in 1993. By November 1994, the number of licensees had dropped to 240,000, an average monthly decrease of 3,600 licensees.

A number of licensees appear to have dropped out because of non-compliance with State and local ordinances. This is consistent with ATF's 1993 finding that while 35 percent of dealers

Figure 9.

Federal firearms licensee population, FY 1975-FY 2000*



*Figures as of December 1, 1999

Source: Bureau of Alcohol, Tobacco and Firearms

were required to have a State or local firearms license, only about 60 percent of these were complying with the requirement.²² Within a year of the Crime Act's passage, which required that licensees certify compliance with all applicable State and local ordinances, license holders

declined, at an average monthly drop of 5,000, to approximately 191,000. The ATF-local law enforcement partnerships established to enforce this requirement brought about significant declines in many cities, as is illustrated in Table 10.

Table 10
Change in licensee population in selected cities

CITY	Year	Number	Year	Number	Percent Change
Baltimore, MD	1993	114	1996	62	- 46
Berkeley, CA	1993	34	1996	2	- 94
Boston, MA	1994	119	1996	36	- 70
Denver, CO	1/1994	372	7/1994	139	- 63
Detroit, MI	1992	468	1996	92	- 80
Los Angeles, CA	1993	4436	1996	2247	- 49
Louisville, KY	1993	450	1996	165	- 63
New Orleans, LA	1995	90	1996	39	- 57
New York, NY	1993	987	1996	259	- 74
Pueblo, CO	1993	109	1996	44	- 60
San Antonio, TX	1994	1108	1996	528	- 52
San Francisco, CA	1993	155	1996	10	- 94
Washington, D.C.	1993	55	1997	11	- 80

Source: Bureau of Alcohol, Tobacco and Firearms

Impact of the Licensing Reforms on the Characteristics of the Licensee Population

Table 11 shows the composition of the licensee population, as of October 1999.

Table 11

Type of Licensee	Number	Percent
Firearms manufacturers	1,639	2
Ammunition manufacturers	2,247	2
Retail gun dealers	71,290	69
Pawnbrokers	10,035	10
Collectors of Curios and Relics	17,763	17
Importers and Others	968	<1

Source: Bureau of Alcohol, Tobacco and Firearms

In 1998, ATF conducted an inspection program, "Snapshot",²³ which involved inspecting a random sample of retail dealers and pawnbrokers. This initiative disclosed that 44 percent of dealers operated out of commercial premises and 56 percent out of residential premises (down from 74 percent in 1992). Twenty-five percent of the 44 percent in commercial premises were gunshops or other shops whose primary business was sporting goods, hardware and the like. The remainder were located in businesses such as funeral homes and auto parts stores, and other businesses not normally associated with a gun business. About 68 percent of the residential dealers were located

²² See *Operation Snapshot: An Analysis of the Retail Regulated Firearms Industry*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1993 ("Snapshot 1993").

²³ See *Operation Snapshot: An Analysis of the Retail Regulated Firearms Industry*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 2000 ("Snapshot 2000"). Snapshot is a survey conducted by ATF of a randomly selected sample of the retail dealer population, conducted for the first time in 1992 (retail dealers only), and conducted again in 1998 (retail dealers and pawnbrokers). Snapshot is able to identify characteristics of the licensee population with a precision rate of plus/minus five percent and a confidence level of 95 percent. Thus, if Snapshot indicates that 26 percent of dealers operate from a commercial location, the true percentage rate of dealers having commercial premises is somewhere between 21 percent and 31 percent of the entire population.

in rural areas in 1998. At that time, about 36 percent of pawnbrokers and about 15 percent of other retail dealers were located in urban areas. Finally, about 5 percent of the total dealer population were gunsmiths.

Benefits Associated with the Licensing Reforms

The sharp decline in the number of licensees produced some important benefits. First, because of the reduction in the number of dealers, ATF has been able to focus its inspection efforts on viable dealers. ATF currently has just over 440 field inspectors. They perform regulatory compliance work relating to each of the industries regulated by ATF, including alcohol, tobacco and explosives, as well as firearms. The percentage of full time equivalent (FTE) staff positions (measured in annual hours) allocated to the firearms program gradually increased from 30 percent in 1991 to a high of 58 percent in 1996. In 1997 and 1998, the allocation dropped to 46 percent because inspectors were redirected to ATF's explosives program following the 1995 Oklahoma City bombing. For FY 1998, approximately 200 FTE inspector positions were dedicated to firearms field inspections. Other inspectors operate the NLC and support firearms programs in a variety of ways. The size of the inspection workforce has not changed significantly since ATF was established as a bureau of the Department of the Treasury in 1972. The number of licensees,

on the other hand, grew from about 161,000 in 1975, to about 284,117 in 1992. The reduction of licensees to closer to 100,000 will enable ATF to inspect a higher proportion of licensees.

In addition, the licensing reforms have reduced the number of dealers that cannot be located immediately during a crime gun trace because they have moved their residence, or that are otherwise non-compliant with recordkeeping requirements. On the other hand, these steps have had no noticeable effect on law-abiding citizens' access to firearms. There are still many licensed dealers, about one for every 2,487 adults in the United States. Moreover, as shown in the first section of this report, the number of new guns purchased in the last several years is fairly close to the average level of gun sales in the 1980's.

Issues Concerning the Licensee Population

There remain, however, a significant number of federally licensed dealers that are not active dealers. As stated above, in 1992, 46 percent of the licensees had not sold a gun in the previous year.²⁴ Although by 1998, this figure had dropped to 31 percent, it is still troubling.²⁵ The law provides that only persons who engage in the business of dealing in firearms within a reasonable period of time after obtaining a license may be licensed as firearms dealers.

²⁴ *Snapshot 1993.*

²⁵ *Snapshot 2000.*

NEW METHODS OF KEEPING FIREARMS OUT OF THE HANDS OF CRIMINALS AND OTHERS NOT LEGALLY ENTITLED TO POSSESS THEM

Over the past five years, ATF's ability to deny illegal access to firearms by felons, unauthorized juveniles and other persons prohibited from possessing them has significantly increased. Two developments in the regulation of firearms commerce have brought law enforcement and the firearms industry into a new era in reducing illegal access to guns. First, the Brady Act prevents prohibited persons from buying guns from licensed firearms dealers. Second, ATF's focus on trafficking enforcement helps prevent prohibited persons from obtaining firearms in the illegal market. ATF's trafficking strategy rests on a number of important sources of information, principally crime gun tracing, but also requires reporting by Federal firearms licensees of multiple sales of handguns and lost or stolen guns and traditional criminal investigative techniques, such as debriefing arrestees, confidential informants and undercover operations.

Both Brady and the intensive focus on trafficking are relatively new, and are already providing significant benefits to law enforcement. This report focuses primarily on the evolution of the tracing system and the use of trafficking indicators to focus ATF inspections on those licensed retail gun dealers that are the source of firearms used and possessed by felons, juveniles and others barred by law from possessing a firearm. It is, however, important to understand how these two tools in combination affect criminal access to guns and, therefore, a brief description of the Brady Act is useful.

The Brady Act

The Brady Act for the first time empowered FFLs and law enforcement to combat the practice of "lying and buying." Although the GCA made it illegal for felons and other prohibited persons to possess or acquire firearms, FFLs had no way to know whether a customer was lying about his background in order to get a gun. The Brady Act changed this by requiring that FFLs check with law enforcement officials before transferring a firearm to an unlicensed individual. In this way, the Brady Act eliminated the "honor system" in firearms purchases, requiring verification of statements made by prospective purchasers that they are legally entitled to obtain a firearm.

From its effective date on February 28, 1994, through November 29, 1998, the Brady Act required background checks for handgun purchases only. These background checks were done by individual State or local Chief Law Enforcement Officials, usually the local sheriff's office or police department.²⁶ On November 30, 1998, the permanent provisions of the Brady Act went into effect. Under the provisions, the Brady Act applies to all firearms — long guns as well as handguns — transferred by an FFL to an unlicensed individual. With the creation of the FBI's National Instant Criminal Background Check System (NICS), a computerized background check is now conducted to determine if a would-be gun buyer is legally permitted to acquire a gun. Depending on the individual State, FFLs may contact NICS directly, or through their State point of contact. In its first year of operation, NICS processed more than 10 million background checks in connection with firearms transfers. Of these, the FBI handled approximately five million, and denied 89,836 unlawful firearms transfers. States conducting background checks through the NICS processed the other five million and, the Department of Justice estimates, denied at least as many transfers.²⁷

²⁶ For a report on the first phase of the Brady Act implementation, see *Presale Handgun Checks, the Brady Interim Period, 1994-98*, Department of Justice, Bureau of Justice Statistics, June 1999. Although the Supreme Court struck down part of interim Brady in *Printz v. United States*, 521 U.S. 898 (1997), finding that the background check requirement imposed on CLEOs unconstitutionally compelled State officers to execute Federal laws, most CLEOs continued to voluntarily do background checks.

²⁷ For reports on Brady Act enforcement activity, see *Implementation of the Brady Law*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, September 1999; and the *National Instant Criminal Background Check System (NICS): The First Seven Months (November 30, 1998-June 30, 1999)*, Department of Justice, Federal Bureau of Investigation.

The Illegal Market in Firearms

Buyers denied firearms through Brady background checks, however, can still seek to obtain firearms illegally from unlicensed sellers or corrupt licensed gun dealers. Since licensed dealers have access to a large supply of firearms, they represent a significant trafficking threat if they violate the law. Prohibited persons may also obtain firearms from licensed dealers by using a "straw purchaser."²⁸ They can get guns illegally from unlicensed sellers, including traffickers who specifically seek to sell to criminals and unauthorized juveniles, and other individuals selling guns through advertising or on the streets. Unlicensed sellers do not have the same obligations as licensed firearms dealers to perform Brady checks and maintain records available for examination by ATF and other law enforcement agencies. Prohibited persons can also steal guns for their own use, from licensed or unlicensed sellers or from the residences of gun owners. Numerous ATF trafficking investigations involving licensed and unlicensed sellers and gun shows show that illegally trafficked firearms end up as crime guns.²⁹

One available strategy to reduce access by prohibited persons is to focus on illegal sellers, in order to reduce the supply of firearms available to illegal buyers who are denied access to firearms by Brady checks. Until recently, however, there were few methods of identifying the sources of firearms to criminals, and this enforcement strategy was not widely used. This has changed with the rise of crime gun tracing. Crime gun trace information identifies the sources of guns used in crime and recovered by police and other law enforcement agencies. Analysis of crime gun traces can reveal, in combination with other investigative

techniques, both FFLs and non-FFLs actively engaged in illegally transferring firearms to prohibited persons. This information provides the basis for an anti-trafficking enforcement strategy, including both regulatory and criminal enforcement.

Crime Gun Tracing

Tracing is the systematic tracking of the movement of a firearm recovered by law enforcement officials from its first sale by the manufacturer or importer through the distribution chain (wholesaler/retailer) to the first retail purchaser. Crime gun trace information is used for three purposes: (1) to link a suspect to a firearm in a criminal investigation; (2) to identify potential traffickers, whether licensed or unlicensed sellers; and, (3) when sufficiently comprehensive tracing is undertaken by a given community, to detect in-state and interstate patterns in the sources and kinds of crime guns.

The crime gun tracing process

A crime gun trace begins when a law enforcement official recovers a firearm, usually from a crime scene or from the possession of a suspect, felon or other prohibited person, and the law enforcement agency having jurisdiction of the case submits a trace request to ATF's National Tracing Center (NTC). Although the NTC traces recovered crime guns for local, State, Federal and international law enforcement agencies, most traces are performed for local law enforcement agencies. The trace request contains information pertaining to the identification of the firearm;³⁰ the individual possessing or associated with the firearm, if known; recovery location; and the offense that brought the crime gun to the attention of law enforcement authorities.

²⁸ A "straw purchase" occurs when the actual buyer of a firearm uses another person, the "straw purchaser," to execute the paperwork necessary to purchase a firearm from an FFL. The "straw purchaser" violates the GCA by making a false statement with respect to information required to be kept in the FFL's records.

²⁹ *Youth Crime Gun Interdiction Performance Report*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, February 1999; and *Gun Shows: Brady Checks and Crime Gun Traces*, Department of the Treasury and Department of Justice, January 1999.

³⁰ A trace request identifies the firearm by serial number, firearm type, manufacturer or importer and caliber.

This data is entered into ATF's automated Firearms Tracing System (FTS) at the NTC. The NTC then conducts a trace by first checking the records of out-of-business FFLs, which are preserved separately on microfiche and accessed through an auxiliary indexing system of firearm serial numbers, and by checking multiple sales records. If these steps do not identify the first retail transaction, the NTC contacts the manufacturer or importer, and tracks the recovered crime gun through the distribution chain (wholesaler and retailer) to the retail dealer, requesting the dealer to examine his records to determine the identity of the first retail purchaser. While manufacturers and others in the distribution chain are aware of traces about which they are contacted, they are not currently informed about traces resolved by searches of the out-of-business records or multiple sales report information.

Results are sent back to the trace requester and entered into the FTS, where they are accessible by NTC personnel. They are also entered in On-Line LEAD, a daily extract from the FTS that can be used to find repeat sellers and buyers of crime guns. In November 1999, ATF extended access to On-Line LEAD to all ATF field offices, where the system can also be used by Federal, State and local firearms task forces.

The average time it takes at present for the NTC to complete a trace to the first retail purchaser is 11.4 days. It takes another one to three days for the trace information to be delivered by mail to the State or local agency requesting the trace. Urgent traces are handled in an expedited manner.

Access 2000: Electronic access to firearms industry records for tracing

In order to speed up and reduce the cost of tracing and to reduce its burden on the firearms industry, ATF has developed a computer program called Access 2000 for accessing manufacturer, wholesaler and importer information about firearms that are the subject of trace requests. ATF does not have access to

individual purchaser information. Access 2000 allows ATF to trace firearms from manufacturers and importers 24 hours a day, 7 days a week, because the manufacturer, wholesaler or importer downloads sales records into a computer on its premises that ATF can immediately access. It saves the licensee money because it does not have to make employees available to do traces. Currently, five firearms licensees have adopted this voluntary system, which shortens the trace time by an average of five days.³¹ Additional licensees are expected to participate.

The growth of the firearms tracing system

Until recently, law enforcement agencies did not routinely trace recovered firearms unless they needed the information to solve a particular crime. Beginning in 1993, pursuant to a Presidential directive to improve tracing of crime guns recovered by law enforcement and Federal-State efforts against illegal gun traffickers, ATF made a concerted effort to increase crime gun tracing and trafficking enforcement, and to demonstrate to State and local law enforcement agencies that crime gun trace information could supply valuable investigative and strategic information about illegal sources of firearms at the local level. The Department of Justice's Bureau of Justice Assistance also began to support training of State and local agencies in tracing firearms.

In 1994, Congress amended the GCA to require licensees to respond to ATF crime gun trace requests within 24 hours of being notified of the request. Previously, cooperation had been voluntary. In 1996, President Clinton directed ATF to strengthen crime gun tracing and enforcement efforts through the Youth Crime Gun Interdiction Initiative (YCGII), an enforcement program that includes commitments to trace all recovered crime guns in a particular jurisdiction and to provide standardized analysis of trace information for law enforcement. Seventeen cities participated in the first year and 38 cities are participating in FY 2000. Also, during

³¹ The licensees using Access 2000 are: RSR Wholesale; H&R, 1871; Smith & Wesson; Davidson Wholesale; and Taurus International Firearms.

the past five years, foreign countries began to ask the NTC to trace firearms in significant numbers.

As a result of all of these efforts, the number of firearms traced has steadily increased. In 1993, there were approximately 55,000 trace requests; in 1999, there were over 200,000, including over 11,000 trace requests from foreign countries.

Trace Analysis and the Identification of Firearms Traffickers

By 1990, some ATF field offices were developing methods of analyzing trace information to detect patterns in the local supply of crime guns. ATF, the Boston Police Department and academic researchers worked together in Boston to analyze traces of all recovered crime guns, not only maximizing the number of investigative leads to illegal suppliers, but also enabling law enforcement officials to determine an overall picture of the kind and sources of crime guns in their jurisdiction.³² The Boston tracing effort revealed that a surprising proportion of crime guns, especially those used by juveniles and youth, moved rapidly from a local retailer's shelf to recovery by law enforcement officials, an indicator of illegal trafficking known as short "time-to-crime."³³

In 1997, the YCGII confirmed these basic findings for the 17 participating YCGII cities, concluding that firearms rapidly diverted from first retail sales at federally licensed gun dealers

to an illegal market accounted for between 30 percent and 54 percent of the firearms that police recovered from youth aged 18 to 24 in those cities, and from 22 percent to 43 percent of firearms recovered from juveniles. YCGII trace analysis also found that in 15 of the 17 communities, the majority or single largest supply of crime guns successfully traced came from retail sources within the State. Jersey City, N.J. and Washington, D.C. were the exceptions.³⁴

The systematic use of firearms tracing to identify licensees that are associated with diversion of firearms to the illegal market on a nationwide basis began with a joint Northeastern University-ATF study published in 1995. The study's goal was to develop potential crime gun trafficking indicators. This study concluded that a very small percentage of licensees were associated with a high volume of the total number of crime guns traced in 1994 to active dealers, and affirmed time-to-crime as a potential indicator of firearms trafficking.³⁵

With substantially increased tracing by State and local law enforcement officials, as well as multiple sales and stolen gun reports, the trace information available to be analyzed in ATF's Firearms Tracing System eventually reached a sufficient level to strengthen significantly ATF's inspection program and to provide vital new support to ATF and State and local criminal investigations. ATF established the Crime Gun Analysis Branch (CGAB) in 1997 to support regulatory and criminal investigations of illegal trafficking activity and armed criminals, using

³² The Boston anti-trafficking strategy was part of the Boston Gun Project's Operation Ceasefire, developed by David M. Kennedy and supported by the Department of Justice's National Institute of Justice. See David M. Kennedy et al., *Youth Violence in Boston: Gun Markets, Serious Youth Offenders, and a Use-Reduction Strategy*, 59 *Law and Contemp. Probs.* 147, 169-180 (1996).

³³ Time-to-crime is the time between the initial retail sale of a firearm by an FFL and its recovery as a crime gun or as the subject of a trace request. Time-to-crime of three years or less is considered an important trafficking indicator because it suggests that the firearm was rapidly diverted to the illegal market. Since identifying information, such as the original purchaser's address, is more likely to still be accurate, short time-to-crime traces generally offer the most productive investigative leads.

³⁴ *Youth Crime Gun Interdiction Initiative, Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Market in 17 Communities*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, July 1997.

³⁵ Glenn L. Pierce, LeBaron Briggs, David A. Carlson, *The Identification of Patterns in Firearms Trafficking: Implications for Focused Enforcement Strategy*, Center for Criminal Justice Policy Research, College of Criminal Justice, Northeastern University, December 1995 (commissioned by ATF).

Table 12.

Sources of firearms trafficking identified in ATF illegal trafficking investigations involving youth and juveniles

Note: Since firearms may be trafficked along multiple channels, an investigation may be included in more than one category.

Source	Number	%
Firearms trafficked by straw purchaser or straw purchasing ring	330	50.9%
Trafficking in firearms stolen from FFL	134	20.7%
Trafficking in firearms by unregulated private sellers*	92	14.2%
Trafficking in firearms stolen from residence	88	13.6%
Trafficking in firearms at gun shows, flea markets, auctions, or in want ads and gun magazines	64	9.9%
Firearms trafficked by licensed dealer, including pawnbroker	41	6.3%
Street criminals buying and selling guns from unknown sources	26	4.0%
Trafficking in firearms stolen from common carrier	16	2.5%
Other sources (e.g. selling guns over internet, illegal pawning)	9	1.4%

*as distinct from straw purchasers and other traffickers

Source: *Youth Crime Gun Interdiction Initiative Performance Report*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, February 1999.

analysis of crime gun traces, multiple sale and stolen gun reports and other information. In conjunction with Northeastern University, the CGAB began developing a series of trafficking indicators, including:

- multiple crime guns traced to an FFL or first retail purchaser;
- short time-to-crime for crime guns traced to an FFL or first retail purchaser;
- incomplete trace results, due to an unresponsive FFL or other causes;³⁶
- significant or frequently reported firearms losses or thefts by an FFL;
- frequent multiple sales of handguns by an FFL or multiple purchases of firearms by a non-licensee, combined with crime gun traces;³⁷ and
- recovery of firearms with obliterated serial numbers.

New indicators continue to be developed by the CGAB and Northeastern University. For instance, the concentration of an FFL's crime gun traces in a particular geographic area in another State may be a useful indicator. While a trafficking problem can be suggested by these indicators, further information, which can be gathered through regulatory inspections and criminal investigations, is required to determine whether trafficking has actually occurred, what form it is taking and who is responsible.

Crime Gun Traces as Indicators of Illegal Trafficking

As stated above, crime gun traces do not necessarily indicate illegal activity by licensed dealers or their employees. Guns purchased from FFLs may have been unknowingly sold by the

³⁶ Trace results are incomplete when the firearm cannot be tracked from the manufacturer or importer to an individual retail purchaser. Multiple incomplete trace results are considered a trafficking indicator because they may indicate that (a) the firearm was stolen from interstate shipment (and thus never reached the retailer); (b) the receiving FFL is not telling the truth about not receiving the firearm; or (c) the shipping FFL is not telling the truth about who the FFL shipped the firearm to.

³⁷ ATF experience has shown that multiple sales or purchases are a significant trafficking indicator; crime guns recovered with obliterated serial numbers are frequently purchased in multiple sales.

Table 13
Distribution of traces among current dealers, 1998

	Number of traces to a dealer	Dealers		Traces	
		Percent	Number	Percent	Number
All Retail Dealers (Retail Gun Dealers and Pawnbrokers)					
	0 or more	100.0%	83,272	...	...
	1 or more	14.3%	11,947	100.0%	55,990
	2 or more	7.2%	6,056	89.5%	50,099
	5 or more	2.7%	2,253	71.7%	40,139
	10 or more	1.2%	1,020	57.4%	32,147
	25 or more	0.4%	332	39.6%	22,168
	50 or more	0.2%	132	27.2%	15,220
Retail Gun Dealers					
	0 or more	100.0%	73,016	...	...
	1 or more	11.8%	8,651	100.0%	40,809
	2 or more	5.6%	4,114	88.2%	36,272
	5 or more	2.8%	1,517	72.5%	29,599
	10 or more	1.0%	713	59.7%	24,360
	25 or more	0.3%	252	43.2%	17,630
	50 or more	0.1%	99	30.4%	12,399
Pawnbrokers					
	0 or more	100.0%	10,256	...	...
	1 or more	32.1%	3,296	100.0%	15,181
	2 or more	18.9%	1,942	91.1%	13,827
	5 or more	7.2%	736	69.4%	10,540
	10 or more	3.0%	307	51.3%	7,787
	25 or more	0.8%	85	29.9%	4,638
	50 or more	0.3%	33	18.6%	2,821

Sources: Data, Bureau of Alcohol, Tobacco and Firearms; Tables prepared by Glenn L. Pierce, Northeastern University, College of Criminal Justice, Center for Criminal Justice Policy Research.

FFL to straw purchasers, resold by an innocent purchaser or by an illegal unlicensed dealer, otherwise distributed by traffickers in firearms, bought or stolen from FFLs or residences, or simply stolen from its legal owner. Nevertheless, when trafficking indicators are present, it is important to find out if the FFL or someone else is violating the law. This requires either a regulatory inspection or a criminal investigation. Table 12 shows a breakdown by trafficking channel of ATF illegal trafficking investigations involving youth and juveniles conducted between July 1996 and December 1998.³⁸

Over a quarter of these investigations were initiated based on crime gun trace information,

and many more of the investigations used tracing in the investigation.

Distribution of Crime Gun Traces Among Licensed Retail Dealers

A small number of licensed dealers account for a large proportion of the firearms traced. As Table 13 shows, in 1998, among all current dealers, 14 percent had one or more firearms traced to them in that year; about 32 percent of the pawnbrokers and about 12 percent of other retail dealers had a trace that year. Only 1.2 percent of dealers in 1998 were associated with 10 or more traces. These approximately 1,000 dealers accounted for well over 50 percent of

³⁸ *Youth Crime Gun Interdiction Initiative Performance Report*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, February 1999.

Table 14.

Traces and average time-to-crime, 1998^{al}

More than half of all traces were of guns recovered by law enforcement —	Retail dealers with:				Traces to retail dealers with:			
	1-9 traces	10-24 traces	25-49 traces	50+ traces	1-9 traces	10-24 traces	25-49 traces	50+ traces
Percent^{bl}								
3 years or less after first retail purchase								
All retail dealers (retail gun dealers and pawnbrokers)	5.4 %	0.4 %	0.1 %	0.1 %	18.8 %	8.5 %	6.3 %	15.9 %
Retail gun dealers	4.4	0.3	0.1	0.1	17.6	8.0	5.7	17.0
Pawnbrokers	13.2	1.0	0.3	0.2	22.1	9.9	7.7	13.2
More than 3 years after first retail purchase								
All retail dealers (retail gun dealers and pawnbrokers)	6.9 %	0.4 %	0.1 %	0.1 %	22.9 %	9.1 %	6.6 %	11.8 %
Retail gun dealers	5.7	0.3	0.1	0.1	21.6	8.6	7.3	14.2
Pawnbrokers	15.2	1.2	0.2	0.1	26.3	11.6	3.7	5.6
Number								
3 years or less after first retail purchase (retail gun dealers and pawnbrokers)								
All retail dealers	4,503	319	102	70	10,324	4,681	3,429	8,730
Retail gun dealers	3,170	218	68	47	7,009	3,195	2,273	6,746
Pawnbrokers	1,333	101	34	23	3,315	1,486	1,156	1,984
More than 3 years after first retail purchase								
All retail dealers (retail gun dealers and pawnbrokers)	5,666	354	101	62	12,559	5,161	3,462	6,490
Retail gun dealers	4,121	234	83	52	8,606	3,410	2,901	5,653
Pawnbrokers	1,545	120	18	10	3,953	1,751	561	837

Sources: Data, Bureau of Alcohol, Tobacco and Firearms; Tables prepared by Glenn L. Pierce, Northeastern University, College of Criminal Justice, Center for Criminal Justice Policy Research.

^w Gun traces without initial purchase data are excluded from these calculations.

^{bl} Percentages are based on the total for each category. For dealers, denominators are 83,502 for all; 72,358 for retail dealers; and 10,144 for pawnbrokers. For traces, the denominators are 54,836 for all; 39,793 for retail dealers; and 15,043 for pawnbrokers.

the traces to current retail dealers that year. About 330 dealers, a fraction of one percent, were associated with 25 or more traces and accounted for about 40 percent of the traces to current dealers in 1998.

Time-to-crime

Time-to-crime trace analysis enables law enforcement officials to focus on FFLs or buyers associated with newer crime guns. Because these guns are less likely to have changed hands frequently

before being used in a crime, their sources can more easily be identified. While the average time-to-crime for traced firearms is about 6 years, many traced firearms are recovered in three years or less. ATF found, for instance, that in 27 communities in 1998, up to half of all traced crime guns recovered from youth ages 18 to 24 were recovered in three years or less.³⁹ In 1998, there were nearly 480 active dealers with 10 or more crime guns with a time-to-crime of three years or less traced to them based on trace requests submitted that year, and there were 1,015 current dealers with five or more crime guns with a time-to-crime of three years or less traced to them.

Table 14 shows that there is a subset of current dealers that have both a high volume of traces and for which more than half of those traces had a time to crime of less than three years.

This particular indicator is a useful measure of the number of dealers whose guns move frequently and quickly end up in the wrong hands. It is a conservative measure, however, because while older crime guns may also have been trafficked or stolen, only the chain of ownership of new guns can be determined by a National Tracing Center trace, which stops at the first retail purchase. Many instances of trafficking cannot be investigated because of the NTC's inability to trace effectively secondhand firearms, whether they are sold by licensed or unlicensed sellers. Older businesses may have a relatively higher percentage of longer time-to-crime guns, simply because they have been in business for a longer period of time. Less than 50 percent of such establishments' traces may be fast time-to-crime traces, even if they sold a significant number of short time-to-crime guns.

Application of a combination of trafficking indicators, such as the volume of crime gun traces or traces with short time-to-crime, to the licensee population allows ATF to focus its limited resources on these dealers that are the source of guns used in crimes. As the method evolves and results in inspections and criminal investigations, more can be learned about the causes of these indicators and diversion from licensed retail dealers.

Limitations of the Firearms Tracing System

Approximately 200,000 trace requests were received in 1999. Until all crime guns are traced, the level of diversion of crime guns from FFLs to felons and other prohibited persons cannot be fully measured, and the illegal sources may remain unknown to law enforcement. In addition, not all trace requests result in the identification of the original licensed retail dealer or purchaser of the traced firearm. A firearms trace currently identifies the first retail dealer for approximately 60 percent of trace requests and the first retail purchaser for approximately 40 percent of trace requests. A number of factors, discussed below, prevent the tracing system from identifying the source of every crime gun traced.

- *Non-responsive dealers.* The firearms tracing system depends entirely on the accuracy and completeness of licensee records. Manufacturers, wholesalers and importers maintain records of the retail dealers that initially acquire the firearms for sale. Retail dealers are required to maintain the transaction records that link the make, model and firearms serial numbers with firearms purchasers. FFLs are required to respond to trace requests within 24 hours. If an FFL fails to respond, ATF inspectors must spend extra time seeking the information. Traces can be conducted in a timely manner and be completed only if FFLs keep proper records and cooperate with ATF trace requests. While most FFLs respond promptly to trace inquiries, some FFLs either totally disregard or refuse to comply with a request, others fail to respond within 24 hours and still others supply incorrect information. In 1999, there were approximately 50 active retail dealers who were either entirely non-responsive to a trace request, slow to respond to a trace request on at least three occasions or who gave incorrect information requiring an NTC re-check. Uncooperative FFLs

³⁹ Youth Crime Gun Interdiction Initiative, *Trace Analysis Reports: 27 Communities*, p.12, February 1999, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms.

often fail to maintain accurate records or fulfill other statutory and regulatory responsibilities.

- *Untraceable secondhand guns.* Federal law does not require unlicensed sellers to preserve transfer records, nor are gun owners required to keep a record of the serial number of their firearms or to report lost or stolen firearms. It is generally impossible for a crime gun trace to identify purchasers beyond the initial retail buyer. The initial purchaser may have transferred the gun to a third party or it may have been stolen. To trace a gun beyond the first retail purchaser, law enforcement authorities must conduct an "investigative trace," using traditional investigative methods, such as interviews and use of informants. Investigative traces are extremely resource intensive and, because of the absence of records, often unsuccessful. For these reasons, ATF conducts investigative traces only in rare cases. Even though FFLs do maintain transaction records on firearms they sell secondhand, a regular crime gun trace cannot capture this information because no link exists between first and subsequent retail transactions. Since over half of ATF's trafficking investigations involve secondhand firearms, the fact that the tracing process is unable to capture sales of used firearms by FFLs and unlicensed sellers is a major problem.⁴⁰
- *Unreported firearms stolen in shipment.* Some traces cannot be completed because the firearm is lost or stolen while in transit between two licensees, and not reported as such to ATF. Current regulations do not specify whether the shipping or receiving licensee is responsible for reporting the theft or loss of a firearm while it is in transit. Interstate carriers are not required to report the theft or loss of firearms shipped in commerce. In Fiscal Year 1999, there were 1,290 crime gun traces in which the FFL claimed that it never received the firearm shipped to it.
- *Obliterated serial numbers.* The intentional obliteration of firearms serial numbers by traffickers and criminals poses a serious threat to the effectiveness of the firearms tracing system. Since serial numbers are the principal means by which firearms are identified, the obliteration of serial numbers make it difficult to trace recovered crime guns. ATF restores obliterated serial numbers at its three national firearms laboratories, and over the past two years has increased its efforts to train other law enforcement laboratories to restore obliterated serial numbers on crime guns. Due to the growing problem of obliterated serial numbers, on June 23, 1999, ATF issued a Notice of Proposed Rulemaking to impose marking requirements that would make it more difficult to obliterate serial numbers.⁴¹
- *Incomplete trace requests.* A significant fraction of trace requests cannot be completed because the trace submission from State and local law enforcement agencies does not contain adequate information. Reading serial numbers on imported firearms poses particular problems. ATF is working with State and local agencies to address this problem.
- *Out-of-business records.* Out-of-business FFLs are required to submit their records to the NTC. This permits the continued tracing of crime guns that have been sold by the out of business FFL. Many FFLs do

⁴⁰ *Youth Crime Gun Interdiction Initiative Performance Report*, Appendix Table 7, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, February 1999; and *Gun Shows: Brady Background Checks and Crime Gun Traces*, Appendix Table 6, Department of the Treasury and Department of Justice, January 1999. As part of the Youth Gun Crime Enforcement Act of 1999, the President proposed that licensees be required to submit to the NTC the serial numbers and other identifying information for used firearms taken into inventory. This would fill a major void in the tracing system. However, Congress has yet to act on this legislation.

⁴¹ Notice No. 877, 64 Fed. Reg. 33450 (1999). See *Youth Crime Gun Interdiction Initiative Crime Gun Trace Analysis Reports; The Illegal Youth Firearms Markets in 27 Communities*, Tables F2, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, February 1999.

not comply with this requirement, necessitating follow-up efforts by ATF inspectors. The NTC uses a microfilm system to create an index of FFL and serial number for every firearm transaction in the out-of-business records submitted by the FFL. While over 100 million firearms records have been indexed, over 300 million records are still in the process of being indexed and are, therefore, accessed for crime gun tracing purposes by manual searches. The approximately one quarter of crime gun trace requests that are currently resolved through searches of out-of-business records could be completed more rapidly if all out-of-business records were indexed. ATF estimates that it will take at least two years to complete its ongoing process of imaging the additional out-of-business records.

- *Untraceable older firearms.* A regulation enacted in 1958 required that all handguns and most rifles have serial numbers. Although many pre-1958 firearms were manufactured with serial numbers, some were not, and are, therefore, untraceable.

Guns Reported Lost and Stolen As Indicators of Illegal Trafficking

The accuracy of a dealer's inventory is critical to ATF's ability to trace crime guns. Pursuant to the Violent Crime Control and Law Enforcement Act of 1994, FFLs are required to report firearms lost and stolen from inventory to the NTC within 48 hours of theft or loss. This permits ATF to launch an immediate criminal investigation in order to arrest the thief, prevent potential use of the firearms in a crime or trafficking by the thief, and use the information as another indicator to establish priorities for compliance inspections. ATF has no authority

to require FFLs to take security measures, but can seek to determine whether firearms reported lost or stolen were accurately reported, or trafficked by the licensee or an employee of the licensee.

In 1998 and 1999, licensees filed reports on over 5,000 incidents, involving 27,287 lost or stolen firearms. These included the following types of incidents:

- Inventory errors, recordkeeping errors, and employee theft, accounting for approximately 39 percent of reported incidents and over 11,000 firearms.
- Burglary (breaking and entering during non-business hours), accounting for 21 percent of reported incidents, and nearly 11,000 firearms, an average of 10 per incident.
- Larceny (unlawful taking through fraud, deception or trickery), accounting for 38 percent of reported incidents and over 3,500 firearms.
- Robbery (unlawful taking by force/violence or threat of force/violence), accounting for only 2 percent of all reported incidents and about 1,000 firearms, an average of 11 per incident.

Among retail dealers, including pawnbrokers, inspected as part of a special ATF survey in 1998, over half had reported a firearm stolen at some point. Among those that had sold 50 or more firearms the previous year, 10 percent of pawnbrokers and 16 percent of other retail dealers had reported a theft since commencing business. Inventory inconsistencies were discovered at some time in the records of about 45 percent of the pawnbrokers, and nearly 20 percent of the other retail dealers that had sold 50 or more firearms the previous year.⁴²

The records of ATF inspections confirm that inventory errors are occurring at a high rate. During inspections conducted in 1999, 21,000 firearms were initially identified as missing from inventory. During the course of their work, inspectors verified firearms in inventory against the record books. This allowed corrections of the records to reduce the number of missing firearms to 5,700. Thus, inspectors corrected a total of over 15,000 inventory errors. Errors in inventory records are a serious problem because a firearm missing from inventory cannot be traced.

Another obstacle to effective regulation of retail dealers is the lack of reporting about thefts that take place in transit to a licensee's business premises. While ATF has long requested common carriers to report firearms thefts, they are not required to do so by law and only a few companies regularly file reports.⁴³ In 1998 and 1999, common carriers reported about 1,900 interstate thefts, involving over 3,700 firearms. It can be assumed that many more interstate thefts occur than are reported to ATF.

⁴² *Snapshot 2000*.

⁴³ As part of the Youth Gun Crime Enforcement Act of 1999, the President proposed that common carriers be required to report firearms thefts to ATF. However, Congress has yet to act on this legislation.

ENSURING COMPLIANCE BY LICENSED RETAIL DEALERS

ATF's goal is to maximize voluntary compliance by the firearms industry through education and partnerships. ATF strives to maintain a focused and fair regulatory enforcement program that disqualifies dealers that are in violation, and refers them for criminal investigation where appropriate. The development of trafficking indicators, principally indicators based on crime gun tracing, has fundamentally changed ATF's firearms regulatory program and allowed it to focus on those licensed retail dealers that are the source of crime guns. This section reports on ATF's regulatory enforcement program for licensed retail dealers.

Industry Education and Partnerships

To reduce the potential for violations by FFLs, including retail dealers, ATF conducts industry educational activities, sometimes in cooperation with law enforcement organizations or members of the firearms industry.

ATF inspectors regularly hold informational firearms seminars intended for licensed dealers. These meetings are generally held after a major change in the law or regulations results in changes in the recordkeeping or reporting requirements, and allow licensees to ask questions and meet inspectors. The seminars also inform inspectors about the issues facing dealers. Since the early 1980s, ATF has conducted seminars open to the industry and public. In fiscal year 1999, ATF inspectors conducted 155 firearms seminars. It also runs an informational booth at the firearms industry's annual Shooting, Hunting, and Outdoor Trade (SHOT) show.

ATF also provides a variety of instructional and informational materials to the industry. For example, in 1998, ATF developed and issued a publication aimed at assisting licensed dealers in reducing the number of firearms stolen from FFL inventory, which represent a source of supply to illegal gun traffickers. Titled *Safety and Security Information for Federal Firearms Licensees*, the manual provided advice for FFLs based on the investigation of thefts reported by licensees between September 1994 and December 1997. It urged dealers to evaluate their individual risk factors to determine how vulnerable they may be to thefts, implement and use basic security measures, and screen employees

carefully. ATF publishes and regularly updates a reference guide to Federal firearms regulations.⁴⁴

Current educational projects include an instructional videotape on compliance with the GCA, being developed with the International Association of Chiefs of Police (IACP) for distribution to retail firearms dealers.

Compliance Inspections and the Imposition of Penalties

Once a license is issued, ATF may inspect an FFL's inventory and records without a warrant to ensure compliance with the recordkeeping requirements of the GCA. Since 1986, however, the law has limited ATF to one such inspection during a 12-month period, absent consent of the licensee.

Inspectors check for a range of violations, including: falsification of records; knowingly selling firearms to prohibited or underage persons; missing firearms inventory; inventory and bound book discrepancies; handgun sales to out-of-state residents; noncompliance with Brady Act requirements; and unreported multiple sales of handguns. Compliance inspections also offer licensees an opportunity to ask questions regarding compliance with the provisions of the GCA.

Establishing whether there are firearms that cannot be accounted for by a licensee is a particularly labor intensive but critical component of compliance inspections. Unaccounted for firearms can indicate unreported theft, poor

⁴⁴ *Federal Firearms Regulations Reference Guide*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 2000 (ATF P 5300.4 (01.00)).

record keeping or illegal trafficking. Inspectors seek to document discrepancies, and correct them when possible, since this reduces the quantity of firearms untraceable by law enforcement. Theft is a major concern; it involves a direct crime, and may also involve subsequent trafficking to prohibited persons.

Compliance inspections may also lead to administrative actions, penalties and criminal referrals. Depending on the severity and frequency of the violations, ATF will issue a warning letter; hold a warning conference with the dealer; strongly encourage the dealer to voluntarily surrender the license; deny license renewal, or initiate revocation procedures. A licensee who willfully violates the provisions of the GCA is subject to license revocation. With one exception related to certain violations of the Brady Act, ATF has no authority to suspend a firearms license or impose a civil fine for GCA violations. ATF's policy is that while honest errors should not be a basis for revocation, licensees who are unable or unwilling to meet their obligations cannot be allowed to continue in the business.

If the violations suggest that the FFL or its customers are engaged in illegal firearms activity, field inspectors may refer the matter to ATF special agents for possible criminal investigation. A recent ATF analysis shows that at least two percent of ATF's criminal trafficking investigations involving juveniles and youth are initiated because of regulatory referrals.⁴⁵ Criminal penalties for most recordkeeping violations by FFLs were reduced from felonies to misdemeanors by the 1986 Firearms Owners' Protection Act.

The Compliance Inspection Program: Focused Inspections

In October 1998, ATF initiated the current policy, referred to as focused inspections, which

requires field division personnel to select licensees for inspection based on a range of indicators of potential firearms trafficking derived from the National Tracing Center (NTC) database. In addition to relying on NTC indicators, inspectors adhere to guidelines for addressing dealers who come to the attention of ATF locally, such as small volume licensed dealers with relatively high numbers of crime gun traces, and licensed dealers that special agents refer to inspectors. Inspectors also support specific firearms trafficking and Youth Crime Gun Interdiction Initiative investigations; and follow up on information required by the ATF Licensing Center and the NTC, including obtaining trace information and out-of-business records that FFLs fail to submit.

In addition, the establishment of the NICS background check system by the FBI resulted in new ATF compliance responsibilities. ATF has been working with the FBI to include a NICS audit as part of compliance inspections, in order to ensure that the checks are done properly as part of the over-the-counter transaction, and that the NICS system is not being used for purposes other than firearms transactions.⁴⁶

Results of Inspections

A random sample of inspections of retail licensees in 1998 showed numerous violations, although many were minor. Among all retail dealers, 45 percent of pawnbrokers, and 30 percent of other retail dealers were in violation of dealer requirements. Among gun dealers that had sold 50 or more guns the previous year, the level was higher, over half of retail dealers, and about 30 percent of pawnbrokers were in violation. Violations clearly warranting a follow-up inspection were found at between a quarter and a third of the dealers and pawnbrokers selling 50 or more guns the previous year.⁴⁷

⁴⁵ *Youth Crime Gun Interdiction Initiative Performance Report for the Senate and House Committees on Appropriations*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, February 1999.

⁴⁶ *Implementation of the Brady Law*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, September 1999.

⁴⁷ *Snapshot 2000*.

Among all pawnbrokers, about a quarter had violations warranting a follow-up inspection, and, among all other retail dealers, about nine percent warranted a follow-up inspection.

A review of 1,700 compliance inspections conducted during FY 1999 reveals that about 400, slightly less than 25 percent, were cited for one or more violations. One or more of the following actions were taken concerning these cited licensees:

- License revocation: 13 (3 percent).
- License surrender, placed out-of-business, or denial of renewal: 75 (19 percent).
- Warning conferences: 35 (9 percent).
- Warning letters: 120 (30 percent).
- Re-call or Follow-up inspection (after one year) planned: 223 (56 percent).

Some dealers with a substantial number of crime gun traces and sales volume ranging from 6,000 to 15,000 firearms per year had no compliance problems; other dealers had gone out of business since the time of their last inspection or were the subjects of ATF criminal investigations. After one year has passed and

ATF is permitted to conduct a follow-up inspection, it will be possible to assess the rates of non-compliance for this group.

Coverage of Field Inspectors

Based on inspections conducted in FY1998, including the average time it took to complete an inspection of an FFL retail dealer, and assuming a licensee population of 100,000, it would take 2,600 full time inspectors to inspect all licensed retail dealers annually. A two-year cycle would require a staff of 1,300; a three-year cycle would require 650 inspectors. While in the past the average inspection took approximately 10 to 20 hours to complete, under the focused inspection policy, which thoroughly addresses the trafficking indicators, the average inspection of an FFL retail dealer selected by firearms trafficking indicators takes approximately 60 to 100 hours to complete. The use of trafficking indicators to direct compliance inspection efforts should allow ATF to use its regulatory resources more efficiently and effectively to stop the diversion of firearms from licensed retail dealers to the illegal market.

Appendix A

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Note: Except as otherwise noted, dates refer to calendar years.

Table A.1.1—Firearms Manufacturers' Shipments, 1899-1998

Year	Number of weapons in thousands					
	Total	Handguns				Shotguns
		Total	Pistols	Revolvers	Rifles	
1899-1945	45,711	11,722	...	...	20,651	13,338
1946	1,526	176	...	...	729	621
1947	2,070	257	...	...	953	860
1948	2,610	427	...	...	1,170	1,013
1949	2,168	256	...	...	862	1,050
1950	2,432	261	...	...	847	1,324
1951	1,976	307	...	...	668	1,001
1952	1,818	398	...	...	541	948
1953	1,844	355	...	...	541	948
1954	1,471	327	...	...	437	707
1955	1,657	362	...	...	556	739
1956	1,835	451	...	...	554	830
1957	1,662	460	...	...	514	688
1958	1,377	440	...	...	406	531
1959	1,646	519	...	...	517	610
1960	1,508	475	...	...	469	564
1961	1,504	447	...	...	482	575
1962	1,551	431	...	...	529	591
1963	1,671	453	...	...	579	639
1964	1,950	491	...	...	713	746
1965	2,355	666	...	...	790	899
1966	2,526	700	...	...	850	976
1967	2,879	926	...	...	909	1,044
1968	3,514	1,259	...	...	1,100	1,155
1969	3,671	1,255	...	...	1,297	1,119
1970	3,733	1,394	...	...	1,195	1,144
1971	3,858	1,448	...	...	1,269	1,141
1972	4,617	1,805	...	...	1,677	1,135
1973	4,842	1,734	...	...	1,837	1,271
1974	5,623	1,715	...	...	2,105	1,803
1975	5,745	2,024	...	...	2,126	1,595
1976	5,282	1,833	...	...	2,112	1,337
1977	5,038	1,880	...	...	1,933	1,225
1978	4,861	1,877	...	...	1,788	1,196
1979	5,320	2,124	...	...	1,876	1,320
1980	5,645	2,370	764	1,605	1,936	1,339
1981	5,374	2,537	835	1,702	1,681	1,156
1982	5,130	2,629	853	1,775	1,623	879
1983	4,036	1,967	734	1,233	1,110	960
1984	3,873	1,680	753	927	1,107	1,086
1985	3,460	1,550	707	844	1,141	770
1986	3,040	1,428	693	735	971	641
1987	3,523	1,659	964	695	1,006	858
1988	3,818	1,746	991	755	1,145	928
1989	4,374	2,031	1,403	629	1,407	936
1990	3,844	1,839	1,376	462	1,156	849
1991	3,550	1,838	1,381	457	883	828
1992	4,030	2,010	1,550	460	1,002	1,018
1993	5,130	2,825	2,272	553	1,160	1,145
1994	5,161	2,582	1,996	586	1,324	1,255
1995	4,228	1,723	1,195	528	1,332	1,174
1996	3,835	1,484	986	499	1,424	926
1997	3,574	1,407	1,036	370	1,251	916
1998	3,645	1,240	916	324	1,536	869

Source: Bureau of Alcohol, Tobacco and Firearms; Department of Justice, Bureau of Justice Statistics.

Table A.1.2—Firearms Manufacturers' Exports, 1899-1998

Year	Number of weapons in thousands						
	Total	Handguns				Rifles	Shotguns
		Total	Pistols	Revolvers			
1899-1945	3,684	1,723	...	...	1,073	888
1946	123	57	...	...	36	30
1947	167	78	...	...	49	40
1948	210	98	...	...	61	51
1949	175	82	...	...	51	42
1950	196	92	...	...	57	47
1951	158	74	...	...	46	38
1952	146	68	...	...	43	35
1953	148	69	...	...	43	36
1954	118	55	...	...	34	29
1955	133	62	...	...	39	32
1956	148	69	...	...	43	36
1957	134	63	...	...	39	32
1958	111	52	...	...	32	27
1959	133	62	...	...	39	32
1960	121	57	...	...	35	29
1961	121	57	...	...	35	29
1962	126	59	...	...	37	30
1963	135	63	...	...	39	33
1964	157	73	...	...	46	38
1965	190	89	...	...	55	46
1966	203	95	...	...	59	49
1967	232	108	...	...	68	56
1968	282	132	...	...	82	68
1969	295	138	...	...	86	71
1970	301	141	...	...	88	72
1971	311	145	...	...	91	75
1972	372	174	...	...	108	90
1973	279	95	...	...	124	60
1974	337	100	...	...	147	90
1975	421	173	...	...	148	100
1976	482	202	...	...	147	133
1977	556	208	...	...	196	152
1978	541	246	...	...	162	133
1979	515	224	...	...	168	123
1980	517	220	32	187	171	127	
1981	588	252	26	227	159	176	
1982	446	254	25	229	87	105	
1983	293	159	12	147	55	79	
1984	235	117	10	107	49	69	
1985	183	95	29	66	44	45	
1986	217	121	17	104	37	59	
1987	242	159	25	134	42	41	
1988	254	132	33	99	54	69	
1989	259	118	42	76	73	68	
1990	354	178	73	105	72	104	
1991	398	190	79	110	91	118	
1992	398	189	77	112	90	119	
1993	414	149	59	90	94	171	
1994	401	173	94	79	82	147	
1995	420	230	98	132	89	101	
1996	326	154	64	90	75	97	
1997	271	108	44	64	77	86	
1998	200	45	29	16	66	90	

Source: Bureau of Alcohol, Tobacco and Firearms.

Table A.1.3—Firearms Imports, 1899-1999

Number of weapons in thousands

Year	Total			
	Imported	Handguns	Rifles	Shotguns
1899-1945	2,013	769	531	713
1946	7	0	0	7
1947	30	7	0	23
1948	50	17	4	29
1949	36	7	5	24
1950	63	17	14	32
1951	110	41	24	45
1952	139	56	27	56
1953	155	61	13	81
1954	143	50	11	82
1955	171	67	15	89
1956	214	84	38	92
1957	318	78	130	110
1958	370	79	198	93
1959	528	130	269	129
1960	655	128	402	125
1961	533	115	310	108
1962	516	168	231	117
1963	562	223	219	120
1964	574	253	182	139
1965	766	347	245	174
1966	996	513	291	192
1967	1,208	747	239	222
1968	1,784	1,240	263	281
1969	889	406	197	286
1970	855	280	219	356
1971	1,156	337	253	566
1972	1,038	440	178	420
1973	859	248	189	422
1974	1,113	408	175	530
1975	793	312	169	312
1976	918	345	139	434
1977	751	253	184	314
1978	1,040	272	278	490
1979	886	271	257	358
1980	754	299	182	273
1981	689	306	200	184
1982	665	333	175	157
1983	838	411	228	199
1984	773	342	213	219
1985	697	229	271	197
1986	701	231	269	201
1987	1,064	342	414	308
1988	1,276	622	283	372
1989	1,008	440	293	274
1990	844	449	204	192
1991	721	293	311	116
1992	2,847	982	1,423	442
1993	3,043	1,205	1,593	246
1994	1,881	915	848	118
1995	1,103	706	261	136
1996	882	491	263	128
1997	939	474	359	106
1998	1,000	532	249	219
1999	892	308	198	386

Source: Bureau of Alcohol, Tobacco and Firearms. Data prior to 1992 are for fiscal years; data after 1992 are calendar years; 1992 is a transition year with five quarters.

Table A.1.4—Firearms Importation Applications, FY 1986-1999

Fiscal Year	Total	Applications for importation (Form 6) ^{a/} processed			Permits (Form 6) processed
		Importer	Military	Other	
1986	19,793	7,728	9,434	2,631	6,201
1987	18,022	7,833	8,059	2,130	6,347
1988	17,513	7,711	7,680	2,122	7,174
1989	18,437	7,950	8,293	2,194	10,713
1990	19,248	8,292	8,696	2,260	12,319
1991	21,483	8,098	10,973	2,412	9,024
1992	19,805	7,960	9,222	2,623	7,124
1993	16,458	7,591	6,282	2,585	9,299
1994	14,298	6,704	4,570	3,024	7,650
1995	10,649	5,267	2,834	2,548	6,211
1996	11,527	6,340	2,792	2,395	8,857
1997	11,752	8,288	2,069	1,395	9,798
1998	13,019	8,767	2,715	1,536	10,647
1999	12,776	9,505	2,235	1,036	15,043

Source: Bureau of Alcohol, Tobacco and Firearms, Firearms, Explosives Imports System Database and Firearms and Explosives Imports Branch Log. Import applications are generally for more than one firearm at a time.

^{a/} Form 6 (Application and Permit for Importation of Firearms, Ammunition and Implements of War) is both the application and permit to import firearms and ammunition. An importer completes Form 6 and sends it to ATF. If ATF approves the application, Form 6 becomes a permit to import the firearms or ammunition at issue.

Table A.2—Firearms and Ammunition Excise Tax Collections

Fiscal Year	Dollars in thousands			
	Total	Pistols and revolvers	Other Firearms	Shells and cartridges
1983 ^a	\$90,637	\$24,080	\$34,711	\$31,846
1984	\$87,665	\$22,011	\$37,276	\$28,378
1985	\$102,403	\$25,107	\$48,906	\$28,390
1986	\$98,362	\$23,433	\$39,037	\$35,892
1987	\$102,521	\$25,361	\$42,182	\$34,978
1988	\$114,064	\$29,074	\$48,867	\$36,123
1989	\$134,277	\$38,230	\$48,870	\$47,177
1990	\$137,409	\$42,015	\$61,402	\$33,992
1991	\$144,745	\$42,226	\$50,237	\$52,282
1992	\$140,608	\$41,760	\$45,697	\$53,151
1993	\$171,434	\$54,019	\$60,482	\$56,933
1994	\$213,966	\$68,533	\$75,637	\$69,796
1995	\$184,302	\$53,779	\$72,947	\$57,576
1996	\$157,816	\$38,649	\$72,422	\$46,745
1997 ^b	\$149,090	...	...	...
1998 ^b	\$164,789	...	...	...
1999 ^b	\$187,977	...	...	...

Source: Bureau of Alcohol, Tobacco and Firearms. The tax rate on the displayed categories is as follows: pistols and revolvers, 10% of sale price; firearms other than pistols and revolvers, 11% of sale price; shells and cartridges, 11% of sale price.

^a From FY 1983-1990, the Internal Revenue Service collected excise taxes. ATF assumed the collection function in FY 1991.

^b ATF no longer maintains these statistics by individual category.

Table A.3—Producer Price Indices: Small Arms and Ammunition

Year	Small arms	Pistols and revolvers	Shotguns	Rifles, centerfire	Small arms ammunition	Pistol and revolver cartridges	PPI, Finished Consumer Goods (excluding food and energy)
1947	24.7	24.4	27.8	...	22.4	...	...
1948	26.1	24.5	29.4	...	25.5	...	...
1949	26.9	24.5	30.3	...	27.4	...	...
1950	27.7	24.6	31.2	...	28.4	...	...
1951	30.6	25.3	34.5	...	33.2	...	...
1952	29.2	25.3	32.3	...	32.2	...	...
1953	29.2	25.8	32.3	...	31.9	...	...
1954	29.3	26.1	32.3	...	31.9	...	...
1955	29.3	26.1	32.3	...	33.6	...	...
1956	31.3	26.4	34.3	...	35.7	...	...
1957	32.9	27.0	36.0	...	36.5	...	...
1958	33.3	27.8	36.2	...	36.5	...	...
1959	33.5	28.0	36.3	...	35.7	...	...
1960	34.3	28.6	37.1	...	35.5	...	...
1961	35.0	29.4	37.7	...	37.5	...	...
1962	35.3	29.5	38.1	...	37.5	...	...
1963	35.3	29.2	38.2	...	37.5	...	...
1964	35.7	28.2	39.4	...	37.9	...	...
1965	36.3	28.3	40.0	...	39.5	...	...
1966	37.3	29.4	40.9	...	39.5	...	...
1967	38.3	31.0	41.5	...	39.4	...	...
1968	40.3	36.6	42.3	...	41.0	...	...
1969	41.9	39.7	43.9	...	42.2	...	...
1970	43.7	...	45.8	...	46.2	...	...
1971	45.5	...	48.7	...	47.4	...	...
1972	46.0	40.5	49.5	...	48.4	...	...
1973	46.8	41.3	50.5	...	49.2	...	50.4
1974	50.8	44.8	54.3	...	53.2	...	55.5
1975	56.5	49.5	61.0	...	59.7	...	60.6
1976	60.0	52.8	64.8	...	62.3	...	63.7
1977	64.4	57.1	69.6	...	67.5	...	67.3
1978	70.1	62.5	76.0	...	72.8	...	72.2
1979	75.4	67.1	81.5	...	80.5	...	78.8
1980	87.3	80.0	92.3	...	88.7	...	87.8
1981	98.2	92.4	103.3	...	96.9	...	94.6
1982	100.0	100.0	...	...	100.0	...	100.0
1983	103.0	102.3	...	...	109.9	...	103.1
1984	111.4	111.7	...	...	115.9	...	105.7
1985	119.8	112.8	...	...	123.6	...	108.4
1986	125.5	116.4	136.2	105.8	126.3	100.8	111.1
1987	131.5	121.9	141.6	110.4	125.0	109.1	114.2
1988	138.1	130.4	148.0	115.6	130.2	112.6	118.5
1989	146.7	135.4	157.1	120.5	136.4	114.3	124.0
1990	153.6	138.4	162.2	126.8	133.4	114.9	128.8
1991	160.1	142.2	166.2	131.7	138.9	116.9	133.7
1992	162.6	142.6	167.2	132.6	138.3	119.0	137.3
1993	165.9	143.9	170.9	135.9	139.5	120.3	138.6
1994	170.2	145.4	176.9	139.7	140.3	127.7	139.0
1995	173.1	148.0	179.5	143.4	144.3	133.6	141.9
1996	175.6	149.1	182.0	145.9	143.1	129.5	144.3
1997	177.3	151.1	184.2	148.3	142.8	129.4	145.1
1998	180.2	156.2	188.0	153.5	144.1	130.8	147.7
1999	184.6	160.3	197.0	158.6	144.2	134.1	151.7

Source: Bureau of Labor Statistics. 1999 data are preliminary; 1982=100,

Table B.1—National Firearms Act Application, Registration, Tax Revenues, and Related Activities, 1979-1999^{a/}

Year ^{b/}	Number of applications processed	Number of weapons registered ^{c/}	Tax revenues (\$ in thousands)		Enforcement Support ^{d/}	
			Occupational tax	Transfer and making Tax	Certifications	Records checks
1979	14,607	127,024	...	\$500	3,559	...
1980	16,772	176,365	...	\$716	4,377	...
1981	18,597	121,901	\$268	\$611	1,482	3,627
1982	21,606	102,318	\$391	\$723	1,306	2,841
1983	27,084	97,341	\$591	\$594	4,335	...
1984	26,692	76,790	\$596	\$666	1,196	2,771
1985	26,779	84,839	\$606	\$594	921	3,682
1986	39,451	277,368	\$667	\$1,372	690	3,376
1987	64,597	290,000	\$869	\$1,576	575	4,135
1988	83,250	310,000	\$2,095	\$1,481	701	3,738
1989	152,067	374,774	\$1,560	\$1,527	673	6,128
1990	194,215	439,339	\$1,442	\$1,308	666	7,981
1991	201,391	477,020	\$1,556	\$1,210	764	7,857
1992	169,762	538,875	\$1,499	\$1,237	1,257	8,582
1993	221,627	613,079	\$1,493	\$1,264	1,024	7,230
1994	238,945	678,077	\$1,444	\$1,596	586	6,283
1995	216,026	756,260	\$1,007	\$1,311	882	5,677
1996	242,054	823,459	\$1,143	\$1,402	529	5,215
1997	246,781	...	\$1,284	\$1,630	488	4,395
1998	315,641	1,016,863	\$1,299	\$1,969	353	3,824
1999	306,515	1,148,984	\$1,330	\$2,422	345	3,994

Source: Bureau of Alcohol, Tobacco and Firearms, National Firearms Registration and Transfer Record.

^{a/} National Firearms Act weapons are defined in the Internal Revenue Code, Title 26, USC, Chapter 53, and include items such as machine guns, short-barreled rifles and shotguns, and destructive devices. The number of weapons registered for FY 1979 - 1985 is the number of weapons associated with the applications processed during the fiscal year. The number of weapons registered for FY 1986 - FY 1999 is the number of weapons in the National Firearms Registration and Transfer Record (NFRTR) - the total number of registered weapons. The number of weapons registered for FY 1987 and 1988 are approximate. Occupational tax revenues for FY 1988 - 1996 include collections made during the fiscal year for prior tax years.

^{b/} Data from 1979 - 1996 are on a fiscal year basis; data for 1997 - 1999 represent calendar years.

^{c/} Two circumstances contributed to the rise in the number of NFA weapons registered in the NFRTR after 1985. First, Public Law 99-308 was enacted in 1986, and restricted the private possession of machineguns manufactured on or after the effective date of the law - May 19, 1986. Manufacturers registered a large number of machineguns in anticipation of the ban. Second, law enforcement increased their use of "flash/bang" weapons, which must be registered in the NFRTR as destructive devices.

^{d/} ATF searches the National Firearms Registration and Transfer Record in support of criminal investigations and regulatory enforcement inspections.

Table B.2—National Firearms Act Transfer Applications, FY 1990 - 1999

Fiscal Year	Transfers		Personal/Government application to make NFA firearms (Form 1)
	Application for tax paid transfer (Form 4)	Application for tax exempt transfer (Form 5)	
1990	7,024	54,959	399
1991	5,395	44,146	524
1992	6,541	45,390	351
1993	7,388	60,193	310
1994	7,600	67,580	1,076
1995	8,263	60,055	1,226
1996	6,418	72,395	1,174
1997	7,873	70,690	855
1998	10,181	93,135	1,093
1999	11,768	95,554	1,071

Fiscal Year	Manufactured and imported (Form 2)	Exported (Form 9)
1990	66,084	21,725
1991	80,619	40,387
1992	107,313	22,120
1993	70,342	24,041
1994	97,665	34,242
1995	95,061	31,258
1996	103,511	40,439
1997	110,423	36,284
1998	141,101	40,221
1999	137,373	28,128

Fiscal Year	Tax exempt licensees (Form 3)	Items processed	
		Number of applications	Number of firearms
1990	23,149	194,215	439,339
1991	19,507	201,391	477,020
1992	26,352	169,762	538,875
1993	22,071	221,627	613,079
1994	27,950	238,945	678,077
1995	18,593	216,026	756,260
1996	16,931	242,054	823,459
1997	18,371	246,781	905,647
1998	27,921	315,641	1,016,863
1999	28,288	306,515	1,148,984

Source: Bureau of Alcohol, Tobacco and Firearms, NFA Special Taxpayers and Revenue Collected Database.

Table B.3—National Firearms Act Registered Weapons by State, FY 1999

State	Total	Machinegun	Silencer	Short-barreled		Destructive device	Any other weapon ^a	Other ^b
				Rifle	Shotgun			
Total (FY1999)	1,148,984	277,362	83,627	14,896	54,109	676,837	41,003	1,150
Alabama	26,302	9,890	2,557	372	1,253	11,268	952	10
Alaska	3,832	1,238	446	45	391	1,433	277	2
Arizona	55,337	9,921	4,382	673	960	38,646	732	23
Arkansas	13,050	2,805	1,278	157	530	7,818	441	21
California	112,055	14,326	1,828	950	5,277	86,137	3,463	74
Colorado	21,312	3,573	1,114	396	857	14,608	746	18
Connecticut	22,708	14,266	2,076	365	1,019	4,324	637	21
Delaware	934	147	20	31	194	512	30	0
District of Columbia	8,874	2,133	73	40	340	6,227	61	0
Florida	70,668	14,602	7,253	505	1,921	44,145	2,224	18
Georgia	41,013	13,360	8,584	403	5,983	11,301	1,349	33
Hawaii	1,715	246	17	41	35	1,339	35	2
Idaho	8,257	2,069	1,068	151	214	4,265	482	8
Illinois	31,783	9,035	340	383	1,313	19,760	923	29
Indiana	34,239	10,576	2,967	244	3,881	15,621	926	24
Iowa	8,278	1,198	86	175	618	5,326	851	24
Kansas	10,671	1,392	89	187	586	7,758	640	19
Kentucky	15,917	4,419	1,365	244	945	8,323	605	16
Louisiana	27,490	3,543	861	183	819	21,588	481	15
Maine	5,143	2,529	361	369	258	986	629	11
Maryland	31,852	8,112	2,129	257	1,077	19,551	713	13
Massachusetts	10,602	4,333	213	283	495	4,464	786	28
Michigan	16,964	6,370	740	335	797	7,690	989	43
Minnesota	18,598	3,823	497	251	781	11,807	1,388	51
Mississippi	6,055	2,846	103	110	395	2,283	310	8
Missouri	19,193	5,175	810	406	1,380	10,219	1,152	51
Montana	3,232	1,270	68	126	166	1,262	333	7
Nebraska	4,987	1,461	291	160	427	1,990	642	16
Nevada	11,045	3,255	1,106	146	292	5,876	360	10
New Hampshire	6,832	4,477	666	98	157	1,122	300	12
New Jersey	24,404	3,531	568	132	887	18,862	404	20
New Mexico	15,198	2,918	597	185	343	10,941	206	8
New York	22,847	4,642	232	519	1,732	14,589	1,091	42
North Carolina	26,271	6,449	1,887	291	837	16,147	640	20
North Dakota	2,919	998	1,011	60	122	570	154	4
Ohio	49,889	11,671	3,129	630	2,148	30,783	1,484	44
Oklahoma	15,061	6,719	1,614	333	884	4,572	919	20
Oregon	17,397	4,725	3,396	623	872	6,437	1,316	28
Pennsylvania	37,209	13,028	3,008	681	1,314	17,627	1,397	154
Rhode Island	1,723	390	12	34	93	1,145	43	6
South Carolina	12,765	2,753	498	196	892	7,859	553	14
South Dakota	2,711	1,008	76	64	132	1,096	327	8
Tennessee	25,170	6,036	2,370	274	1,936	13,058	1,210	16
Texas	78,938	18,919	16,304	1,302	3,878	35,265	3,177	93
Utah	12,463	7,073	582	109	294	4,184	221	0
Vermont	3,035	989	41	42	51	1,704	205	3
Virginia	58,130	13,591	2,768	415	2,372	37,349	1,620	15
Washington	19,550	2,195	637	461	562	14,370	1,300	25
West Virginia	4,558	1,723	329	176	200	1,763	365	2
Wisconsin	17,954	4,061	1,046	202	858	11,143	636	8
Wyoming	51,854	1,283	134	81	341	49,724	278	13

Source: Bureau of Alcohol, Tobacco and Firearms.

^a The term "any other weapon" includes: any weapon or device capable of being concealed on the person that can be discharged through the energy of an explosive; a pistol or revolver having a barrel with a smooth bore that can fire a fixed shotgun shell; weapons with combination shotgun and rifle barrels of a certain size, from which only a single discharge can be made from either barrel without manual reloading; or any such weapon that can be readily restored to so fire.

^b "Other" includes firearms that meet the legal definition of firearms under the National Firearms Act, but cannot be categorized as machineguns, silencers, short-barreled rifles and shotguns, destructive devices and any other weapon.

**Table B.4—National Firearms Act Special Occupational Taxpayers,
FY 1980-1999**

Fiscal Year	Special Occupational Taxpayers ^d	Percent Change from FY 1980
1980	920	
1981	1,192	30%
1982	1,758	91%
1983	2,306	151%
1984	2,678	191%
1985	2,696	193%
1986	3,297	258%
1987	5,427	490%
1988	3,673	299%
1989	2,977	224%
1990	2,827	207%
1991	2,775	202%
1992	2,754	199%
1993	2,733	197%
1994	2,684	192%
1995	2,468	168%
1996	2,283	148%
1997	2,499	172%
1998	2,283	148%
1999	2,521	174%

Source: Bureau of Alcohol, Tobacco and Firearms.

^d Special occupational taxpayers are persons wishing to manufacture, import, or deal in firearms as defined in the NFA. Special occupation taxpayers must: (1) be properly licensed as a federal firearms licensee; (2) have an employer identification number (even if the licensee has no employees); and (3) pay the special occupational tax required of those manufacturing, importing, or dealing in NFA weapons.

**Table B.5—National Firearms Act Special Occupational Taxpayers
(as of January 2000) by State**

State	Total	Importers	Manufacturers	Dealers
Total	2,521	107	709	1,705
Alabama	55	5	16	34
Alaska	18	0	3	15
Arizona	139	4	38	97
Arkansas	26	0	10	16
California	116	6	31	79
Colorado	36	0	8	28
Connecticut	57	5	17	35
Delaware	0	0	0	0
District of Columbia	1	0	0	1
Florida	212	13	61	138
Georgia	94	5	22	67
Hawaii	1	0	0	1
Idaho	29	0	21	8
Illinois	72	5	17	50
Indiana	57	0	11	46
Iowa	11	1	2	8
Kansas	25	2	6	17
Kentucky	37	2	6	29
Louisiana	50	1	9	40
Maine	16	3	6	7
Maryland	60	4	20	36
Massachusetts	43	0	16	27
Michigan	69	7	11	51
Minnesota	46	2	28	16
Mississippi	25	0	3	22
Missouri	76	2	26	48
Montana	13	0	2	11
Nebraska	14	0	6	8
Nevada	50	4	21	25
New Hampshire	39	1	11	27
New Jersey	14	0	2	12
New Mexico	28	1	6	21
New York	14	1	8	5
North Carolina	81	1	17	63
North Dakota	6	0	2	4
Ohio	126	2	36	88
Oklahoma	41	0	11	30
Oregon	66	0	20	46
Pennsylvania	122	2	30	90
Puerto Rico	0	0	0	0
Rhode Island	5	0	0	5
South Carolina	14	1	10	3
South Dakota	11	0	0	11
Tennessee	62	4	21	37
Texas	238	4	44	190
Utah	19	3	11	5
Vermont	11	2	4	5
Virginia	91	11	27	53
Washington	18	2	11	5
West Virginia	20	0	9	11
Wisconsin	37	0	10	27
Wyoming	10	1	2	7

Source: Bureau of Alcohol, Tobacco and Firearms.

TABLE C.1—Federal Firearms Licensees (FFLs), Dealers and Pawnbrokers by State, Number, and Rate per 100,000 Population

State	Population as of 7/1/99	Number of FFLs as of 12/1/99	FFLs per 100,000 Population
Total	272,690,813	80,644	47
Alabama	4,369,862	1,430	33
Alaska	619,500	1,160	187
Arizona	4,778,332	1,426	30
Arkansas	2,551,373	1,323	52
California	33,145,121	4,261	13
Colorado	4,056,133	1,549	38
Connecticut	3,282,031	688	21
Delaware	753,538	138	18
District of Columbia	519,000	...	...
Florida	15,111,244	3,180	21
Georgia	7,788,240	2,336	30
Hawaii	1,185,497	150	13
Idaho	1,251,700	989	79
Illinois	12,128,370	2,666	22
Indiana	5,942,901	2,115	36
Iowa	2,869,413	1,473	51
Kansas	2,654,052	1,261	48
Kentucky	3,960,825	1,704	43
Louisiana	4,372,035	1,490	34
Maine	1,253,040	636	51
Maryland	5,171,634	779	15
Massachusetts	6,175,169	942	15
Michigan	9,863,775	3,386	34
Minnesota	4,775,508	2,068	43
Mississippi	2,768,619	1,373	50
Missouri	5,468,338	2,695	49
Montana	882,779	1,370	155
Nebraska	1,666,028	885	53
Nevada	1,809,253	603	33
New Hampshire	1,201,134	542	45
New Jersey	8,143,412	504	6
New Mexico	1,739,844	803	46
New York	18,196,601	2,746	15
North Carolina	7,650,789	2,275	30
North Dakota	633,666	594	94
Ohio	11,256,654	3,158	28
Oklahoma	3,358,044	1,666	50
Oregon	3,316,154	1,905	57
Pennsylvania	11,994,016	3,623	30
Rhode Island	990,819	130	13
South Carolina	3,885,736	927	24
South Dakota	733,133	573	78
Tennessee	5,483,535	1,868	34
Texas	20,044,141	6,457	32
Utah	2,129,836	769	36
Vermont	593,740	490	83
Virginia	6,872,912	2,053	30
Washington	5,756,361	1,549	27
West Virginia	1,806,928	1,279	71
Wisconsin	5,250,446	1,944	37
Wyoming	479,602	713	149

Sources: Population data, Census Bureau; FFL data, Bureau of Alcohol, Tobacco and Firearms.

Table C.2.1—Federal Firearms Licensees by State, FY 1997

State	Total	Dealer	Pawn-broker	Collector	Manufacturer			Destructive Device		
					Ammunition	Firearms	Importer	Armor Piercing Ammunition		
								Dealer	Manufacturer	Importer
Total	107,554	79,285	9,956	13,512	2,451	1,414	733	13	118	72
Alabama	1,785	1,071	456	184	38	17	10	...	5	4
Alaska	1,388	1,232	67	48	34	2	5	...	...	...
Arizona	1,868	1,392	128	176	75	63	24	...	6	4
Arkansas	1,533	921	461	100	27	15	4	...	4	1
California	7,023	4,808	317	1,466	161	127	121	1	15	7
Colorado	1,893	1,432	235	153	33	25	15	...	...	...
Connecticut	1,234	779	13	343	21	53	20	1	2	2
Delaware	205	140	8	49	5	...	2	...	1	...
District of Columbia	...	...	...	...	...	...	...	...	...	...
Florida	4,431	2,600	854	726	100	95	41	...	8	7
Georgia	2,885	1,701	791	290	50	35	16	...	1	1
Guam	40	24	...	4	6	...	6	...	...	...
Hawaii	220	172	1	42	5	...	...	...	...	...
Idaho	1,160	874	173	50	38	21	3	...	1	...
Illinois	3,814	2,843	90	737	82	37	19	...	4	2
Indiana	2,754	2,282	127	250	66	23	6	...	...	...
Iowa	1,708	1,493	96	83	26	6	3	...	1	...
Kansas	1,536	1,239	130	98	45	13	9	...	1	1
Kentucky	2,046	1,490	383	137	18	10	6	...	1	1
Louisiana	1,798	1,339	263	157	23	11	3	...	...	2
Maine	873	713	35	74	23	15	9	...	3	1
Maryland	1,373	839	49	421	18	33	11	...	...	2
Massachusetts	1,995	1,146	2	734	33	57	15	2	4	2
Michigan	4,593	3,744	80	631	76	34	20	1	2	5
Minnesota	2,615	2,130	139	232	52	39	18	...	3	2
Mississippi	1,595	1,119	357	88	20	3	8	...	...	...
Missouri	3,725	2,610	337	655	66	35	16	...	4	2
Montana	1,662	1,386	146	55	45	20	10	...	...	...
Nebraska	1,097	933	51	70	27	9	6	...	1	...
Nevada	796	562	70	103	26	23	11	...	1	...
New Hampshire	739	572	8	102	27	24	6	...	...	...
New Jersey	855	579	1	221	24	9	16	1	2	2
New Mexico	948	705	135	75	18	9	4	...	2	...
New York	4,160	3,194	11	810	72	31	40	...	2	...
North Carolina	3,020	2,016	499	381	82	33	9	...	...	...
North Dakota	706	623	30	31	20	2	...	...	...	...
Ohio	4,111	3,314	153	458	119	47	16	...	4	...
Oklahoma	1,990	1,320	465	112	60	25	8	...	...	...
Oregon	2,328	2,042	42	117	83	29	14	...	1	...
Pennsylvania	5,104	3,979	13	849	155	69	25	2	9	3
Puerto Rico	84	63	...	10	9	...	2	...	...	...
Rhode Island	281	152	1	117	8	2	1	...	...	...
South Carolina	1,216	771	239	169	19	12	5	...	...	1
South Dakota	704	594	51	23	20	11	5	...	...	...
Tennessee	2,366	1,605	419	219	47	48	16	2	10	...
Texas	7,857	5,821	1,232	482	168	100	45	1	4	4
Utah	913	700	115	39	26	25	7	...	1	...
Vermont	630	541	1	44	22	10	8	1	1	2
Virginia	2,886	2,079	175	510	52	24	30	1	3	12
Washington	2,141	1,588	203	206	80	35	28	...	1	...
West Virginia	1,496	1,199	195	58	23	11	6	...	3	1
Wisconsin	2,523	2,099	30	298	59	26	5	...	6	...
Wyoming	851	715	79	25	19	11	...	...	1	1

Source: Bureau of Alcohol, Tobacco and Firearms; National Licensing Center. Data as of September 30, 1997.

Table C.1.2.2—Federal Firearms Licensees by State, FY 1998

State	Total	Dealer	Pawn- broker	Collector	Manufacturer			Destructive Device		
					Ammu- nition	Firearms	Importer	Armor Piercing Ammunition		
								Dealer	Manufac- turer	Importer
Total	105,536	75,619	10,176	14,865	2,374	1,546	741	12	125	68
Alabama	1,799	1,058	450	215	37	21	9	...	5	4
Alaska	1,331	1,165	65	60	35	1	5	...	...	...
Arizona	1,865	1,336	144	213	67	70	25	...	6	4
Arkansas	1,528	889	472	119	24	15	2	...	5	2
California	6,607	4,354	314	1,515	147	134	119	1	18	5
Colorado	1,848	1,362	240	176	34	24	12	...	...	...
Connecticut	1,193	721	15	352	21	58	21	1	2	2
Delaware	203	135	6	56	3	...	2	...	1	...
Dist of Columbia	...	...	...	...	...	...	...	...	...	...
Florida	4,422	2,503	834	832	93	98	44	2	9	7
Georgia	2,839	1,583	797	360	44	40	13	...	1	1
Guam	37	23	...	2	6	...	6	...	...	...
Hawaii	206	159	1	45	1	...	...	...	...	...
Idaho	1,156	861	170	60	38	23	3	...	1	...
Illinois	3,718	2,724	92	762	82	35	18	...	3	2
Indiana	2,674	2,160	129	291	62	26	6	...	...	...
Iowa	1,688	1,444	94	109	29	8	3	...	1	...
Kansas	1,515	1,198	130	119	43	14	9	...	1	1
Kentucky	2,023	1,427	400	155	19	13	7	...	1	1
Louisiana	1,793	1,307	254	189	24	14	3	...	...	2
Maine	833	666	42	77	22	11	11	...	3	1
Maryland	1,361	776	49	473	17	32	11	...	1	2
Massachusetts	1,972	1,073	2	780	33	61	17	1	4	1
Michigan	4,466	3,552	84	692	77	35	18	1	2	5
Minnesota	2,567	2,051	133	256	56	46	20	...	3	2
Mississippi	1,587	1,091	355	109	18	5	9	...	...	...
Missouri	3,722	2,524	345	727	64	43	13	...	4	2
Montana	1,645	1,356	152	55	48	23	11	...	...	...
Nebraska	1,093	911	52	84	29	11	6	...	...	...
Nevada	795	539	76	112	27	29	11	...	1	...
New Hampshire	733	560	8	108	28	22	7	...	...	...
New Jersey	758	537	1	168	24	9	16	1	1	1
New Mexico	948	687	136	91	18	9	5	...	2	...
New York	3,958	2,955	11	854	61	34	41	...	2	...
North Carolina	2,994	1,930	511	431	75	37	10	...	...	...
North Dakota	696	600	35	37	21	2	1	...	...	...
Ohio	4,080	3,218	157	513	117	55	16	...	4	...
Oklahoma	2,007	1,276	500	140	58	26	7	...	...	...
Oregon	2,306	1,987	48	141	80	36	13	...	1	...
Pennsylvania	4,976	3,787	16	914	150	72	24	1	9	3
Puerto Rico	75	57	...	10	7	...	1	...	...	...
Rhode Island	270	138	2	120	7	2	1	...	...	...
South Carolina	1,202	733	246	183	18	15	5	...	1	1
South Dakota	685	568	60	20	20	12	5	...	...	...
Tennessee	2,394	1,571	431	261	48	56	17	1	9	...
Texas	7,702	5,497	1,285	571	170	108	51	1	5	4
Utah	905	681	120	43	28	26	6	...	1	...
Vermont	616	514	1	54	21	11	10	1	2	2
Virginia	2,845	2,001	178	538	52	31	30	1	4	10
Washington	2,096	1,502	204	250	72	37	28	...	2	1
West Virginia	1,504	1,166	215	76	24	12	7	...	3	1
Wisconsin	2,474	2,019	37	316	58	32	6	...	6	...
Wyoming	826	687	77	31	17	12	...	...	1	1

Source: Bureau of Alcohol, Tobacco and Firearms; National Licensing Center. Data as of September 30, 1998.

Table C.1.2.3—Federal Firearms Licensees by State, FY 1999

State	Total	Dealer	Pawn- broker	Collector	Manufacturer			Destructive Device		
					Ammu- nition	Firearms	Importer	Armor Piercing Ammunition		
								Dealer	Manufac- turer	Importer
Total	103,942	71,290	10,035	17,763	2,247	1,639	755	11	127	75
Alabama	1,805	999	437	281	39	27	11	...	6	5
Alaska	1,277	1,108	64	68	30	2	5	...	...	...
Arizona	1,862	1,289	140	257	61	80	24	...	7	4
Arkansas	1,514	845	474	140	27	16	3	...	7	2
California	6,406	4,005	286	1,728	127	127	108	1	17	7
Colorado	1,863	1,325	238	234	32	23	11	...	...	...
Connecticut	1,181	675	13	382	19	61	25	1	2	3
Delaware	200	128	6	61	2	...	2	...	1	...
District of Columbia	...	...	...	...	...	...	...	...	...	...
Florida	4,488	2,403	800	1,028	89	104	46	2	9	7
Georgia	2,893	1,535	795	461	42	45	13	...	1	1
Guam	41	26	...	3	6	...	6	...	...	...
Hawaii	206	152	1	52	1	...	...	...	...	...
Idaho	1,126	825	163	69	37	26	5	...	1	...
Illinois	3,717	2,604	92	877	83	36	18	...	4	3
Indiana	2,607	2,014	133	367	59	28	6	...	...	...
Iowa	1,674	1,386	101	142	31	9	3	...	2	...
Kansas	1,490	1,141	127	155	41	15	9	...	1	1
Kentucky	1,943	1,341	374	178	23	17	8	...	1	1
Louisiana	1,810	1,245	255	267	25	13	3	...	...	2
Maine	788	602	41	97	24	11	9	...	3	1
Maryland	1,394	740	51	539	17	33	12	...	1	1
Massachusetts	1,971	957	3	897	30	63	15	1	4	1
Michigan	4,367	3,339	82	810	71	38	19	1	2	5
Minnesota	2,552	1,953	129	337	53	50	21	...	5	4
Mississippi	1,561	1,041	344	140	17	9	9	...	1	...
Missouri	3,725	2,382	342	870	61	49	15	...	4	2
Montana	1,527	1,229	152	70	44	18	14	...	...	...
Nebraska	1,028	841	46	96	27	12	6	...	...	...
Nevada	806	519	86	134	24	29	13	...	1	...
New Hampshire	724	533	7	128	25	20	11	...	...	...
New Jersey	708	512	1	141	23	10	18	1	1	1
New Mexico	956	666	139	113	16	14	6	...	2	...
New York	3,795	2,745	13	903	62	32	39	...	1	...
North Carolina	2,935	1,779	500	547	66	35	8	...	...	...
North Dakota	675	563	40	45	22	3	2	...	...	...
Ohio	3,976	3,021	158	604	111	62	17	...	3	...
Oklahoma	1,962	1,212	475	186	55	29	5	...	...	...
Oregon	2,255	1,876	52	204	70	41	11	...	1	...
Pennsylvania	4,946	3,647	15	1,027	138	79	27	1	9	3
Puerto Rico	76	55	...	9	10	...	2	...	...	...
Rhode Island	273	129	2	135	6	1	...	...	...	...
South Carolina	1,184	691	242	209	18	17	5	...	1	1
South Dakota	651	522	61	34	19	10	5	...	...	...
Tennessee	2,386	1,456	426	377	41	60	18	...	8	...
Texas	7,575	5,198	1,299	739	163	110	55	2	5	4
Utah	896	652	120	65	25	28	5	...	1	...
Vermont	599	493	1	63	18	10	10	...	2	2
Virginia	2,847	1,888	178	641	55	35	34	1	4	11
Washington	2,022	1,364	202	325	66	39	24	...	1	1
West Virginia	1,445	1,082	210	96	28	17	8	...	3	1
Wisconsin	2,444	1,917	38	392	53	34	6	...	4	...
Wyoming	790	640	81	40	15	12	...	...	1	1

Source: Bureau of Alcohol, Tobacco and Firearms, National Licensing Center. Data as of September 30, 1999.

Table C.3—Federal Firearms Licensees Total, FY 1975-1999

Fiscal Year	Total	Dealer	Pawn-broker	Collector	Manufacturer			Destructive Device			Change from prior year
					Ammunition	Firearms	Importer	Dealer	Manufac-turer	Importer	
1975	161,927	146,429	2,813	5,211	6,668	364	403	9	23	7	
1976	165,697	150,767	2,882	4,036	7,181	397	403	4	19	8	2.3%
1977	173,484	157,463	2,943	4,446	7,761	408	419	6	28	10	4.7%
1978	169,052	152,681	3,113	4,629	7,735	422	417	6	35	14	-2.6%
1979	171,216	153,861	3,388	4,975	8,055	459	426	7	33	12	1.3%
1980	174,619	155,690	3,608	5,481	8,856	496	430	7	40	11	2.0%
1981	190,296	168,301	4,308	6,490	10,067	540	519	7	44	20	
1982	211,918	184,840	5,002	8,602	12,033	675	676	12	54	24	
1983	230,613	200,342	5,388	9,859	13,318	788	795	16	71	36	8.8%
1984	222,443	195,847	5,140	8,643	11,270	710	704	15	74	40	-3.5%
1985	248,794	219,366	6,207	9,599	11,818	778	881	15	85	45	11.8%
1986	267,166	235,393	6,998	10,639	12,095	843	1,035	16	95	52	7.4%
1987	262,022	230,888	7,316	11,094	10,613	852	1,084	16	101	58	-1.9%
1988	272,953	239,637	8,261	12,638	10,169	926	1,123	18	112	69	4.2%
1989	264,063	231,442	8,626	13,536	8,345	922	989	21	110	72	-3.3%
1990	269,079	235,684	9,029	14,287	7,945	978	946	20	117	73	1.9%
1991	276,116	241,706	9,625	15,143	7,470	1,059	901	17	120	75	2.6%
1992	284,117	248,155	10,452	15,820	7,412	1,165	894	15	127	77	2.9%
1993	283,925	246,984	10,958	16,635	6,947	1,256	924	15	128	78	-0.1%
1994	250,833	213,734	10,872	17,690	6,068	1,302	963	12	122	70	-11.7%
1995	191,495	158,240	10,155	16,354	4,459	1,242	842	14	118	71	-23.7%
1996	135,794	105,398	9,974	14,966	3,144	1,327	786	12	117	70	-29.1%
1997	107,554	79,285	9,956	13,512	2,451	1,414	733	13	118	72	-20.8%
1998	105,536	75,619	10,176	14,875	2,374	1,546	741	12	125	68	-1.9%
1999	103,942	71,290	10,035	17,763	2,247	1,639	755	11	127	75	-1.5%

Source: Bureau of Alcohol, Tobacco and Firearms, National Licensing Center. Data are based on active firearms licenses, license type statistics as of the end of each fiscal year.

**Table C.4.1—License Applications and Application Inspections,
FY 1969-1989**

Fiscal Year	New Applications ^{a/}	Inspections ^{b/}	Percent inspected
1969	86,598 ^{a/}	47,454	... ^{d/}
1970	27,866	21,295	... ^{d/}
1971	23,826	32,684	... ^{d/}
1972	24,526	31,259	100.0%
1973	24,321	21,732	89.4%
1974	24,873	27,483	100.0%
1975	29,183	26,695	91.4%
1976	29,511	28,222	95.6%
1977	32,560	20,736	63.7%
1978	29,531	8,361	29.3%
1979	32,678	1,037	3.2%
1980	36,052	1,157	3.2%
1981	41,798	2,128	5.0%
1982	44,745	1,831	5.0%
1983	49,669	2,723	5.4%
1984	39,321	2,551	6.4%
1985	37,385	2,672	7.1%
1986	42,842	2,519	5.9%
1987	36,835	2,191	5.9%
1988	32,724	1,431	4.4%
1989	34,318	2,384	6.9%

Source: Bureau of Alcohol, Tobacco and Firearms.

^{a/} Statistics for FY 1969-1971 combine new and renewal applications.

^{b/} Statistics for FY 1969-1971 combine application and compliance inspections.

^{c/} Does not include approximately 24,000 existing federal firearms licensees.

^{d/} Percent inspected could not be calculated because application and compliance inspections were combined with new applications, due to implementation of the Gun Control Act of 1968.

**Table C.4.2—License Applications and Application Inspections,
FY 1990-1999**

Fiscal Year	New applicants	Renewals	Full field inspection	Preliminary ^{a/} investigation
1990	34,336	61,536	3,358	...
1991	34,567	57,327	4,000	...
1992	37,085	58,873	3,582	...
1993	41,545	66,811	4,701	25,922
1994	25,393	37,079	2,462	14,805
1995	7,777	19,541	4,815	10,822
1996	8,461	34,304	6,385	21,795
1997	6,188	30,290	6,430	16,363
1998	6,881	24,092	8,959	1,579
1999	8,581	31,978	... ^{b/}	... ^{b/}

Source: Bureau of Alcohol, Tobacco and Firearms.

^{a/} Preliminary investigation applies to applications for renewal that were not subject to full field inspection, but were part of the enhanced renewal screening begun in 1993.

^{b/} Data for 1999 are not yet available.

**Table C.5—Firearms Licensees and Compliance Inspections,
FY 1969-1999**

Fiscal Year	Licensees	Inspections ^{b/}	Percent inspected
1969	86,598 ^{a/}	47,454	54.7%
1970	138,928	21,295	15.3%
1971	149,212	32,684	21.9%
1972	150,215	31,164	20.7%
1973	152,232	16,003	10.5%
1974	158,753	15,751	10.0%
1975	161,927	10,944	6.7%
1976	165,697	15,171	9.1%
1977	173,484	19,741	11.3%
1978	169,052	22,130	13.1%
1979	171,216	14,744	8.6%
1980	174,619	11,515	6.5%
1981	190,296	11,035	5.7%
1982	211,918	1,829	8.0%
1983	230,613	2,662	1.1%
1984	222,443	8,861	3.9%
1985	248,794	9,527	3.8%
1986	267,166	8,605	3.2%
1987	262,022	8,049	3.1%
1988	272,953	9,283	3.4%
1989	264,063	7,142	2.7%
1990	269,079	8,471	3.1%
1991	276,116	8,258	3.0%
1992	284,117	16,328	5.7%
1993	283,925	22,330	7.9%
1994	250,833	20,067	8.0%
1995	187,931	13,141	7.0%
1996	135,794	10,051	7.4%
1997	107,554	5,925	5.5%
1998	105,536	5,043	4.8%
1999	103,942	... ^{d/}	... ^{d/}

Source: Bureau of Alcohol, Tobacco and Firearms

^{a/} New licenses issued first year of Gun Control Act (GCA).

^{b/} Application and compliance inspections, 1969-1971

^{d/} Data for 1999 are not yet available.

Table C.6—Actions on Federal Firearms Licenses , FY 1975-1999

Fiscal Year	Original application				Renewal applications			Other Actions	
	Processed	Denied	Withdrawn	Abandoned	Processed	Denied	Withdrawn	Abandoned	Licenses revoked
1975	29,183	150	1,651	...	138,719	273	334	...	7
1976	29,511	209	2,077	...	138,050	261	436	...	6
1977	32,560	216	1,645	...	136,629	207	409	...	10
1978	29,531	151	1,015	414	139,383	168	141	449	0
1979	32,678	124	432	435	143,021	93	240	942	12
1980	36,052	96	601	661	143,527	31	336	800	10
1981	41,798	85	742	329	152,153	16	385	495	7
1982	44,745	52	580	370	161,390	12	332	350	4
1983	49,669	151	916	649	163,386	48	514	700	6
1984	39,321	98	706	833	163,950	23	449	825	9
1985	37,385	103	666	598	52,768	9	226	307	18
1986	42,842	299	698	452	47,648	14	135	181	27
1987	36,835	121	874	458	61,596	38	428	225	14
1988	32,724	30	506	315	52,738	19	422	182	4
1989	34,318	34	561	360	54,892	14	1,456 ^w	215	12
1990	34,336	46	893	404	61,536	29	48	63	9
1991	34,567	37	1,059	685	57,327	15	82	106	17
1992	37,085	57	1,337	611	58,873	4	26	88	24
1993	41,545	343	6,030	1,844	66,811	53	1,187	683	26
1994	25,393	136	4,480	3,917	37,079	191	1,128	969	44
1995	7,777	49	1,046	1,180	19,541	65	1,077	1,254	35
1996	8,461	58	1,061	629	34,304	99	2,700	980	22
1997	7,039	24	692	366	30,660	144	2,185	801	11
1998	7,090	19	621	352	26,042	65	689	509	19
1999	8,581	23	48	298	31,978	63	698	539	20

Source: FELC Monthly Operations Reports.

^w High number is due to transfer of the backlog of firearms files of three regional offices to the Firearms and Explosives Licensing Center (FELC) in 1989. Also, 1989 was the renewal year for three-year ammunition-only licenses issued in 1986, prior to a change in the law eliminating licenses to deal in ammunition only. These licensees were advised to withdraw their renewal applications.

Table D.1—Distribution of Traces Among Active Dealers, 1998

	Number of traces to a dealer	Dealers		Traces	
		Percent	Number	Percent	Number
All Retail Dealers (Retail Gun Dealers and Pawnbrokers)					
	0 or more	100.0%	83,272	...	...
	1 or more	14.3%	11,947	100.0%	55,990
	2 or more	7.2%	6,056	89.5%	50,099
	5 or more	2.7%	2,253	71.7%	40,139
	10 or more	1.2%	1,020	57.4%	32,147
	25 or more	0.4%	332	39.6%	22,168
	50 or more	0.2%	132	27.2%	15,220
Retail Gun Dealers					
	0 or more	100.0%	73,016	...	...
	1 or more	11.8%	8,651	100.0%	40,809
	2 or more	5.6%	4,114	88.2%	36,272
	5 or more	2.8%	1,517	72.5%	29,599
	10 or more	1.0%	713	59.7%	24,360
	25 or more	0.3%	252	43.2%	17,630
	50 or more	0.1%	99	30.4%	12,399
Pawnbrokers					
	0 or more	100.0%	10,256	...	...
	1 or more	32.1%	3,296	100.0%	15,181
	2 or more	18.9%	1,942	91.1%	13,827
	5 or more	7.2%	736	69.4%	10,540
	10 or more	3.0%	307	51.3%	7,787
	25 or more	0.8%	85	29.9%	4,638
	50 or more	0.3%	33	18.6%	2,821

Sources: Data, Bureau of Alcohol, Tobacco and Firearms; Tables prepared by Glenn L. Pierce, Northeastern University, College of Criminal Justice, Center for Criminal Justice Policy Research.

Table D.2—Distribution Traces for Guns with Time-To-Crime of Three Years or Less

	Number of traces to a dealer	Dealers		Traces	
		Percent	Number	Percent	Number
All Retail Dealers (Retail Gun Dealers and Pawnbrokers)	Total	100.0%	82,502	100.0%	54,836
	0	86.5%	71,325	...	...
	0-24	6.2%	5,152	24.6%	13,470
	25-49	1.2%	1,031	25.9%	14,202
	50-74	1.9%	1,552	26.6%	14,615
	75 or more	4.2%	3,442	22.9%	12,549
Retail Gun Dealers	Total	100.0%	72,358	100.0%	39,793
	0	89.0%	64,365	...	...
	0-24	5.3%	3,802	24.8%	9,872
	25-49	1.0%	688	26.9%	10,698
	50-74	1.5%	1,054	26.7%	10,623
	75 or more	3.4%	2,449	21.6%	8,600
Pawnbrokers	Total	100.0%	10,144	100.0%	15,043
	0	68.6%	6,960	...	...
	0-24	13.3%	1,350	23.9%	3,598
	25-49	3.4%	343	23.3%	3,504
	50-74	4.9%	498	26.5%	3,992
	75 or more	9.8%	993	26.3%	3,949

Sources: Data, Bureau of Alcohol, Tobacco and Firearms; Tables prepared by Glenn L. Pierce, Northeastern University, College of Criminal Justice, Center for Criminal Justice Policy Research.

Table D.3.—Traces and Average Time-To-Crime, 1998^{a/}

More than half of all traces were of guns recovered by law enforcement —	Retail dealers with:				Traces to retail dealers with:			
	1-9 traces	10-24 traces	25-49 traces	50+ traces	1-9 traces	10-24 traces	25-49 traces	50+ traces
Percent^{b/}								
3 years or less after first retail purchase								
All retail dealers (retail gun dealers and pawnbrokers)	5.4 %	0.4 %	0.1 %	0.1 %	18.8 %	8.5 %	6.3 %	15.9 %
Retail gun dealers	4.4	0.3	0.1	0.1	17.6	8.0	5.7	17.0
Pawnbrokers	13.2	1.0	0.3	0.2	22.1	9.9	7.7	13.2
More than 3 years after first retail purchase								
All retail dealers (retail gun dealers and pawnbrokers)	6.9 %	0.4 %	0.1 %	0.1 %	22.9 %	9.1 %	6.6 %	11.8 %
Retail gun dealers	5.7	0.3	0.1	0.1	21.6	8.6	7.3	14.2
Pawnbrokers	15.2	1.2	0.2	0.1	26.3	11.6	3.7	5.6
Number								
3 years or less after first retail purchase (retail gun dealers and pawnbrokers)								
All retail dealers	4,503	319	102	70	10,324	4,681	3,429	8,730
Retail gun dealers	3,170	218	68	47	7,009	3,195	2,273	6,746
Pawnbrokers	1,333	101	34	23	3,315	1,486	1,156	1,984
More than 3 years after first retail purchase								
All retail dealers (retail gun dealers and pawnbrokers)	5,666	354	101	62	12,559	5,161	3,462	6,490
Retail gun dealers	4,121	234	83	52	8,606	3,410	2,901	5,653
Pawnbrokers	1,545	120	18	10	3,953	1,751	561	837

Sources: Data, Bureau of Alcohol, Tobacco and Firearms; Tables prepared by Glenn L. Pierce, Northeastern University, College of Criminal Justice, Center for Criminal Justice Policy Research.

^{a/} Gun traces without initial purchase data are excluded from these calculations.

^{b/} Percentages are based on the total for each category. For dealers, denominators are 83,502 for all; 72,358 for retail dealers; and 10,144 for pawnbrokers. For traces, the denominators are 54,836 for all; 39,793 for retail dealers; and 15,043 for pawnbrokers.

Appendix B

CATEGORIES OF FEDERAL FIREARMS LICENSEES

Under the Gun Control Act of 1968, there are currently nine different categories of federal firearms licenses, each affording the holder certain privileges and imposing certain responsibilities.

The **Type 01-Dealer license** is the most common type of federal firearms license. It applies to individuals who purchase firearms for resale to law enforcement agencies, the general public or other licensees. Dealers are required to be "engaged in the business" of buying and selling firearms with the principal objective of livelihood or profit. A Type 01 license will not be issued merely to enhance a personal gun collection. However, some Type 01 dealers operate as gunsmiths, receiving and repairing firearms for others. Dealers are required to maintain certain receipt and sale records (chiefly, a written acquisition/disposition logbook and firearms transaction records), which are subject to a regulatory compliance inspection by ATF every 12 months. Dealers may receive firearms through the mail and may sell a shotgun or rifle to residents of states other than the state they are licensed in, if the sale is legal in both states. The dealer's license is specific to a location and the dealer must maintain regular business hours at that location.

The **Type 02 Pawnbroker license** gives pawnbrokers all the rights and responsibilities of a Type 01 dealer, and in addition, authorizes pawnbrokers to receive firearms "in pawn" as collateral for loans.

The **Type 03 Collector license** allows the holder to receive and sell (across state lines) only firearms classified as "curios and relics" under the Gun Control Act. Collector licensees have no special privileges with regard to firearms that are not curios or relics. Curios and relics are defined as items of special interest to collectors by reason of some quality other than a quality associated with sporting or defensive weapons. To be considered a curio or relic, a firearm must 1) have been manufactured at least fifty years ago, 2) be certified by the curator of a municipal, state or federal museum that exhibits firearms to be curio or relics of museum interest, or 3) derive a substantial amount of their monetary value from the fact that they are novel, rare, bizarre or associated with some historical event, period or figure. ATF may inspect the inventory and records of a li-

censed collector in a warrantless inspection once during a 12-month period to ensure compliance with GCA record keeping requirements. However, at the collector's option, the compliance inspection may be conducted at an ATF office. Collectors do not have to complete Form 4473 before transferring a curio or relic firearm, but must maintain a logbook that includes purchaser information.

Type 04 and 05 licenses are reserved.

The **Type 06 Ammunition Manufacturer license** applies to manufacturers of ammunition for resale. Ammunition manufacturers are required to maintain only normal commercial records and pay an excise tax on their ammunition directly to ATF. Ammunition manufacturers typically sell to licensed dealers, but may sell directly to the public.

The **Type 07 Firearms Manufacturer license** applies to manufacturers who make firearms for resale. Firearms manufacturers maintain the same general type of logbook kept by dealers and also pay an excise tax on the weapons they manufacture (10% or 11% of the sale price) directly to ATF. Manufacturers of firearms typically sell to licensed dealers, but may sell directly to the public if they prepare and retain firearms transaction records.

The **Type 08 Importer license** applies to importers of firearms or ammunition. Importers must maintain the same general type of logbook kept by dealers and also pay an excise tax directly to ATF on the firearms or ammunition they import. Importers of firearms typically sell to licensed dealers, but may sell directly to the public if they prepare and maintain firearms transaction records. Ammunition importers may sell directly to the public and need not maintain transaction records.

Type 09, 10 and 11 licenses authorize the **manufacture, importing, and dealing in destructive devices**. These licenses are narrow in scope and comprise a very small percentage of federal firearms licenses.

OMB No. 1512-0509 (04/30/98)

DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS FEDERAL FIREARMS AND AMMUNITION EXCISE TAX DEPOSIT		FOR ATF USE ONLY	
1. CALENDAR QUARTER (Check one)		2. CALENDAR YEAR	
<input type="checkbox"/> JANUARY - MARCH		<input type="checkbox"/> APRIL - JUNE	
<input type="checkbox"/> JULY - SEPTEMBER		<input type="checkbox"/> OCTOBER - DECEMBER	
4. AMOUNT OF DEPOSIT \$		5. DEPOSIT IS MADE BY (Check one)	
		<input type="checkbox"/> CHECK OR MONEY ORDER	
		<input type="checkbox"/> EFT (Electronic fund transfer)	
		<input type="checkbox"/> OTHER (Specify)	
6. NAME, TRADE NAME AND ADDRESS OF TAXPAYER (Include number, street, city, State and ZIP Code)		7. DAYTIME TELEPHONE NUMBER (Include area code) OF NEW TAXPAYER OR IF YOUR NUMBER CHANGED.	
<input type="checkbox"/> CHECK THIS BOX IF THERE IS ANY CHANGE IN THIS INFORMATION			

INSTRUCTIONS

- GENERAL.** Use this form to deposit firearms and ammunition excise tax (26 U.S.C. 4181). Your excise tax liability for firearms and ammunition is reportable on ATF Form 5300.26, Federal Firearms and Ammunition Excise Tax Return.
- WHO MUST DEPOSIT.** If you will be filing a one-time or occasional return (ATF Form 5300.26) because you are not engaged in any trade or business covered by the return, deposits are not required. If ATF has informed you, in writing, to file semi-monthly returns, do not make deposits. Otherwise, make deposits if you will have a tax liability of more than \$2,000 for a calendar quarter (January to March, April to June, July to September, and October to December).
- HOW TO DETERMINE TAX LIABILITY.** Complete ATF Form 5300.26 to determine the amount of tax liability. The tax period on which you base your calculations will depend on how often and what rule you follow to deposit tax as explained in instruction 4. You may include any overpayment which you designate on ATF Form 5300.26 to be applied against your next tax return. Also, you may include the excess amount of any prior deposit for the same calendar quarter.
- HOW OFTEN AND HOW MUCH TO DEPOSIT.**
 - General Rule.** Make your first deposit beginning with the period in which your tax liability exceeds \$2,000 for the calendar quarter. The periods for the calendar quarter are semi-monthly (first 15 days and the 16th through the last day of a calendar month) except the period of September 16 through 30. For September 16-30, there are two deposit periods, September 16-25 and September 26 through 30.

The amount of your deposit for the first deposit of the calendar quarter must be at least equal to the unpaid tax liability. Subsequent deposits must be at least equal to the amount of the tax liability incurred for the period.

If you expect your tax liability will exceed \$2,000 during the calendar quarter, you may be able to use the look-back quarter or first-time filer rules.
 - Look-back quarter rule.** The look-back quarter is the second preceding calendar quarter. For example, the look-back quarter for July through September 1995 is January through March 1995. Except for September 16-30, make a deposit for each semi-monthly period in an amount which is at least 1/6 of the tax liability for the look-back quarter. For each of the periods of September 16-25 and September 26-30, make a deposit in an amount which is at least 1/12 of the tax liability for the look-back quarter. You may still use this rule even if you did not file a return for the look-back quarter; however, you must have incurred tax and filed a return (ATF Form 5300.26) for your business or trade in a preceding the look-back quarter.

If any deposit during a calendar quarter is made late, or if tax due for the return for the calendar quarter, you cannot use this rule. Also, ATF may withdraw your right to make look-back quarter deposits for failure to comply with deposit requirements.
 - First-time filer.** A first-time filer has never filed a return (ATF Form 5300.26) or has only filed a one-time or occasional return. A first-time filer also has not been engaged in business or trade covered by the return. If you are a first-time filer, make a deposit in an amount not less than 95 percent of your tax liability for each semi-monthly period. The periods are semi-monthly except for the period of September 16-30 which is split into two periods, September 16-25 and September 26-30.

You cannot use this rule if any semi-monthly deposit is made late or if you pay tax late due on the return for the calendar quarter.
- WHEN DEPOSITS ARE DUE.** If a due date falls on a Saturday, Sunday or legal holiday, the date becomes the next succeeding day which is not a Saturday, Sunday or legal holiday. This rule does not apply to the tax deposit for the period September 16-25.
 - Semi-monthly.** Deposit by the 9th day following the end of the semi-monthly period except September 16-30. For example, the deposit for the first semi-monthly period of March (1-15) must be made by March 24. The deposit for the second semi-monthly period of March (16-31) must be made by April 9.
 - September 16 through 25.** Deposit by the September 28 of the same month. If September 28 is a Saturday, the deposit is due Friday, September 27. If September 28 is a Sunday, the deposit is due Monday, September 29.
 - September 26 through 30.** Deposit by the following October 9.
- LATE DEPOSIT, UNDERPAYMENT, AND PENALTY.** Except in the case of deposits of \$20,000 or more, a deposit which is properly addressed and mailed will be considered timely if the U.S. Postal Service postmark is at least 2 or more days before the due date for the

ATF Form 5300.27 (3-97) PREVIOUS EDITIONS ARE OBSOLETE

OMB. No. 1512-0507 (03/31/2002)

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FEDERAL FIREARMS AND AMMUNITION
EXCISE TAX RETURN**

(Prepare in Duplicate - See Attached Instructions)

FOR ATF USE ONLY

TAX	\$
PENALTY	\$
INTEREST	\$
TOTAL	\$
EXAMINED BY:	DATE:
OTHER	

PART I - GENERAL

1. NAME, TRADE OR BUSINESS NAME, AND ADDRESS (mailing and location) OF TAXPAYER (number, street, city, State and ZIP Code)
2. TELEPHONE NUMBER (if new taxpayer, or if your phone number changed)
3. EMPLOYER IDENTIFICATION NUMBER, OR IF FILING ONE-TIME OR OCCASIONAL RETURN, SOCIAL SECURITY NUMBER
4. IF FINAL, ONE-TIME OR OCCASIONAL RETURN (see instruction 9), CHECK THIS BOX
5. PAYMENT, IF ANY, FOR THIS RETURN MADE BY:
 CHECK OR MONEY ORDER EFT OTHER (Specify) _____
- CHECK IF ABOVE INFORMATION HAS CHANGED SINCE FILING LAST RETURN.

PART II - COMPUTATION OF TAX ON SALES OR USES DURING TAX PERIOD

6. TAX PERIOD (see instruction 3) STARTS ON _____ / _____ / _____ AND ENDS ON _____ / _____ / _____
 (month, day, year) (month, day, year)

TOTALS DURING TAX PERIOD	PISTOLS AND REVOLVERS	OTHER FIREARMS	SHELLS AND CARTRIDGES
7. ALL ARTICLES SOLD by sale price	\$	\$	\$
8. ARTICLES SOLD TAX-FREE OR TAX EXEMPT by sale price			
9. TAXABLE SALES (line 7 minus line 8)			
10. NET ADJUSTMENTS TO SALE PRICE OF TAXABLE SALES MADE DURING PERIOD (show decrease in parentheses)			
11. ADJUSTED TAXABLE SALES (line 9 plus or minus line 10)			
12. TAXABLE USE OF ARTICLES by taxable sale price			
13. TAXABLE AMOUNT OF SALES AND USES (line 11 plus line 12)			
14. TAX RATE	10%	11%	11%
15. AMOUNT OF TAX (multiply line 13 by line 14)	\$	\$	\$

PART III - COMPUTATION OF TAX LIABILITY FOR TAX PERIOD

16. TOTAL OF AMOUNTS FROM LINE 15	\$
17. ADJUSTMENTS INCREASING AMOUNT DUE (line 33, Schedule B)	\$
18. GROSS TAX DUE (line 16 plus line 17)	\$
19. ADJUSTMENTS DECREASING AMOUNT DUE (line 39, Schedule C) (Cannot be more than the amount on line 18.)	\$
20. NET TAX LIABILITY (Line 18 minus line 19. Should agree with line 27, Schedule A. Cannot be less than zero.)	\$
21. TOTAL DEPOSITS FOR TAX PERIOD	\$
▶ COMPARE LINE 20 TO LINE 21 AND COMPLETE LINE 22 OR 23 AS APPLICABLE ◀	
22. BALANCE OF TAX DUE (amount that line 20 exceeds line 21)	\$
23. CHECK WHAT YOU WANT DONE WITH THE AMOUNT THAT LINE 21 EXCEEDS LINE 20. <input type="checkbox"/> REFUND TO ME OR <input type="checkbox"/> APPLY TO MY NEXT TAX RETURN (show in Schedule C of next tax return)	\$

ATF F 5300.26 (3-99) PREVIOUS EDITION MAY BE USED

SCHEDULE A - STATEMENT OF NET TAX LIABILITY DURING TAX PERIOD			
DEPOSIT PERIOD (a)	NET TAX LIABILITY (b)	DEPOSIT PERIOD (a)	NET TAX LIABILITY (b)
24. FIRST MONTH Day 1 through 15 Day 16 through last day	\$ _____ \$ _____	26. THIRD MONTH Day 1 through 15 Day 16 through last day*	\$ _____ \$ _____
25. SECOND MONTH Day 1 through 15 Day 16 through last day	\$ _____ \$ _____	27. TOTAL OF COLUMN (b)	\$ _____ \$ _____

*For the period of September 16-30, show a separate amount for September 16-25 and September 26-30.

SCHEDULE B - EXPLANATION OF INCREASING ADJUSTMENTS			
EXPLANATION OF INDIVIDUAL ERRORS OR TRANSACTIONS (a)	AMOUNT OF ADJUSTMENTS		
	(b) TAX	(c) INTEREST	(d) PENALTY
28.	\$ _____	\$ _____	\$ _____
29.			
30.			
31.			
32. TOTALS OF COLUMNS (b), (c) and (d)	\$ _____	\$ _____	\$ _____
33. TOTAL ADJUSTMENTS INCREASING AMOUNT DUE (line 32, col. (b) plus cols. (c) and (d)):			\$ _____

SCHEDULE C - EXPLANATION OF DECREASING ADJUSTMENTS		
EXPLANATION OF INDIVIDUAL ERRORS OR TRANSACTIONS (a)	AMOUNT OF ADJUSTMENTS	
	(b) TAX	(c) INTEREST
34.	\$ _____	\$ _____
35.		
36.		
37.		
38. TOTALS OF COLUMNS (b), (c) and (d)	\$ _____	\$ _____
39. TOTAL ADJUSTMENTS DECREASING AMOUNT DUE (line 38, col. (b) plus cols. (c)):		\$ _____

CERTIFICATION

The tax in schedule C for overpayments other than under 26 U.S.C. Sections 6416(b)(1), (2), (3) and (5), shown on this tax return: (1) has not been included in the price of the article with respect to which it was imposed nor collected from a vendee and for which I have identified the nature of evidence available to establish this fact; or (2) has been repaid to the ultimate purchaser of the article by me.

The tax in schedule C for overpayments under 26 U.S.C. Section 6416(b)(1) for certain price readjustments, section 6416(b)(2) for certain uses, sales or resales of a taxable article or section 6416(b)(3) on tax-paid articles used for further manufacture: (1) has not been included in the price of the article with respect to which it was imposed nor collected from a vendee and for which I have identified the nature of evidence available to establish this fact; or authorized official, the written consent of the ultimate vendor to the allowance of the credit.

The tax in schedule C for overpayments under 26 U.S.C. Section 6416(b)(5) for return of installment accounts has been repaid or credited to the purchaser upon return of the account to me pursuant to the original sales agreement of the account.

Under penalties of perjury I declare that I have examined this return (including any accompanying explanations, statements, schedules and forms) and to the best of my knowledge and belief it is true, correct, and includes all transactions and tax liabilities required by law or regulations to be reported.

40. DATE	41. SIGNATURE	41. TITLE

ATF F 5300.26 (3-99)

GENERAL INSTRUCTIONS

1. **GENERAL.** Liability for the manufacturers excise tax under 26 U.S.C. 4181 (pistols, revolvers other firearms, and shells and cartridges) is reported using this form. Tax is imposed on the sale or use of firearms or ammunition by the manufacturer or importer.
2. **HOW TO PREPARE.** Follow all the instructions and complete this form in duplicate. Complete each part and schedule of this return. If not applicable, write 101 or In none. Be sure to sign your return. Keep a copy for your records for at least 3 years. Use blank sheets if additional space is needed. Mark each sheet with your name, employer identification or social security number, the tax return period and the item number.
3. **HOW OFTEN AND WHEN TO FILE.** If a filing date of a return falls on a Saturday, Sunday or legal holiday, the filing date becomes the next succeeding day which is not a Saturday, Sunday or legal holiday. Also, a taxpayer may apply to extend the filing date on ATF F 5600.38 because of temporary conditions beyond the taxpayer's control.
 - a. **Quarterly.** You are generally required to file a return for a calendar quarter in which a tax liability is incurred. Calendar quarters are 3-month periods ending March 31, June 30, September 30, and December 31. However, you are not required to file a return for a calendar quarter in which no tax liability has been incurred.

A calendar quarter return is due no later than 1 month after the end of that quarter (April 30, July 31, October 31, and January 31). When you have made sufficient and timely deposits of tax (see instruction 6) for the return, an additional 10 days may be taken to file the return.
 - b. **Annually.** If you filed a return for this tax before but have not tax liability for an entire calendar year and have not filed a final return (see instruction 9), then your annual return is due not later than January 31st of the following year.
 - c. **Monthly or Semimonthly.** File monthly or semimonthly returns when ATF notifies you to do so in writing. A monthly return is due 15 days following the month, a semimonthly period.
4. **WHERE AND HOW TO FILE.** Send this return to the address listed below that is appropriate for your principal place of business or of residence. Include your payment of the amount owed on line 22. Please make checks or money orders payable to the Bureau of Alcohol, Tobacco and Firearms and write your employer identification or social security number on all checks or money orders.

State of Your Principal Place of Business OR Residence:	Send To: Bureau of ATF Excise Tax
All states and DC	P.O. Box 360804 Pittsburgh, PA 15251-6804
PR or VI	Federal Building, Room 659 Carlos Chardon Street Hato Rey, PR 00918

5. **TIMELY FILING.** - A tax return and any accompanying payment will be considered timely filed if it is mailed by the due date. The official postmark of the U.S. Postal Service on the envelope or on the sender's receipt of certified mail is evidence of the date of mailing. Otherwise, the taxpayer has the burden of proving the date of filing.
6. **DEPOSITS OF TAX.** if you will be filing a one-time or occasional return because you are engaged in any trade or business covered by this return, deposits are not required. If ATF has informed you, in writing, to file semimonthly returns, do not make deposits. Otherwise, make deposits if you will have a tax liability of more than \$2,000 for a calendar quarter. ATF F 5300.27 must accompany the tax deposit and refer to this form for additional instructions on how to make deposits.

7. **OVERPAYMENTS AND UNDERPAYMENTS.** Do not file amended returns for overpayments and underpayments or for any other reason. Tax overpayments may be claimed as credits in Schedule C or by filing a claim for refund on ATF F 2635 (5620.8). Tax overdeposited for a quarterly return can be refunded on that quarter's return on line 23. ATF Announcement 94-9 contains additional information about credits and refunds. Underpayments can be paid through an entry in Schedule B or according to the instructions of the appropriate ATF office listed in instruction 10.

The law provides for the payment of interest on underpayments and on some overpayments of tax. Compute interest, if applicable, at the rate prescribed by 26 U.S.C. 6621.

8. **RECORDS.** Every taxpayer must keep records to support all entries made on this return. Generally, records must be kept at least 3 years from the date the tax return is filed.
9. **FINAL RETURN.** If you permanently cease operations related to the return, check the box in line 4 and attach a statement of: (a) who (name) will keep the records; (b) the location (address) of the records; (c) whether the business was transferred to another person; and (d) to whom (name and address) the business was transferred. Also, if you making a one-time or occasional importation and are not engaged in any business related to the return, check the box in line 4.
10. **ADDITIONAL INFORMATION.** If you have questions about this tax return or need assistance, please contact the appropriate ATF office listed below.

State of Your Principal Place of Business OR Residence:	Office to contact: BATF
All states and DC	National Revenue Center 550 Main Street Cincinnati, OH 45202-3263 513-684-3817 or 800-398-2282
PR or VI	Chief, Puerto Rico Operations Federal Building, Room 659 Carlos Chardon Street Hato Rey, PR 00918 809-766-5584

SPECIFIC INSTRUCTIONS

- LINE 5.** Payment of tax by EFT (electronic funds transfer) requires that you notify ATF. Refer to ATF P 5000.11.
- PART II.** Entries on the lines in Part II are limited to the sales and uses occurring during the tax period specified in line 6. You can use Schedule C to show tax decreases for sales or uses reported as taxable in this or previous tax returns that are held for certain tax-free purposes or determined later to qualify as tax-free. Use Schedule B for tax on sales or uses that occurred in a previous tax period but were NOT included in the return for that period.
- LINE 7.** Enter the dollar amount of your total sales of taxable articles, including tax-exempt or tax-free sales during the tax period stated in line 6. Do not include articles of which you are not considered to be the manufacturer or importer for purposes of this excise tax. Except for leases and certain installments sales, you must include all sales even if your customers have not paid.
- For most sales and taxpayers, the sale prices are stated on the invoices to their customers. This line should also include the dollar value of things other than money to be given in consideration for the article, such as services, personal property, and articles traded in.

Commerce in Firearms in the United States • Department of the Treasury, Bureau of Alcohol, Tobacco & Firearms

Do not include the sale price of a non-taxable article unless it was sold as a unit with the taxable article. When a taxable article is sold as a unit with a non-taxable article (for example, a pistol and holster) or with extra parts or accessories, then enter the sale price of the unit. If a taxable sale, adjust the unit's sale price on line 10 to exclude the non-taxable article, part or accessory.

LINE 8. Enter the sale prices of all articles included in line 7 that you sold tax-free or tax-exempt. Do not include the sale of articles sold taxpaid to customers who later resell or use the articles for a tax-free purpose; however, you may take a credit in Schedule C or file a claim for refund.

You and your customer may need a Certificate of Tax-Free Registry (ATF F 5300.26). Refer to ATF Industry Circular 93-5 about selling articles tax-exempt or tax-free. Failure to follow requirements or to have a Certificate may result in additional taxes, penalties and interest.

LINE 10. Enter on line 10 the net amount of adjustments to the sale prices of taxable sales of line 9 during the tax return period.

Decreasing adjustments are allowed for certain items if included in the sales price to your customer. 27 CFR 53.61(b), and 53.91-93 describe these exclusions from the sale price. These exclusions include the following items when included in the sales price of the article and not as a separate charge: this excise tax, certain expenses related to the transportation and delivery of articles to customers, carrying finance or service charges for credit sales, extra and identical parts, accessories, and non-taxable articles sold in combination with a taxable article. Also, price readjustments in the same tax period in which the sale occurs may also be taken in this line, as an adjustment to the tax in Schedule C, or used in determining the sales price (line 7).

Do not use line 10 to subtract the sales price, including excise tax, you paid to another manufacturer or importer. If you further manufacture articles on which excise tax was paid by another person, then a credit can be taken in Schedule C or a claim for refund may be filed.

Increasing adjustments. You may have to increase the sale price of an article from the amount shown on your invoice. Include any charge which is required to be paid as a condition of your sale of a taxable article and is not specifically excluded. Such charges may include warranty, tool and die, packing or special handling charges and taxes other than this excise tax. Refer to 267 CFR 53.91 for further information.

Constructive Sale Price. A decreasing or increasing adjustment to a sale price may be necessary because of the type of sale. Articles sold at retail, on consignment, or in sales not at arm's length (for example, between affiliated companies) and at less than fair market value require constructive sale prices. Usually, the constructive sale price differs from the sales price at which you sold the article; therefore, an adjustment is necessary. Refer to 27 CFR 53.94-97.

LINE 12. Tax is imposed on your business use of taxable articles that you manufactured or imported. If you regularly sell the articles, compute the tax based on the lowest established wholesale price. Enter the sum of the prices for the articles used. Use, among other acts, includes loans of articles for display, demonstration or familiarization, or for further manufacture of an article not subject to any Federal manufacturers excise tax (26 U.S.C. Chapter 32). Refer to 27 CFR 53.111-115 and ATF Announcement 93-23.

LINE 19. The amount shown on line 19 cannot exceed the amount on line 18. Any excess should be carried over as a credit to your next tax return in Schedule C or claimed as a refund.

LINE 21. Enter the total amount of deposits made on ATF F 5300.27 for the tax return period.

LINE 22. Make checks or money orders payable to the Bureau of Alcohol, Tobacco and Firearms and write your employer identification or social security number on the check or money order.

SCHEDULE A. If you are required to deposit taxes (see general instruction B), complete this schedule. Start entering your tax liability beginning with the period in which your unpaid tax liability exceeds \$2,000. For the remaining period(s) during the quarter, enter the tax liability based on what line 20 of this return would show if the return was completed just for that period. Adjustments (Schedules B and C) may not be made earlier than the period in which they arose.

SCHEDULES B AND C. Use these schedules to show underpayment of tax due on past returns or to claim credit for overpayments of tax paid or for authorized reductions of tax. The amount of credit claimed in Schedule C cannot exceed the amount on line 18. Carry over any excess credit to the next tax return or file ATF F 2635 for a refund.

Fully explain all entries in Schedules B and C. Any claim for credit must be explained sufficiently to determine the legitimacy and circumstances of the credit and must be supported by the evidence prescribed in 27 CFR Part 53 and 27 CFR 70.123.

LINE 41-42. If the taxpayer is an individual, the individual must sign. If the taxpayer is a corporation, the president, vice-president or other principal officer must sign. If the taxpayer is a partnership or other unincorporated organization, a responsible and authorized member officer having knowledge of its affairs, must sign. If the taxpayer is a trust or estate, the fiduciary must sign. An agent of the taxpayer may sign if an acceptable power of attorney is filed with the appropriate ATF office.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is mandatory pursuant to 26 U.S.C. 6302. The purpose of this information collection is to correctly identify the taxpayer and to correctly credit the taxpayer's liability.

The estimated average burden associated with this collection of information is 7 hours per respondent. Comments concerning the accuracy of this burden should be directed to the Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
ANNUAL FIREARMS MANUFACTURING AND EXPORTATION REPORT
UNDER 18 U.S.C. CHAPTER 44, FIREARMS

(See Instructions on Reverse)

1. NAME OF LICENSEE	2. TRADE NAME <i>(if any)</i>
3. FEDERAL FIREARMS LICENSE NUMBER	4. EMPLOYER IDENTIFICATION NUMBER (EIN)
5. ADDRESS <i>(Number, street, city, state, ZIP Code)</i>	6. MAIL ADDRESS <i>(if different than Item 5)</i>

7. REPORTING PERIOD OF THIS REPORT

a. ANNUAL FOR CALENDAR YEAR ENDING DECEMBER 31, 19 ____

OR, IF BUSINESS HAS BEEN DISCONTINUED

b. FINAL REPORT FOR THE PERIOD JANUARY 1, 19 ____ THROUGH ____
(Date of discontinuance)

8. NUMBER OF FIREARMS PRODUCED, BY TYPES, FOR THE PERIOD COVERED BY THIS REPORT
(See Instructions on reverse) (If no manufacture was accomplished, enter 101)

TYPE OF FIREARM PRODUCED	NUMBER OF FIREARMS PRODUCED BY CALIBERS <i>(pistols and revolvers only)</i>						TOTAL PRODUCTION
	TO .22	TO .25	TO .32	TO .380	TO 9MM PARA.	TO .50	
a. PISTOL							
	TO .22	TO .32	TO .38 SPEC.	TO .357 MAG.	TO .44 MAG.	TO .50	
b. REVOLVERS							
c. RIFLES	[REDACTED]						
d. SHOTGUNS AND COMBINATION GUNS							
e. MACHINE GUNS							
f. ANY OTHER WEAPON (NFA)							
g. MISCELLANEOUS FIREARMS <i>(Identify type)</i>							

9. NUMBER OF FIREARMS, BY TYPES, FOR THE PERIOD COVERED BY THIS REPORT WHICH WERE EXPORTED
(If no exportation was accomplished, enter 101)

TYPES OF FIREARMS EXPORTED	QUANTITY	TYPES OF FIREARMS EXPORTED	QUANTITY
a. PISTOL		e. MACHINE GUNS	
b. REVOLVERS		f. ANY OTHER WEAPON (NFA)	
c. RIFLES		g. MISCELLANEOUS FIREARMS <i>(Identify type)</i>	
d. SHOTGUNS AND COMBINATION GUNS		h. [RESERVED]	

Under penalties of perjury, I declare that I have examined this report and, to the best of my knowledge and belief, it is true, correct and complete.

10. NAME	11. TITLE	
12. SIGNATURE	13. TELEPHONE NUMBER	14. DATE

ATF F 5300.11 (6-97) PREVIOUS EDITIONS ARE OBSOLETE

Instructions for the Preparation of ATF F 5300.11

1. REPORTING:

(a) **THOSE FEDERAL FIREARMS LICENSEES** who hold either a Type 07 (manufacture of firearms), or a Type 10 (manufacture of destructive devices) must file in compliance with 27 CFR § 178.126.

(b) **EVEN IF THERE HAS BEEN NO PRODUCTION, A REPORT MUST BE FILED.**

(c) **MANUFACTURERS HAVE UNTIL APRIL 1ST** to submit an annual report covering the preceding year's business activity. Prepare the report in duplicate, and retain a copy for your file.

(d) **A FINAL REPORT MUST BE FILED** if the manufacturing license is discontinued during the year. Please submit a report no later than 30 days following the end of your business activity. Include the date in Item 7B of the form.

(e) **MAIL THE ORIGINAL COPY TO**

Bureau of Alcohol, Tobacco and Firearms
650 Massachusetts Ave., N.W., Room 5100
Washington, DC 20226

OR THIS REPORT MAY BE FAXED TO ATF AT:
(202) 927-8601.

2. TERMS USED IN THIS REPORT HAVE THE FOLLOWING MEANINGS:

(a) **PRODUCTION** - Firearms manufactured during the Calendar Year, to include separate frames or receivers, actions or barreled actions, disposed of in commerce. A manufacturer who uses these items, produced by another licensed manufacturer, in the assembly and production of complete firearms, will include the manufacture of these firearms in this report. Separate frames or receivers, actions or barreled actions, are to be included in this report when they are exported or disposed of in commerce to a person other than a licensed manufacturer. PLEASE SEE EXCEPTIONS NOTED IN INSTRUCTION NUMBER 3.

(b) **PISTOL** - A firearm designed and intended to be fired by one hand, the cartridges for which must be inserted directly into the chamber which must be inserted directly into the chamber which is an integral part of the barrel.

(c) **REVOLVER** - A firearm designed and intended to be fired by one hand, the cartridges for which must be inserted in individual chambers successively in alignment with the barrel and firing pin.

(d) **RIFLE** - A firearm designed and intended to be fired from the shoulder and using a fixed metallic cartridge to fire a single projectile through a rifled bore.

(e) **SHOTGUN** - A firearm designed and intended to be fired from the shoulder and using a fixed shotgun shell to fire through a smooth bore.

(f) **COMBINATION GUN** - A firearm designed and intended to be fired from the shoulder, having two dissimilar barrels, or more than two barrels which are rifled, smooth bore, or a combination thereof.

(g) **MACHINEGUN** - Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading by a single function of the trigger, the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(h) **ANY OTHER WEAPON** - Any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

(i) **MISCELLANEOUS FIREARMS** - Any firearms not defined above such as pen guns, starter guns, silencers, etc. You must identify or briefly describe the firearm. Attach a separate sheet if necessary.

3. **SHOULD ALL OF YOUR PRODUCTION FALL WITHIN THE FOLLOWING CATEGORIES, YOUR REPORT WOULD REFLECT 100 (ZERO):**

(a) Firearms produced solely for the official use of the Armed Forces of the United States;

(b) Firearms disposed of to another licensed firearms manufacturer for the purposes of final finishing and assembly;

(c) Destructive devices as defined under 18 U.S.C. § 921(a)(4) and 26 U.S.C. § 5845(f);

(d) Antique firearms as defined under 18 U.S.C. § 921(a)(16);

(e) Firearms incorporating frames or receivers of foreign manufacture; or

(f) Firearms remanufactured or customized and previously in the possession of nonlicensees.

4. **EXECUTION.** Every report must be executed (signed) by a person authorized to sign and be responsible for the completeness and accuracy of the information furnished.

PAPERWORK REDUCTION ACT NOTICE

This form is in accordance with the Paperwork Reduction Act of 1995. The information you provide is used to compile statistics on the manufacture and exportation of firearms. The furnishing of this information is mandatory (18 U.S.C. § 921(g)).

The estimated average burden associated with this collection of information is 45 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

OMB NO. 1512-0129

DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS FIREARMS TRANSACTION RECORD PART I - OVER-THE-COUNTER	TRANSFEROR'S TRANSACTION SERIAL NUMBER
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NOTE: Prepare in original only. All entries on this form must be in ink. See Important Notices, Definitions and Instructions

SECTION A - MUST BE COMPLETED PERSONALLY BY TRANSFEREE (BUYER)

1. TRANSFEREE'S (Buyer's) NAME (Last, First, Middle)	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	2. HEIGHT	3. WEIGHT	4. RACE
5. RESIDENCE ADDRESS (No., Street, City, County, State, ZIP Code)	6. BIRTH DATE MONTH DAY YEAR			7. PLACE OF BIRTH (City) STATE OR FOREIGN COUNTRY
8. OPTIONAL INFORMATION - The information requested in this item (8) is strictly optional but will help to ensure the lawfulness of the sale and avoid the possibility of being misidentified as a felon or other prohibited person.				
SOCIAL SECURITY NUMBER	ALIEN REGISTRATION NUMBER	MISCELLANEOUS NUMBER (Military ID, etc.)		

9. CERTIFICATION OF TRANSFEREE (Buyer) - Questions a. through l. must be answered with a "yes" or a "no" in the box at the right of the question.

a. Are you the actual buyer of the firearm indicated on this form? If you answer "no" to this question the dealer cannot transfer the firearm to you. (See Important Notice 1.)	g. Have you been discharged from the Armed Forces under dishonorable conditions?
b. Are you under indictment or information in any court for a crime for which the judge could imprison you for more than one year? An information is a formal accusation of a crime made by a prosecuting attorney.	h. Are you an alien illegally in the United States?
c. Have you been convicted in any court of a crime for which the judge could have imprisoned you for more than one year, even if the judge actually gave you a shorter sentence? (See Important Notice 5 and EXCEPTION.)	i. Have you ever renounced your United States citizenship?
d. Are you a fugitive from justice?	j. Are you subject to a court order restraining you from harassing, stalking, or threatening an intimate partner or child of such partner? (See Important Notice 6 and Definition 4.)
e. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	k. Have you been convicted in any court of a misdemeanor crime of domestic violence? This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim. (See Definition 5.)
f. Have you ever been adjudicated mentally defective or have you been committed to a mental institution?	l. Are you a citizen of the United States?

m. What is your State of residence? _____ (State) If you are not a citizen of the United States, you have a State of residence only if you have resided in the State for at least 90 days prior to the date of this sale. (See Definition 6.)

I CERTIFY THAT THE ABOVE ANSWERS ARE TRUE AND CORRECT. I UNDERSTAND THAT A PERSON WHO ANSWERS "YES" TO QUESTION 9b IS PROHIBITED FROM PURCHASING A FIREARM. I UNDERSTAND THAT A PERSON WHO ANSWERS "YES" TO ANY OF THE QUESTIONS 9c THROUGH 9k IS PROHIBITED FROM PURCHASING OR POSSESSING A FIREARM. I ALSO UNDERSTAND THAT THE MAKING OF A FALSE ORAL OR WRITTEN STATEMENT OR THE EXHIBITING OF ANY FALSE OR MISREPRESENTED IDENTIFICATION WITH RESPECT TO THIS TRANSACTION IS A CRIME PUNISHABLE AS A FELONY. I FURTHER UNDERSTAND THAT MY REPETITIVE PURCHASE OF FIREARMS FOR THE PURPOSE OF RESALE FOR LIVELIHOOD AND PROFIT WITHOUT A FEDERAL FIREARMS LICENSE IS A VIOLATION OF LAW. (SEE IMPORTANT NOTICE 7.)

TRANSFEREE'S (Buyer's) SIGNATURE	DATE
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ATF F 4473 (5300.9) PART I (10-98) PREVIOUS EDITIONS ARE OBSOLETE

SECTION B - TO BE COMPLETED BY TRANSFEROR (SELLER)

10. TYPE OF FIREARM(S) TO BE TRANSFERRED:

HANDGUN LONG GUN BOTH

11a. TYPE OF AND NUMBER ON IDENTIFICATION (Driver's license or other valid government-issued photo identification. See instruction to Transferor 1.)

11b. TYPES AND DATES OF ADDITIONAL IDENTIFICATION REQUIRED FOR ALIENS (e.g., utility bills or lease agreements. See instruction to Transferor 2.)

ITEM 12, 13, OR 14 MUST BE COMPLETED PRIOR TO TRANSFER OF FIREARM(S) (See Instructions to Transferor 4-7.)

12a. THE TRANSFEREE'S IDENTIFYING INFORMATION IN SECTION A OF THIS FORM WAS TRANSMITTED TO NICS OR THE APPROPRIATE STATE AGENCY ON _____ (Date)

12b. THE NICS OR STATE TRANSACTION NUMBER (if provided) WAS: _____

12c. THE RESPONSE INITIALLY PROVIDED BY NICS OR THE APPROPRIATE STATE AGENCY WAS AS FOLLOWS:

PROCEED DENIED DELAYED

12d. IF INITIAL NICS OR STATE RESPONSE WAS "DELAYED," THE FOLLOWING RESPONSE WAS RECEIVED FROM NICS OR THE APPROPRIATE STATE AGENCY ON _____ (Date)

PROCEED DENIED NO RESPONSE PROVIDED WITHIN 3 BUSINESS DAYS

13. STATE PERMIT TYPE (no NICS check required because transferee has a valid permit which qualifies as an exemption to NICS)	DATE OF ISSUANCE	EXPIRATION DATE (if any)	PERMIT NUMBER

14. NO NICS CHECK WAS REQUIRED BECAUSE THE TRANSFER INVOLVED ONLY NFA FIREARM(S)

SECTION C - IF THE TRANSFER OF THE FIREARM(S) TAKES PLACE ON A DIFFERENT DAY FROM THE DATE THAT THE TRANSFEREE SIGNED SECTION A, THEN THE TRANSFEREE MUST COMPLETE SECTION C IMMEDIATELY PRIOR TO THE TRANSFER OF THE FIREARM(S) (SEE INSTRUCTION TO TRANSFEREE 3 AND INSTRUCTION TO TRANSFEROR 9)

I CERTIFY THAT THE ANSWERS I PROVIDED TO THE QUESTIONS IN ITEM 9 OF SECTION A OF THIS FORM ARE STILL TRUE AND CORRECT.

TRANSFEREE'S (BUYER'S) SIGNATURE _____ DATE _____

SECTION D

On the basis of (1) the statements in Section A; (2) the verification of identity noted in item 11 and my verification again at the time of transfer (if the transfer does not occur on the same day as the verification noted in item 11); and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) described below to the person identified in Section A.

15. MANUFACTURER AND/OR IMPORTER	16. MODEL	17. SERIAL NO.	18. TYPE (Pistol, Revolver, Rifle, Shotgun, etc.)	19. CALIBER OR GAUGE

COMPLETE ATF F 3310.4 FOR MULTIPLE PURCHASES OF HANDGUNS (See Instruction to Transferor 11.)

20. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR (Seller) (Hand stamp may be used.)	21. FEDERAL FIREARMS LICENSE NO. (Hand stamp may be used.)

THE PERSON ACTUALLY TRANSFERRING THE FIREARM(S) MUST COMPLETE ITEMS 22 THROUGH 24.

22. TRANSFEROR'S (Seller's) SIGNATURE	23. TRANSFEROR'S TITLE	24. TRANSACTION DATE

Form Approved: OMB No. 1512-0130 (12/31/2000)

**DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS
FIREARMS TRANSACTION RECORD
PART II—NON-OVER-THE-COUNTER**

TRANSFEROR'S TRANSACTION SERIAL NUMBER

NOTE: Prepare in duplicate. All entries on this form must be in ink. See Notices and Instructions on back.

SECTION A—MUST BE COMPLETED PERSONALLY BY TRANSFEREE (BUYER) (See Notices and Instructions on reverse)

1. TRANSFEREE'S (Buyer's) NAME (Last, First, Middle) <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	2. HEIGHT	3. WEIGHT	4. RACE
1A. SOCIAL SECURITY NUMBER			
5. RESIDENCE ADDRESS (No., Street, City, County State, ZIP Code)	6. DATE OF BIRTH		7. PLACE OF BIRTH
	MONTH	DAY	CITY, STATE
			OR FOREIGN COUNTRY

8. CERTIFICATION OF TRANSFEREE (Buyer)—An untruthful answer may subject you to criminal prosecution. Each question must be answered with a "yes" or a "no" inserted in the box at the right of question:

<p>a. Are you under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year? <i>(A formal accusation of a crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury.)</i></p>		<p>c. Are you a fugitive from justice?</p>	
<p>b. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? (NOTE: A "yes" answer is necessary if the judge could have given a sentence of more than one year. A "yes" answer is not required if you have been pardoned for the crime or the conviction has been expunged or set aside, or you have had your civil rights restored and, under the law where the conviction occurred, you are not prohibited from receiving or possessing any firearm.)</p>	<p>d. Are you an unlawful user of, or addicted to marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance?</p>	<p>e. Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?</p>	<p>f. Have you ever been discharged from the Armed Forces under dishonorable conditions?</p>
	<p>g. Are you an alien illegally in the United States?</p>	<p>h. Are you a person who, having been a citizen of the United States, has renounced his/her citizenship?</p>	<p>i. Are you subject to a court order restraining you from harassing, stalking or threatening an intimate partner or child of such partner? <i>(See Definition #4 on reverse.)</i></p>

Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am 21 years or more of age, or that, in the case of a shotgun or rifle, I am 18 years or more of age; that I am not prohibited by the provisions of Chapter 44 of Title 18, United States Code, from receiving a firearm in interstate or foreign commerce, and that my receipt of this firearm will not be in violation of any statute of the State or published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principle law enforcement officer of the locality to which the firearm will be delivered are:

TITLE	NAME
ADDRESS	

I also hereby certify that the answers to the above are true and correct. I understand a person who answers "Yes" to any of the above questions is prohibited from purchasing and/or possessing a firearm, except as otherwise provided by Federal law. I also understand that the making of any false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony.

TRANSFEREE'S (Buyer) SIGNATURE	DATE
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SECTION B—MUST BE COMPLETED BY TRANSFEROR (SELLER) (See Notices and Instructions on reverse)

On the basis of (1) the statements in Section A; (2) my notification of the chief law enforcement officer designated above; and (3) the information in the current Firearms State Laws and Published Ordinances (ATFP 5300.5), it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm described below to the person identified in Section A.

9. TYPE (Pistol, Revolver, Rifle, Shotgun, etc.)	10. MODEL	11. CALIBER OR GAUGE	12. SERIAL NO.
13. MANUFACTURER (and importer, if any)			
14. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR (Seller) (Hand stamp may be used)			15. FEDERAL FIREARMS LICENSE NO. (Hand stamp may be used)
18. TRANSFEROR'S (Seller's) SIGNATURE		19. TRANSFEROR'S TITLE	20. TRANSACTION DATE

ATFF 4473 (5300.9) PART II (3-95) PREVIOUS EDITIONS ARE OBSOLETE

Brady Act States

The following states serve as a point of contact for all firearms transfers. The FFL contacts the designated state agency, which performs the National Instant Criminal Background Check System (NICS) check:

Arizona	Florida*	New Jersey	Vermont
California	Georgia	Pennsylvania	Virginia
Colorado	Illinois	Tennessee	
Connecticut	Nevada	Utah	

*NICS performs pre-pawn checks for all firearms.

The following states and territories conduct checks for all firearms transactions as part of its permit requirements:

Hawaii	US Virgin I.
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The following states serve as a point of contact for handgun permits, which are required for all handgun purchases, while the dealer contacts NICS directly for a check on long gun purchasers:

Iowa	Nebraska	North Carolina
Michigan	New York	

The following states serve as a point of contact for handgun purchases. The dealer contacts the state for a NICS check on handgun purchasers and contacts NICS directly for a check on long gun purchasers:

Indiana	New Hampshire	Washington
Maryland	Oregon	Wisconsin

The following states and territories do not serve as a POC for any firearms transactions. The dealer contacts the FBI NICS system directly for handgun and long gun transactions:

Alabama	Kansas	Montana	South Dakota
Alaska	Kentucky	New Mexico	Texas
American Samoa	Louisiana	North Dakota	West Virginia
Arkansas	Maine	Ohio	Wyoming
Cmmw. N. Mariana I.	Massachusetts	Oklahoma	Washington, DC
Delaware	Minnesota	Puerto Rico	
Guam	Mississippi	Rhode Island	
Idaho	Missouri	South Carolina	

According to the FBI, approximately 75% of all NICS background checks are completed instantly (allowed within thirty seconds of the information entering the system). The law provides, however, that NICS may take up to three business days to notify the dealer whether receipt of a firearm by the prospective purchaser would be in violation of law. If the dealer does not get a "denied" response from NICS within this period, the firearm may be transferred after the end of the three business days.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
Salaries & Expenses (S&E) Appropriation - Historical Profile

Fiscal Year	Direct Budget Authority (in \$000) ^a	Total	Full-Time Equivalents (FTE) By Employee Category		
			Agent	Inspector ^b	Other
1973	73,727	3,829	1,622	826	1,381
1974	79,948	3,684	1,576	732	1,376
1975	94,400	3,729	1,504	688	1,537
1976	109,697	3,872	1,513	718	1,641
1977	118,664	4,131	1,596	753	1,782
1978	128,632	4,035	1,548	724	1,763
1979	136,622	3,928	1,533	688	1,707
1980	142,892	3,809	1,502	655	1,652
1981	149,850	3,637	1,418	580	1,639
1982	142,164	2,942	1,373	650	919
1983	147,492	2,780	1,187	595	998
1984	159,553	2,929	1,224	590	1,115
1985	172,113	2,968	1,247	591	1,130
1986	166,721	2,876	1,198	631	1,047
1987	198,463	2,925	1,180	626	1,119
1988	217,531	3,287	1,418	652	1,217
1989	234,000	3,606	1,559	690	1,357
1990	257,565	3,731	1,650	731	1,350
1991	301,854	4,000	1,831	742	1,427
1992	336,040	4,111	1,876	792	1,443
1993	366,372	4,230	1,939	809	1,482
1994	366,446	4,128	1,884	800	1,444
1995	385,315	3,959	1,816	770	1,373
1996	377,971	3,784	1,664	740	1,380
1997	393,971	3,790	1,705	713	1,372
1998	478,934	3,741	1,631	702	1,408
1999	537,074	3,969	1,700	762	1,509
2000 ^c	564,773	4,032	1,817	742	1,473

^a Spending authority initially provided via enactment of the Bureau's annual S&E appropriation. Excludes effect of amendments, rescissions, or transfers of resources from other federal agencies.

^b This is a broad category defined by position series 1854 and includes both field inspectors and a variety of specialists. Field inspectors are responsible for licensing and compliance activities for alcohol, tobacco, firearms and explosives. There are 443 1854s currently involved in the field inspection work.

^c FY 2000 Enacted Level.

Appendix C

An Overview of Federal Firearms Legislation in the United States

Revenue Act of 1918

Section 4181 of Title 18 U.S.C. imposes a tax on the sale of firearms and ammunition by the manufacturer or importer of the firearm or ammunition. The tax is 10% for handguns and 11% for all other firearms. The tax was first imposed by the Revenue Act of 1918, and with few modifications, has been in effect since that time.

The National Firearms Act of 1934

The first significant Federal firearms legislation was the National Firearms Act of 1934 (NFA).¹ The NFA was enacted to combat "gangster" violence that had increased markedly during Prohibition. The NFA imposes an excise tax on manufacturing and transferring a narrow class of firearms, defined by statute, which include machineguns, short-barreled shotguns and rifles, silencers, and "gadget" guns such as umbrella guns and pen guns.²

By taxing the manufacture and transfer of these weapons, the NFA sought to reduce the easy availability and commerce of these weapons to the criminal element. The NFA also requires that these weapons, and each transfer of them, be recorded in the National Registration and Transfer Record.

The Federal Firearms Act of 1938

The Federal Firearms Act of 1938³ applied to all firearms and prohibited anyone not li-

censed as a manufacturer or dealer from transporting, shipping, or receiving any firearm or ammunition in interstate or foreign commerce. Licensed dealers and manufacturers could ship firearms interstate only to other licensed dealers and manufacturers, and to those who had or were not required to have a license under state law to purchase the firearm. Licensed dealers and manufacturers were required to keep records of firearms transactions.

The law prohibited any person from shipping or transporting in interstate or foreign commerce any firearm or ammunition to any felon, person under felony indictment, or fugitive from justice, and these persons could not ship or transport any firearm or ammunition in interstate or foreign commerce. Although later repealed by the Gun Control Act of 1968 (GCA), many of its provisions formed the framework for the GCA.

The Gun Control Act of 1968⁴

The GCA is the primary federal law regulating firearms.⁵ It was enacted following the assassinations of President John F. Kennedy, Senator Robert F. Kennedy, and Dr. Martin Luther King, Jr., as an amendment (Title I) to the Omnibus Crime Control and Safe Streets Act of 1968.

A key provision of the GCA creates a licensing scheme that regulates the interstate movement

¹ See 48 Stat. 1236-1240, originally codified as 26 U.S.C. § 1132, now codified, as amended, as chapter 53 of the Internal Revenue Code of 1986, 26 U.S.C. §§ 5801-5872.

² 26 U.S.C. § 5845(a).

³ See 52 Stat. 1250, originally codified as former 15 U.S.C. § 901-910, repealed by the Gun Control Act of 1968.

⁴ Some of the provisions discussed in the following section were contained in the original GCA, and some have been added over the years through amendments to the GCA. Major amendments to the GCA are discussed in depth in the remaining sections of this legislative history.

⁵ The Arms Export Control Act (AECA), 22 U.S.C. § 2778(a)(1), gives the President broad authority to control the importation of defense articles in furtherance of "world peace and the security and foreign policy of the United States." That authority has been delegated to the Bureau of Alcohol, Tobacco and Firearms. The term "defense article" is defined to include, in part, firearms (other than sporting shotguns), firearms parts, and ammunition and its components. See 27 C.F.R. §§ 47.11, 47.21, and 47.22.

of firearms. Persons wishing to engage in the business of manufacturing, importing, or dealing in firearms are required to obtain a license from the Secretary of the Treasury. The license entitles the holder to ship, transport, and receive firearms in interstate or foreign commerce. The Federal firearms licensee (FFL) must maintain records of all firearms acquisitions and dispositions and comply with applicable state and local laws in transferring firearms.

The GCA helps individual states enforce their own laws regulating firearms possession and transfers by generally prohibiting the transport and shipment of firearms across state lines. Before the GCA, differences among state controls over firearms commerce impaired the ability of states to enforce their own laws. The GCA's interstate prohibitions were intended to minimize the impact of different state laws, which had led to illicit commerce in guns between states with little firearms regulation and states with strict controls.

The GCA also makes it unlawful for certain persons to possess firearms and makes it a felony for anyone to transfer a firearm, knowing or having reasonable cause to believe that the transferee is prohibited from receiving a firearm. Since 1968, the categories of prohibited persons have been expanded to include the following groups:

- Persons convicted of a crime punishable by imprisonment for a term exceeding one year;
- Fugitives from justice;
- Persons who are unlawful users of, or addicted to, any controlled substance;

- Persons who have been adjudicated as mental defectives or have been committed to a mental institution;
- Illegal aliens, or aliens who were admitted to the United States under a nonimmigrant visa;⁶
- Persons dishonorably discharged from the Armed Forces;
- Persons who have renounced their United States citizenship;
- Persons subject to certain types of restraining orders;⁷ and
- Persons convicted of a misdemeanor crime of domestic violence.⁸

The GCA also prohibits anyone under a felony indictment from receiving or transporting firearms.

The GCA makes it unlawful for an FFL to transfer a handgun to anyone under 21 years of age or a long gun to anyone under 18 years of age. Under a 1994 amendment,⁹ the GCA generally bans possession of handguns by any person under age 18 and prohibits anyone from transferring a handgun to any person under age 18. Prior to this amendment, FFLs were prohibited from transferring handguns to anyone under age 21, but there were no Federal restrictions on the possession of handguns by juveniles or the transfer of handguns to juveniles by nonlicensees.

The GCA generally prohibits the importation of firearms. However, it contains an exception for firearms which are of a type "generally recognized as particularly suitable for, or readily adaptable to, sporting purposes". Since 1968, factoring criteria, which include overall length,

⁶ The nonimmigrant alien prohibition, 18 U.S.C. § 922(g)(5)(B), was added by Pub. L. 105-277, the Omnibus Consolidated Emergency Supplemental Appropriations Act of 1999.

⁷ This provision, 18 U.S.C. § 922(g)(8), was added as part of Pub. L. 103-22, the Violent Crime Control and Law Enforcement Act of 1994.

⁸ This provision, 18 U.S.C. § 922(g)(9), was added by Pub. L. 104-208, the Omnibus Consolidated Appropriations Act of 1997.

⁹ The amendment, called the Youth Handgun Safety Act, was part of the Violent Crime Control and Law Enforcement Act of 1994.

frame construction, weight, caliber, and safety features, have been used to determine if handguns meet the sporting purposes test. In April 1998, the Department of the Treasury conducted a study and determined that modified semiautomatic assault rifles that had the ability to accept a large capacity military magazine were not sporting under the GCA, and therefore could not be imported into the United States.

The GCA contains penalty provisions, including significant prison terms for persons who use or carry a firearm during or in relation to any Federal crime of violence or drug trafficking crime, or who possesses a firearm in furtherance of any such crime. See 18 U.S.C. § 924(c). The GCA also provides mandatory fifteen-year prison terms for persons who violate § 922(g) and have three prior convictions for violent felonies or serious drug offenses. See 18 U.S.C. § 924(e).

Firearms Owners Protection Act of 1986

In 1986, Congress enacted several amendments to the GCA as part of the Firearms Owners Protection Act (FOPA). Congress enacted the amendments "to reaffirm the intent of the Congress," expressed in the GCA, that its purpose was not to "place any undue or unnecessary Federal restrictions or burdens on law abiding citizens."¹⁰ Under the original GCA, only individuals "engaged in the business" of importing, manufacturing, or dealing in firearms must be licensed and regulated as FFLs. However, the original GCA did not define the term "engaged in the business." FOPA amended the law to define engaged in the business,¹¹ as well as the term, "with the principal objective of livelihood and profit," used in

the definition of engaged in the business.¹² The new definitions give certain people a basis to contend that their firearm activities do not rise to a level that requires them to obtain a license and be regulated by the Federal government.

FOPA also amended the GCA in the following ways:

- **Gun Shows** FOPA amended the GCA specifically to allow FFLs to conduct business temporarily at gun shows, provided the gun show was located within the same state as the FFL's licensed premises.
- **Definition of "conviction"** The original GCA made it unlawful for persons convicted of a crime punishable by a prison term exceeding one year to possess a firearm. FOPA amended the GCA to provide that what constitutes such a conviction would be determined by the law of the jurisdiction where the conviction occurs. Furthermore, FOPA provided that an expungement, pardon, set aside, or restoration of civil rights removes the "conviction" for purposes of the GCA, unless the individual's firearms rights are expressly restricted by the pardon, expungement, or restoration.
- **FFL Recordkeeping Offenses** FOPA reduced most recordkeeping offenses committed by FFLs from felonies to misdemeanors.
- **Limits on Inspection Authority** Prior to 1986, ATF was authorized to conduct warrantless inspections of FFLs' records and inventory. FOPA amended the GCA to provide that ATF could conduct only one

¹⁰ See Pub. L. 99-308.

¹¹ The term "engaged in the business" means "as applied to a dealer in firearms, . . . a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms." 18 U.S.C. § 921(a)(21)(C).

¹² The term "with the principal objective of livelihood and profit" means that the "intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; Provided, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism." 18 U.S.C. § 921(a)(22).

warrantless inspection of a licensee for compliance purposes in any 12-month period. ATF retained warrantless inspection authority to investigate criminal violations of persons other than the licensee, or to trace firearms involved in criminal activity.

- **Knowing or willful violations** Prior to 1986, the GCA did not include any specific *mens rea* requirements. FOPA amended the GCA to require proof of either a “knowing” or a “willful” state of mind for all GCA violations.
- **System of registration** FOPA prohibits ATF from establishing any national system of gun registration.
- **Forfeiture of Firearms** Before 1986, the GCA provided for the seizure and forfeiture of any firearm or ammunition involved in, or used or intended to be used in, any violation of the GCA. FOPA amended the GCA to require “clear and convincing evidence” of intent to violate the law before the government could seize and forfeit firearms used in GCA violations. In addition, the Government must begin forfeiture proceedings within 120 days of seizure.
- **Machineguns** FOPA banned the manufacture of machineguns for civilian use.

Gun Free School Zones Act

In response to several multiple school shootings, Congress enacted the Gun Free School Zones Act in 1990, which made it unlawful for anyone to possess a firearm within 1000 feet of a school. The Gun Free School Zones Act was held unconstitutional by the Supreme Court in *Lopez v. United States*, 514 U.S. 549 (1995), because the Act lacked a sufficient connection to interstate commerce. Congress amended the Act in 1996 to remedy this flaw by requiring that the firearm move in, or otherwise affect, interstate commerce.

The Brady Handgun Violence Prevention Act of 1993

Before purchasing a firearm from an FFL, an unlicensed gun buyer is required to complete ATF Form 4473, the “Firearm Transaction Record.” Form 4473 requires gun purchasers to provide their name, address, and date of birth, and answer a series of questions designed to ensure that they are not prohibited from receiving a firearm under Federal law. Gun purchasers are required to certify, under penalty of perjury, that the answers to these questions are correct. Prior to the enactment of the Brady Act on November 30, 1993, no system under Federal law existed for confirming the truthfulness of information on Form 4473. Consequently, a convicted felon could purchase a firearm from an FFL simply by lying on Form 4473 about prior felony convictions. The Brady Act was enacted in part to allow FFLs to verify the statements provided by a prospective purchaser of a firearm.

The Brady Act was implemented in two stages: an interim stage and a permanent stage. The interim provisions of the Brady Act went into effect on February 28, 1994. Under interim Brady, FFLs were generally required to submit a “Brady form” to a chief law enforcement officer (CLEO), who would conduct a background check on every prospective purchaser of a handgun. The FFL could proceed with the transfer if the CLEO informed the FFL that he or she had no information indicating that the purchaser’s possession of the handgun would violate Federal, State, or local law, or if the CLEO provided no response within five business days of receiving the Brady form.¹³

The permanent provisions of the Brady Act went into effect on November 30, 1998. As part of permanent Brady, the Attorney General was charged with establishing a National Instant Criminal Background Check System (NICS). This system is run by the Federal Bureau of Investigation and is used to conduct background checks on firearm purchasers.

¹³ Although the Supreme Court struck down part of interim Brady in *Printz v. United States*, 521 U.S. 898 (1997), finding the background check requirement imposed on CLEOs unconstitutionally compelled state officers to execute Federal laws, most CLEOs continued to voluntarily do background checks.

Unlike interim Brady, permanent Brady applies to all firearms, not simply handguns. In general, FFLs are required to contact NICS before transferring any firearm to an unlicensed individual. If NICS provides an "approved" response, the FFL may transfer the firearm. If the FFL does not get a "denied" response from NICS within three business days, indicating receipt of the firearm by the prospective purchaser would be in violation of law, the firearm may be transferred to the purchaser.

The Brady Act also increased the FFL's licensing fee from \$10 per year to \$200 for the first three years, and \$90 for each three-year renewal.

Violent Crime Control and Law Enforcement Act of 1994

On September 13, 1994, Congress passed the Violent Crime Control and Law Enforcement Act of 1994,¹⁴ which made it unlawful, with certain exceptions, to manufacture, transfer, or possess semiautomatic assault weapons not lawfully possessed on the date of enactment.¹⁵ The statute defined semiautomatic assault weapons to include 19 named models of firearms (or copies or duplicates of the firearms in any caliber); semiautomatic rifles that have the ability to accept detachable magazines and have at least two of five features specified in the

law; semiautomatic pistols that have the ability to accept detachable magazines and have at least two of five features specified in the law; and semiautomatic shotguns that have at least two of four features specified in the law.¹⁶

The 1994 law also made it generally unlawful to possess and transfer large capacity ammunition feeding devices manufactured after September 13, 1994.¹⁷ A large capacity ammunition feeding device was generally defined as a magazine, belt, drum, feed strip, or similar device that has the capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition.¹⁸

Congress passed these provisions of the 1994 law in response to the use of semiautomatic assault weapons and large capacity ammunition feeding devices in crime. Congress had been presented with much evidence demonstrating that these weapons were "the weapons of choice among drug dealers, criminal gangs, hate groups, and mentally deranged persons bent on mass murder."¹⁹

The 1994 Act also required people applying for Federal firearm licenses to submit photographs and fingerprints as part of their application, and to certify that their firearms business complied with all state and local laws, including zoning regulations.

¹⁴ Pub. L. No. 103-22. Title XI, Subtitle A of this Act may be cited as the "Public Safety and Recreational Firearms Use Protection Act."

¹⁵ 18 U.S.C. § 922(v).

¹⁶ 18 U.S.C. § 921(a)(30).

¹⁷ 18 U.S.C. § 922(w).

¹⁸ 18 U.S.C. § 921(a)(31).

¹⁹ H. Rep. No. 103-489, at 13.

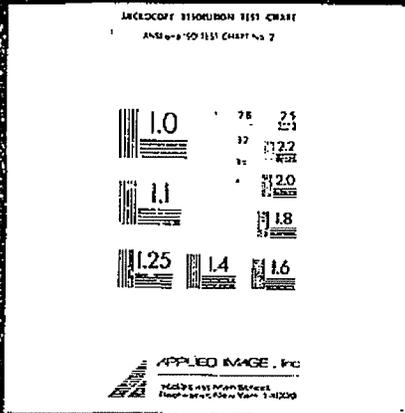
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CRS Report for Congress

"Assault Weapons": Military-Style Semiautomatic Firearms Facts and Issues

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Government Division

May 13, 1992
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"ASSAULT" WEAPONS: MILITARY-STYLE SEMI-AUTOMATIC FIREARMS

SUMMARY

In general, sponsors and supporters of legislation to place further controls on military-style semiautomatic firearms (and related accessories) argue that such controls are necessary to prevent the criminal use of these firearms. They contend that such firearms possess characteristics that distinguish them from other semiautomatic firearms, are preferred by criminals, and pose unique threats to society. Proponents of greater control argue that statistics have indicated these firearms are used by drug dealers and violent criminal offenders to a degree disproportionate to the number in circulation. Strict controls are urged also on grounds that the firearms possess characteristics optimized for human combat that go beyond any legitimate sporting or civilian need.

Opponents of the legislation counter that available evidence shows that the firearms in question are used in only a small number of criminal incidents. Further, they argue that the enactment of additional restrictions on the possession and transfer of such firearms would have little, if any, effect on violent crime rates, in part because criminals will simply turn to other firearms. They also argue that it is not possible, for purposes of legislation, to usefully differentiate military-style semiautomatic firearms from other semiautomatic firearms. With regard to the disproportionate use of these firearms by criminals, opponents claim that military-style semiautomatic rifles are rarely used by criminals and that most are owned by law-abiding Americans for sporting and defensive purposes. Opposition to further control is also argued on grounds that these legislative proposals, lacking any reasonable prospect of reducing crime, are merely the latest variant of efforts by ideological gun control enthusiasts to disarm the American citizen.

Statistics on the criminal use of the firearms in question have figured in the debate but are inconclusive, in large part because of the general lack of data on the types of firearms used by criminals. Some statistics, made available from the Bureau of Alcohol, Tobacco and Firearms (ATF) tracing system and data from 1988 and 1989, were used to show that these firearms are traced in disproportionate numbers. The same data also indicate, however, that compared to the total number of trace requests, these firearms are the subject of traces substantially less often than many other makes or models of firearms. The number of requests for traces of semiautomatic firearm models that would most likely be affected by the control proposals increased during the years 1986 to 1989 and declined in 1990. Also, some local law enforcement agencies report that such firearms have been confiscated in greater numbers in recent years, while others find less evidence of their use by criminals.

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"ASSAULT WEAPONS": MILITARY-STYLE
SEMI-AUTOMATIC FIREARMS

INTRODUCTION

The 102nd Congress is considering various legislative proposals to place further controls on military-style and certain other semiautomatic firearms, or so-called "assault weapons."¹ Proponents of such controls take the position that these firearms are of special utility and appeal to criminals and, as a result, pose a unique threat to public safety. For example, representatives of many police organizations have expressed concern that law enforcement officers are "outgunned" by criminals using these firearms. Also, in several recent incidents, apparently deranged persons have used such firearms to shoot children, co-workers, or other innocent persons. The tragic nature of these events and the fact that the violence has occurred in otherwise peaceful settings (such as a schoolyard, place of employment, or city street) have given added impetus to the campaign for tighter restrictions.

Some action was taken on this issue during the 101st Congress. In July 1989, the Administration established a permanent ban on the importation of 43 models of military-style semiautomatic rifles (see appendix A). In a parallel move, the Congress enacted a prohibition on the domestic assembly, from

¹ This paper uses the term "military-style semiautomatic firearms." Proponents of restrictions as well as firearm industry representatives have used the term "assault weapon" for these firearms. Also, legislative proposals have used the terms "restricted weapon" or "semiautomatic assault weapon" to identify the semiautomatic firearms proposed for further controls. While some of the legislative proposals are in agreement on the makes or models, others differ as to which firearms would be subject to further controls. This report minimizes use of terms such as "assault weapon" due to the absence of objective criteria that enable one to include, or exclude, any given make or model.

Considerable controversy surrounds the use of the term "assault weapon." It apparently was first used to describe fully automatic, scaled-down rifles used by the Germans in World War II. Since 1986 private American ownership of fully automatic firearms has been frozen. None of the firearms proposed for additional legislative controls is capable, as manufactured or imported, of full automatic fire.

Some argue that it is not possible to create a distinct class for "military-style" semiautomatic or "assault" firearms, and that the term "assault weapon" is inappropriately used because the guns do not have selective-fire capacity, i.e., a switch that enables the user to select full automatic (a single depression of the trigger releases a burst of bullets) or semiautomatic fire (a separate trigger pull is required to fire each round). Others argue that the presence of certain characteristics (folding stock, pistol grip, large capacity magazine, for example) makes these guns recognizably distinctive.

imported parts, of semiautomatic rifles and shotguns identical to those banned from importation.² Other proposals for further control were considered but not enacted.

The 102d Congress has again taken up the question of whether the domestic manufacture and the sale and possession of the firearms in question should be subject to special restrictions. This report reviews the significant issues that have arisen in the debate as well as the available statistics on such firearms.

² The Crime Control Act of 1990, P.L. 101-647, Section 2204, 104 Stat. 4557, 18 U.S.C. 922(r).

CRIMINAL USE

ISSUE SUMMARY

Perhaps the most frequently cited rationale for further restricting the possession and transfer of military-style semiautomatic firearms is the need to keep them away from violent offenders, mentally deranged persons, youth gangs and narcotics traffickers. Noting reports that these firearms "have fast become the weapons of choice among drug traffickers, street gangs, organized crime, and other criminal elements,"¹ proponents cite specific instances in which criminals have used these firearms against unarmed civilians and law enforcement officers² as well as the extent to which they have been the subject of trace requests.³ Also, it has been reported that these guns may be sought or favored

¹ U.S. House, Committee on Ways and Means, Assault Weapon Import Control. Report to Accompany H.R. 1154. House Report No. 101-613, 101st Cong., 2d Sess. Washington, U.S. Govt. Print. Off., 1990. p. 3.

See also statement of Edward Conroy, Deputy Associate Director, Law Enforcement, Bureau of Alcohol, Tobacco, and Firearms (ATF) and statement by Sheriff of Pima County, Arizona in: U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on the Constitution, Assault Weapons. Hearings on S. 386 and S. 747, 101st Cong., 1st Sess., Feb. 10 and May 5, 1989. Washington, U.S. Govt. Print. Off., 1989, pp. 16, 22, 344.

Hereafter cited as Senate Hearing.

See also statement by Daniel Hartnett, Associate Director, Law Enforcement, ATF in: U.S. Congress, House, Committee on the Judiciary, Subcommittee on Crime, Semiautomatic Assault Weapons Act of 1989. Hearings on H.R. 1190 and related bills, 101st Cong., 1st Sess., April 5 and 6, 1989. Washington, U.S. Govt. Print. Off., 1989. p. 114.

² Metzbaum, Howard M. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6726-27. Also, DeConcini, Dennis. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6744-45. Also, Kennedy, Edward. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6737. Also, Lowey, Nita. Remarks in the House. *Congressional Record*, Daily Edition, v. 137, Oct. 17, 1991. p. H8034. Also, U.S. House, Committee on the Judiciary, Restricted Weapons Act of 1990. Report to Accompany H.R. 4225. House Report No. 101-621, 101st Cong., 2d Sess. Washington, U.S. Govt. Print. Off., 1990. p. 5-6. (Hereafter cited as Report on H.R. 4225)

See also prepared statement of Edward Conroy, ATF, Senate Hearing, p. 26-27.

³ DeConcini, Dennis. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 23, 1990. p. S6791. Also, Metzbaum, Howard. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6728.

by certain criminal or potentially violent organizations. For example, caches of these firearms (some converted to full automatic) have been found in possession of "hate" groups.⁴ Proponents argue that these firearms, and attachments, are designed to be "weapons of war," not for hunting or other legitimate recreational purposes.⁵

Opponents of further restrictions argue that the impact of military-style semiautomatic firearms on public safety has been overated. They claim that police confiscate few of these firearms during crime investigations⁶ and cite statistics indicating that the guns are used in only a small proportion of crime,⁷ disputing the contention that they are the "weapons of choice" of criminals. They also argue that further controls would not deter certain criminals from their actions since any of the firearms used in crimes are obtained and possessed illegally (i.e., through theft from legal owners or misrepresentation to dealers)⁸ and because criminals will simply turn to another lethal weapon.⁹ Opponents also contend that, contrary to the contention that these firearms are "designed to kill people," the rifles are used for legitimate hunting or recreation activities or for self-defense.¹⁰

Much of the controversy over the extent to which criminals prefer these firearms is focused on alternative interpretations of the available statistics. Data are not collected, at the national level, on the makes and models of firearms involved in criminal incidents. The only national statistics available

⁶ Phillip McGuire, representative, Handgun Control, Inc., Senate hearing, p. 364.

⁷ Schumer, Charles. Remarks in the House. *Congressional Record*, Daily Edition, v. 137, Oct. 17, 1991. p. H424. Also Hughes, William. Remarks in the House. *Congressional Record*, Daily Edition, v. 137, Oct. 17, 1991. p. 138036.

⁸ Grassley, Charles E. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6747. Also, Hatch, J. Martin G. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 23, 1990. p. S6769.

⁹ McClure, James A. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 23, 1990. p. S6793-95. Also, Report on H.R. 4225, p. 20-21.

¹⁰ McClure, James. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6751-52. For a response on the extent to which confiscated "assault weapons" were obtained legally or illegally in one jurisdiction (Oakland, California) see: DeConcini, Dennis. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6753.

¹¹ Volkmer, Harold L. Remarks in the House. *Congressional Record*, Daily Edition, v. 137, October 17, 1991. p. 118023.

¹² *Ibid.*

on the makes and models of firearms that are or might have been used by criminals are drawn from the firearms tracing system administered by the Bureau of Alcohol, Tobacco and Firearms (ATF). These statistics indicate that criminals use the semiautomatic firearms in question much less often than other makes or models of firearms. However, on the basis of a sample of data collected in 1988 and 1989 through the tracing system, that was then compared to the number of such firearms in the civilian market, selected makes and models of military-style semiautomatic firearms were traced more frequently than others, i.e., the number traced was disproportionate to their general availability. Also, there are indications that police departments in certain communities have encountered an increasing number of such firearms in recent years; others, however, report relatively few.

In addition to concern with the extent to which criminals have used these firearms, some have noted that they pose particularly significant risks to society because they are capable of firing many shots in rapid succession. Police representatives have testified that large capacity magazines enable offenders to prolong shoot-outs, in effect, to "pin down" officers.¹³ While the danger of such "firefights" cannot be dismissed, there are no national statistics on the number of shots fired by criminals during any given incident. Some partial data might be available from local police departments. For example, in a discussion of the volume and rate of fire of military-style semiautomatic firearms, Gary Kleck, criminology professor and author of several publications on firearms control, reported that—according to a New York City Police Department study—"suspects fired an average of only 2.55 times" in 1989 during attacks on armed police officers.¹⁴ Kleck followed these data with an assessment of the potential risks of these firearms:

On the other hand, if high-volume guns did become popular among criminals in the future, this could change for the worse. Further, although ("assault rifles") are not unique in any one of their attributes, they are unusual, although not unique, in combining the lethality of rifles, a potentially large ammunition capacity, and a high rate of fire. It is possible that the combination of all three attributes could have a

¹³ For example see testimony of former FBI agent John F. Hanlon, Jr. in Senate Hearing, p. 68-76 and testimony of police officers in: U.S. Congress, House, Committee on the Judiciary, Subcommittee on Crime and Criminal Justice, Selected Crime Issues: Prevention and Punishment, Hearings, 102nd Cong., 1st Sess., June 12 and July 25, 1991, Washington, U.S. Govt. Print. Off., 1991, p. 256-289.

Hereafter cited as House June 12 or House July 25 hearings.

¹⁴ Kleck, Gary, Point Blank: Guns and Violence in America. New York, Aldine de Gruyter, 1991, p. 78-79.

Hereafter cited as Point Blank.

crime-enhancing effect greater than that generated by any one of the attributes.¹⁵

Kleck's concerns appear similar to those expressed by a representative of Handgun Control, Inc. in 1989. As noted by Phillip McGuire, Law Enforcement Advisor for the organization, the threat posed by these firearms is the greatest concern, not necessarily the extent to which they are used by criminals:

We agree with the National Rifle Association that assault weapons right now play a small role in overall violent crime. But in the hands of the violent criminal, their impact is devastating, as we have heard here today. Handguns, especially Saturday night specials, are still the most often-used weapon by criminals.¹⁶

In addition to stimulating legislative action, the perception that these firearms pose greater risks than benefits to society through criminal misuse may, at least according to one author, be sufficient grounds for liability complaints and litigation directed at manufacturers and dealers.¹⁷

Available statistics on the criminal use, or possible measures of such use, of these firearms are presented below. In addition, brief summaries are presented of the disproportionality report referred to in the debate (published by the Cox newspaper chain) and of an alternative perspective on criminal "preference" for these firearms (published by the National Rifle Association).

¹⁵ *Ibid.*, p. 79.

¹⁶ House Hearing, p. 245.

¹⁷ Horwitz, Joshua M. Kelley v. R.C. Industries: A Cause of Action for Assault Weapons. University of Dayton Law Review, vol. 16, Fall 1989: 123-139.

A referendum on the Nation's first liability provision regarding these firearms was approved by District of Columbia residents on November 6, 1991. This legislation, D.C. Act 8-289, would hold manufacturers, importers or dealers of "assault weapons" liable for "direct and consequential damages" from injury or death caused by the specified firearms.

Federal Information

ATF Tracing System

The only significant national data on the makes and models¹⁴ of firearms that may have been used in crimes are those generated by the firearm tracing program administered by the National Tracing Center of the Bureau of Alcohol, Tobacco and Firearms (ATF), U.S. Department of the Treasury. At the request of local, State or Federal (or, on occasion, international) law enforcement officers, the Center conducts a search to determine the pattern of ownership of a firearm, starting from the manufacturer or importer to the point at which the trace was requested. Records maintained by dealers provide information needed to trace the firearms through licensees to the first individual purchaser.

Law enforcement officers submit trace requests to the ATF through one of four means--telephone (coded or regular), mail, fax transmission, or through the telex connected to the ATF communication center. Each trace request is assigned a unique number and entered on a trace form (ATF F 7520.5). (Refer to Appendix B for a copy of the form.) Upon completion of each trace request, the information written on each trace form is entered into the database. The system is easily used by officers in any law enforcement agency, as described by one ATF official in a recent symposium before local police chiefs:

This service is cost-free [to requesting agencies], requires no commitment of manpower, does not enlist your agency in a task force, and does not generate paperwork.¹⁵

Researchers often turn to the ATF tracing data for information on the types of firearms used by criminals because they are the only nationwide information on specific makes of firearms which have, for one reason or another, come to the attention of law enforcement agencies. However, the tracing system data may present an unrepresentative picture of the types of firearms actually used by criminals. Because they have been used in the current debate and in the only Federal court decision on the issue,¹⁶ and will likely be used in future debates, a summary of the limitations of using the tracing system for statistical purposes is included in appendix B of this report.

¹⁴ The term "makes and models" refers to classes of firearms that are identified by manufacturers by name or number; e.g., AR-15, MAC 10, AKS or AKM, among others. The Administration's importation bans, by comparison, used the term "types" instead of "makes and models."

¹⁵ Conklin, David R. Remarks, *The Effectiveness of Gun Tracing*. The Police Chief, vol. LIII, Mar. 1985: 72.

¹⁶ *Gun South, Inc. v. Brady*, 877 F. 2d 858.

Tracing Statistics. From 1986 through 1989, ATF responded to approximately 40,000 tracing requests each calendar year. In 1990, the total number of requests increased approximately twenty percent to 47,770. Of all firearms traced each year during this period, from 7 to 11 percent are semiautomatic firearms (as identified by the ATF) that could be subject to further controls. (The importation of certain makes and models is already banned.) Table 1 presents summary data on the total number of ATF traces completed and the number of semiautomatic military-style firearms identified in those traces for these five calendar years.²¹

TABLE 1. Comparison of Traces on Selected Semiautomatic Firearms* to Total ATF Traces, 1986-1990

Calendar year	Total number of traces	Traces on certain semiautomatics	Percent of total
1986	39,600	2,755	7
1987	35,100	2,296	7
1988	37,050	4,023	11
1989	41,807	4,163	10
1990	47,700	3,352	7

* Specific makes and models as identified by the ATF.

Source: U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Firearms Tracing Branch.

Since 1986, firearm tracings have generally increased. The greatest annual increase in the number of trace requests on all firearms occurred during the three most recent years--a 13-percent increase from 1988 to 1989, and a 14-percent increase from 1989 to 1990. By comparison, from 1985 to 1987, the number of requests declined by 12 percent, and from 1987 to 1988, it increased five percent.

The proportion of trace requests on semiautomatic military-style firearms has fluctuated during that period. From 1986 to 1987, such traces declined 16 percent; from 1987 to 1988, they increased by 75 percent; from 1988 to 1989, they increased by 3 percent; and, from 1989 to 1990, they declined by 19 percent. Throughout this period, the selected semiautomatic firearms have been the subject of seven to eleven percent of the traces conducted each year. Data for 1991 were not available at this writing.

²¹ Data in Table 1 and 2 are based solely upon information provided by the ATF. The selection of the specific types and models of semiautomatic firearms were left to the agency's discretion.

It may be argued that the decline in the number of traces of military-style semiautomatic firearms from 1989 to 1990 is attributable, in part, to the 1989 importation ban. As shown in table 2, below, the number of certain imported semiautomatic firearms traced in 1990 declined from the number traced in 1989. However, the importation ban is not the only reason traces on military-style firearms have declined; the number of traces on two domestically manufactured rifles (the AR15/M16 and the M1A2 carbines) have also dropped.

Not all of the firearms in question have been the subject of fewer traces. Traces on the Mini-14 rifle have risen (8 percent from 1989 to 1990). With regard to domestic handguns, since 1987, the number of TEC-9s traced has tripled, and traces on MAC 10 and 11 handguns increased by 75 percent. From 1980 through 1990, seven firearm types have most frequently been subject to trace requests. In each year, six types--TEC-9, AR-15/M16, M10A(M11 (MAC 10 and 11), Uzi, Mini 14 and M1A2 carbines--were traced, with few exceptions, more frequently than other types. A seventh type--variants listed under the ARS/AKM category (many of which are civilian versions of the AK-47)--was traced considerably more frequently each year from 1988 through 1990 than in 1986 or 1987. (By 1990, tracings on these rifles increased 448 percent over the number traced in 1987.) In 1990, these seven types accounted for 88 percent of the semiautomatic military-style firearms traced at the request of law enforcement agencies (up from 78 percent in 1989). The data in Table 2 are ranked according to 1990 trace results.

TABLE 2. ATF Traces of Certain Semiautomatic Firearms,^a 1986-1990

Manufacturer/type	Number traced and percent of all such firearms traced each year									
	1986		1987		1988		1989		1990	
	No.	%	No.	%	No.	%	No.	%	No.	%
TEC-9	219	9	246	11	620	15	694	17	733	22
M10/M11	333	12	319	14	622	15	465	12	657	17
Mini 14	358	12	274	12	323	8	389	9	421	10
AR-15/M16	477	17	333	15	691	15	519	12	406	12
ARS/AKM	62	2	69	3	412	10	423	10	378	11
M1A2 carbine	326	12	220	10	346	9	299	7	269	8
Uzi	426	16	351	15	467	12	448	11	476	12
H&K 91,93,94	117	4	114	5	127	3	169	4	83	2
H&K/KG99	137	5	92	4	100	3	245	6	71	2
Volunteer commando	53	2	87	4	96	2	59	1	85	2
Auto Ordnance	69	2	26	1	51	1	10	0	57	1
Street sweeper/SWD	n/a		n/a		n/a		28	1	34	1
Bushmaster	24	1	16	1	13	0	9	0	22	0
Spas 12 (FIE)	27	1	51	2	57	1	93	2	19	0
Feather Enterprises	0	0	7	0	7	0	11	0	18	0
Essential Arms	20	1	15	1	10	0	14	0	14	0
Fabrique Nationale	9	0	10	0	13	0	93	2	11	0
Daewoo	0	0	0	0	28	1	9	0	8	0
Galco (.22 or 9mm)	0	0	7	0	27	1	22	1	7	0
Valmet	19	1	26	1	14	0	10	0	3	0
M1A5	14	1	10	0	9	0	0	0	6	0
Miscellaneous	43	2	41	2	68	2	148	4	n/a	
Totals	2,755	100	2,296	100	4,023	100	4,183	100	3,352	

^a Specific makes and models not identified by the ATF.

^b Less than one percent.

Source: U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Firearms Tracing Branch.

FBI Uniform Crime Reports

National information on the criminal use of firearms is compiled through the Uniform Crime Reporting (UCR) program operated by the Federal Bureau of Investigation (FBI), U.S. Department of Justice. The UCR data identify characteristics of firearms used in two categories of reported offenses: (1) reported homicides committed with firearms;²² and (2) law enforcement officers killed.²³ The UCR data on homicides identify the number of victims murdered by firearms according to the general categories of "handguns," "rifles," or "shotgun," but not models or types. Consequently, they cannot be used to determine the extent to which military-style semiautomatic firearms are used in homicides.

More precise information is collected on the firearms used to kill law enforcement officers, including data on the make (manufacturer), caliber and model (or type). Table 3 provides information on the number of law enforcement officers killed with specified firearms for the calendar years 1986-1990.

TABLE 3. Number of Law Enforcement Officers Killed,
by Make or Model of Selected Semiautomatic Firearms, 1986-1990

Manufacturer/type	1986	1987	1988	1989	1990
Total killed with any firearm	62	67	76	57	56
Mini-14	2	3	1	0	0
Heckler & Koch 93	0	1	0	0	0
Norinco/Polytech AKS	0	1	0	0	1
Mainfield carbine	0	0	1	0	0
AR-15	0	0	2	0	0
Ruger carbine	0	0	1	0	0
Universal arms M1 carbine	0	0	0	1	1
TEC-9	0	1	1	0	1
MAC 10	0	0	0	1	0
Subtotals	2	6	6	2	3

²² U.S. Department of Justice. Federal Bureau of Investigation. Uniform Crime Reports, various years.

²³ U.S. Department of Justice. Federal Bureau of Investigation. Law Enforcement Officers Killed and Assaulted, various years.

State Information

Few State-level data are available on the use of military-style semiautomatic firearms.—In general, States collect statistics from local law enforcement agencies in accordance with procedures developed by the FBI. Some States, however, have attempted to obtain more detailed information. Two States (California and Florida) have conducted special surveys of law enforcement agencies on the use of these firearms by criminals.

California

A survey sent to "all" 496 law enforcement agencies in California sought information "on the nature and extent of the use of assault type weapons and sawed-off shotguns or rifles by gang members and other criminal offenders" during the two months of November and December, 1988.²⁴ Respondents returned 206 surveys, a response rate of 41 percent from jurisdictions representing approximately 65 percent of the State's population.

Limitations or Cautions. Fifty-nine percent of potential respondents did not provide information. The omission of information from that proportion of surveyed law enforcement agencies arguably raises doubt as to the utility of the data. It may be conjectured that surveyed agencies did not respond for various reasons, including: (1) insufficient staff or resources to take the time to complete the questionnaire; (2) insufficient concern with the questions being asked, i.e. the firearms in question were not a significant issue; or (3) a general disregard for survey research information requests. As no information is available on the non-respondents, it is not possible to discern whether the information obtained from the survey is representative of all or most of the law enforcement agencies in the State.

Also, the quantitative information obtained from this survey is not comparable to other data included in this report. Data from the California survey represent the percentage of agencies that answered the questions. The majority of the data in this Congressional Research Service (CRS) report, by comparison, focuses on numbers of firearms.

Principal Findings. Eighty-eight percent of the responding agencies reported "the existence of an assault weapon(s) and/or short-barrelled shotguns or rifles within their jurisdictions."²⁵ Short-barrelled shotguns or rifles were "the most reported weapon." Of the "assault weapons" identified in the survey, the following seven types were reported by eight percent or more of the respondents: Uzi-40 percent; Avtomat Kalishnikov (AK-47)-32 percent; MAC 10-24 percent;

²⁴ California State Assembly. Rudman, Cory. Assembly Office of Research. Assault Weapons Survey. [not dated]. 5 p.

²⁵ *Ibid.*, p. 1.

All-15-19 percent; Mini 14-10 percent; MAC 11-9 percent; and TEC-9-8 percent. Other models were reported by four percent or fewer of the respondents.

Other survey questions asked respondents about their perceptions of the existence and distribution of these firearms. For example, one question asked whether there had been "a significant increase" in the use of the firearms over the past five years. Eighty-three percent reported an increase "in the type and frequency of use" of those firearms. Seventeen percent reported no increase, "or more commonly, such weapons are currently not among the weapons of choice of criminal offenders in their districts". Another related question asked if "assault weapons" were being selected "as the weapon of choice" instead of pistols and revolvers. In response, thirty-four percent believed they were being used as replacements for pistols or revolvers, thirty-two percent believed they "augmented, rather than displaced" handguns, and thirty-four percent reported the "firearm problem was overwhelmingly handguns and revolvers".

Florida

Scope and Purpose of Survey. The Florida Assault Weapons Commission, established by State statute, surveyed law enforcement agencies in Florida to collect information on the types of firearms used by criminals from 1986 through 1989. The Commission distributed 415 surveys to local, State and Federal law enforcement agencies within the State. One hundred and twenty-six were returned, "of which 107 provided statistical information." Of the total surveys returned in time for tabulation, 39 agencies reported "no experience with 'assault weapons'"; 43 surveys contained no information on the 'assault weapons' listed in the surveys;²³ and 25 had some experience with the 'assault weapons' identified by the Commission. Following tabulation of the initial responses, ten additional surveys were received.

Limitations or Cautions. Only thirty percent of the surveys were returned; seventy percent of the surveyed respondents did not provide information. The omission of information from that proportion of surveyed law enforcement agencies arguably raises doubt as to the utility of the data. It may be conjectured that surveyed agencies did not respond for various reasons, including: (1) insufficient staff or resources to take the time to complete the questionnaire; (2) insufficient concern with the questions being asked, i.e., the firearms in question were not a significant issue; or (3) a general disregard for survey research information requests. Without information on the non-respondents, it is not possible to discern whether the information obtained from the survey is representative of all or most of the law enforcement agencies in the State. For example, note that data obtained from the Miami Police Department by the CRS (see table 5) are not reflected in the State tabulations. Because the total number of military-style firearms reported by Miami to CRS

²³ According to the author of the report, Mr. Albert Harris, it is not possible to ascertain whether or not those respondents had any experience with the firearms in question.

for the years 1986-1988 exceeds the number listed by the State, it appears that the State totals provide incomplete information.

Also, as published in the final report²⁷ and compiled in table 4, below, the final tabulations provide data on specified makes or models, but not all of the semiautomatic or full automatic firearms reported to the Commission. In addition to a count of the number of specified military-style firearms, many other semiautomatic, or full automatic firearms (including conversions) were reported under the general categories of handgun, rifle or shotgun. For example, in addition to the six military-style semiautomatic firearms reported in 1986, respondent agencies identified 117 handguns, 41 rifles and 6 shotguns as semiautomatic firearms. It is not possible, from the published data, to determine the make or model of these firearms. In the absence of detailed information on the firearms included in these general categories, it is possible that some were semiautomatics similar in function or design to the specified military-style firearms.

Principal Findings. Table 4 of this report presents information on the specific models of firearms used in crimes in Florida, as reported by the survey respondents. Of the sixty-six types of 'assault weapons' covered in the survey, only the eleven listed in this table were identified by the law enforcement agencies as having been involved in specified crimes. No respondent reported the use of any of the other fifty-five models. As noted above, these statistics should not be considered representative of the experiences of law enforcement agencies in the State.

²⁷ State of Florida. Commission on Assault Weapons. Report. (Tallahassee, Florida) 1990. 18 p. plus appendices.

TABLE 4. Selected Types of Semiautomatic Firearms Used in Crimes, Florida, 1986-1989 *

Manufacturer/Type	Number of semi- and full-automatic ¹ firearms reported each year							
	1986		1987		1988		1989	
	Semi	Full	Semi	Full	Semi	Full	Semi	Full
Uzi	1	1	0	0	4	0	6	2
TEC-9	1	0	0	1	6	0	5	0
TEC-22	0	0	0	0	0	0	2	0
M10	0	2	2	1	0	0	2	0
M11	1	0	2	2	1	0	1	0
Mini-14	2	1	1	0	4	1	3	0
Street sweeper shotgun	0	1	0	0	0	0	0	0
M14S	1	0	0	0	0	0	0	0
AR-15	0	0	2	0	1	1	4	0
Type 36	0	0	1	0	0	0	0	0
M16/22	0	0	1	0	0	0	0	0
AK47	0	0	0	0	0	1	0	0
AR-70	0	0	0	0	1	0	0	0
Universal "Enforcer"	0	0	0	0	1	0	0	0
Steyr AUG	0	0	0	0	0	0	1	0
Totals	6	6	7	4	15	3 ²	27	2

* These data are arguably of limited use as approximately two-thirds of surveyed agencies did not respond to the survey.

¹ The term "full-automatic" includes firearms manufactured with full automatic action as well as semiautomatics converted to full automatic. Does not include conversions of firearms listed under broad categories of handgun, rifle, or shotgun.

² In addition, the report listed 1 Uzi and 2 Mini-14s as firearms "other" than semiautomatic or full-automatic.

Source: Florida Department of State, Division of Licensing, Assault Weapons Commission Report, Executive Summary, Tallahassee, 1989, p. 24-47.

Local Data

In addition to the data collected by the States, some information on the firearms in question is available from certain municipalities.²⁴ In some localities police have reported a greater number of these firearms in recent years, particularly from 1987 through 1989. On the other hand, reports also indicate that relatively few of these firearms are seized or used by criminals in other municipalities. Following are brief summaries of available statistics.

It should be noted that statistics drawn from some of the local reports presented above may confuse the issue of whether these firearms are "crime guns" because information is not always presented, or available, on precisely which makes or models are included in the counts. For example, some law enforcement officials may consider semiautomatic pistols capable of accepting a large ammunition feeding device to be "assault weapons," while others may not.

Akron, Ohio. A news report cited before Congress included a reference to a report that, of the 400 guns received by the Akron police department each year, "only about 2 percent could be classified as assault weapons, generally defined as semiautomatic guns with magazines that carry 20 rounds or more and look like military weapons."²⁵ When asked to confirm that statement and provide more current information, the Akron police officer who was cited in the article stated he did not make such a statement and noted that, in recent years, Akron had seen an increase in "assault weapons," many acquired in narcotics investigations. The officer also noted that statistics on firearms received by the department are not generally available.²⁶

Baltimore County, Maryland. In 1985, two "assault styled weapons" (includes pistols, carbines, rifles and shotguns) came into the possession of the police department; in 1988, the number increased to 41. Specific statistics are not available, but it was noted that the number decreased in 1989.²⁷ Statistics for

²⁴ Data in this section were obtained through a search of publications, hearing records, and personal contacts, and not from a systematic effort to collect information on firearm confiscations in localities. They are presented solely to provide an indication of the kind of information available on the local level and are not intended to serve as a sample of data for the nation.

²⁵ Hoiles, Robert. Police Gunning to Boost Odds. Akron Beacon Journal, Mar. 13, 1989: A9.

²⁶ Telephone conversation with Sgt. Robert Offret, Akron Police Department (216-375-2047), June 5, 1991.

²⁷ Carol Price, Technical Services Bureau, Baltimore County Police Department (301-887-2252), telephone conversation, June 5, 1991. According to Leonard Supenski, Chief, Technical Services Bureau, the decrease in 1989 is attributable to the President's importation ban and enactment of legislation requiring registration of the firearms.

1990 are not available due to a computer malfunction. From January 1 through October 1 of 1991, the most recent information available at the time of publication, thirty-two such firearms had been logged.

Chicago, Illinois. Statistics on criminal use of military-style semiautomatic firearms are not readily available from Chicago. However, it has been reported that, in 1987, out of 374 homicides committed with firearms, 76 involved "semiautomatic pistols, such as the traditional .45-caliber military-style weapon." The other reported types of firearms were as follows: "slightly less than half (180 homicides) involved revolvers, four deaths by derringers, eight from .22-caliber rifles, and 20 deaths by shotguns."²⁷

Detroit, Michigan. One indicator of the types of firearms that have been used for criminal purposes in Detroit is available through a special trace project undertaken by the ATF and the Detroit Police Department. It should be noted, however, that the trace project specifically focused on military-style firearms, and the results arguably reflect that emphasis. Of the 1,226 firearms successfully traced through this study, 181 (15 percent) were "assault weapons" such as the Mac 11 (90 traces), Tec-9 (51), Uzi (9), AR-15 (4), Mini-14 (6) and civilian variants of the AK-47 (Norinco type, 22 traces).²⁸

District of Columbia. According to a report attributed to a Metropolitan Police Department Lieutenant, "assault rifles" were rarely encountered by the police in 1989.²⁹ Detailed statistical information on the types of firearms received by the police were not generally available until 1991 when a new classification system was established. Under this system, "military/assault style" pistols, rifles, and shotguns are counted separately from other firearms.³⁰

²⁷ Recktenwald, William. *Police Note a Rarity in Chicago.* Chicago Tribune, Mar. 20, 1989. p. 8.

²⁸ U.S. Department of the Treasury. Bureau of Alcohol, Tobacco and Firearms. *ATF/DPD Firearms Trace - Project Detroit.* (Washington, 1990) p. 4.

²⁹ Jenkins, Kent Jr. *Calls for Ban Boost Assault Rifle Sales.* Washington Post, Mar. 6, 1989: B1.

³⁰ The Metropolitan Police Department definition of "military assault-style" firearms includes those "distinguished by certain physical features in semiautomatic action only, including those with or capable of accepting the larger capacity/detachable magazine." Features such as the existence of a pistol grip, folding stock, or barrel shroud are included; camouflage finish is not considered, however. Staff with the Firearms Identification Section noted that some of the firearms were not confiscated or seized by the police in criminal incidents. Some of the firearms were found, some turned in for destruction, some were victims' guns, and others were used in criminal incidents. Sources: Telephone conversation with George Wilson, Firearms Identification Section, Metropolitan Police Department (727-4416), January 21, 1992.

Table 5, below, presents statistics on the number of firearms that come into possession of the Metropolitan Police Department during calendar year 1991. "Military/assault-style" pistols and rifles constituted three percent of all the firearms received by the Police Department in 1991.

In addition, District of Columbia officials have provided information and have testified on at least two occasions regarding the issue of further control.³⁴

TABLE 5. Number and Type of Firearms Received by the Metropolitan Police Department (District of Columbia), 1991

Type of firearm	Number
Military/assault style	
Pistols	93
Rifles	12
Shotguns	0
Subtotal	105
Full automatics	3
Short barreled	
Rifles and shotguns	134
Standard models	
Revolvers	1,331
Semiautomatic pistols	1,458
Rifles	175
Shotguns	321
Grand total	3,527

Notes: All categories are exclusive. None of the three full automatic firearms were conversions.

Source: George Wilson, Firearms Identification Unit, Metropolitan Police Department, January 21, 1992.

³⁴ Testimony of Inspector Philip A. O'Donnell, Metropolitan Police Department at: U.S. House. Committee on the Judiciary. Subcommittee on Crime and Criminal Justice. *Selected Crime Issues: Prevention and Punishment.* Hearings, 102nd Cong., 1st Sess., June 12, 1991. Washington, U.S. Govt. Print. Off., 1991. p. 312. and Testimony of City Council Member Wilhelmina Rolark before the House District of Columbia Committee, November 21, 1991.

Miami, Florida. Data on the number of "assault weapons" confiscated by the Miami Police Department are presented in table 5. These data were compiled at the request of the Congressional Research Service. Appendix C of this report contains the complete list of makes and models of firearms submitted by CRS to the Department. These makes and models included in the request were drawn from various legislative proposals and through a search of the literature.

TABLE 5. Number of Selected Firearms Acquired by the Miami Police Department, 1986-1990

Make or model	1986	1987	1988	1989	1990
Colt (AR-15)	6	5	4	2	2
Fab. Nat. (FNS/FAL/LAR/FNC)	0	1	0	0	1
Heckler & Koch (G1, G3, G4)	0	0	0	1	0
Interstate (TEC-9, TEC-22)	23	9	28	14	11
MAC (10, 11)	2	4	1	1	0
Norinco (6KS)	3	1	5	1	1
S.W.D. Industries (Cohray)	1	0	4	5	2
UZI (Carbine)	3	7	25	1	3
American Industries (Calico)	0	0	0	0	1
Armitage Int., Ltd.					
(Scrab) Scorpion	0	0	0	0	3
Springfield (M1)	0	0	0	0	2
Totals	38	27	67	25	26

Source: Sgt. Adrian Martin, Miami Police Department, Property Unit. See Appendix C of this report for a full list of the makes and models of firearms submitted to the Department.

New York City. On two separate occasions, city police officials have presented data on the criminal use of military-style semiautomatic firearms in New York City, but have used the data to draw seemingly different conclusions. Testifying before Congress in the 101st Congress, the Executive Director of the Police Executive Research Forum indicated that these firearms are more dangerous than others and cited the former Police Commissioner of that City, as follows:

As the Chief Executive of the Nation's largest police force, I am well aware of the danger posed by these weapons. In New York City, 220 assault weapons were seized during 1988 alone. These weapons serve no legitimate hunting purpose and no law abiding sportsman will suffer by the unavailability of such weapons as the AK-47.³⁷

³⁷ U.S. Congress. House. Select Committee on Narcotics Abuse and Control. The Flow of Precursor Chemicals and Assault Weapons from the United States into the Andean Nations. Hearing, 101st Cong., 1st Sess., Nov. 1, 1989. Washington, U.S. Govt. Print. Off., p. 41.

Approximately eight months earlier, the commander of the Ballistics Unit for the Police Department responded to a reporter's question "What kind of guns are used in crimes?" The commander noted that handguns, including some known as "assault weapons," were the firearms frequently used by criminals, and that rifles ("AK-47s") were rarely encountered. The pertinent text of the newspaper article follows:

Ten years ago, the hot thing was the Saturday night special. Nowadays, it's the 9-millimeter gun that has a big, long clip that can fire more than 12 rounds. . . .

The popular guns now are the larger guns and the larger calibers—9-millimeter, .45 caliber. There are Uzis and Interstates The .38-caliber revolvers are still popular.

The AK-47 is a copy of the Russian-made assault rifle, but there are other assault rifles, like the Colt M-16. We don't see many of them. We had 1,028 rifles last year; 867 of them were legal-sized guns.

A rifle is not what usually is used by the criminals. They'll have handguns or sawed-off shotguns. You have more firepower with a 9-millimeter handgun than you do with an AK-47. You can put more rounds into the magazine with some of these 9-millimeter handguns as opposed to the AK-47 rifle. The rifle is big. We haven't seen any cut down. These drug dealers are more inclined to use the 9-millimeter pistol than go to a cumbersome AK-47 rifle.³⁸

Oakland, California. In 1985 twelve "assault weapons" were confiscated by the Criminal Investigation Division, Oakland Police Department, California. In 1988, by comparison, 214 were confiscated. Arguably as a result of the State law (adopted mid-year 1989) that banned the transfer and strictly regulated the possession of such firearms, the number confiscated in Oakland dropped to 162 in 1989 and 134 in 1990.³⁹

San Diego County, California. In testimony before the Senate, the sheriff of San Diego County noted that "about 50 percent of the hundreds of weapons seized concurrent with the seizure of 322 methamphetamine labs over the past two years" in the county were of the type listed in two bills considered by the Senate, S. 386 and S. 747.⁴⁰

³⁸ Where the Guns Are, What They Are, Who Has Them. New York Times, Feb. 5, 1989. p. 26.

³⁹ Stark, Fortney. Remarks in the House. Congressional Record, Daily Edition, v. 137, Oct. 17, 1991. p. H8036.

⁴⁰ Senate hearing, p. 291.

Alternative Presentations of Data

At times during the debate on this issue, reference has been made to two conflicting interpretations of statistics on the criminal use of military-style semiautomatic firearms. Proponents of control legislation have noted that these firearms are traced by the ATF disproportionately to their number in the civilian gun market and therefore are the "weapon of choice" of drug traffickers and violent criminals. Confirmation of this position, they argue, is evident in the results of a study conducted by the Cox newspaper chain and published in the *Atlanta Journal-Atlanta Constitution* in May 1989. On the other hand, opponents of proposals to place further controls on such firearms argue that concealable handguns and short-barreled long-guns continue to be the favored firearms of criminals. Using crime statistics compiled by the FBI, the National Rifle Association (NRA), for example, contends that less than one percent of serious crime involve "assault weapons," specifically rifles.

Caveat. This section of the report summarizes two published analyses of statistics on the criminal use of military-style semiautomatic firearms, the Cox newspaper report and the NRA finding. These are not the only possible ways in which the available data could be viewed; other methods of analysis could be devised as well. This report highlights components of the published analyses. Interested readers are encouraged to obtain the documents or to contact the authors or their organizations, to evaluate the conclusions or purposes of the authors as they are published. For congressional users, the Atlanta newspaper and the *American Rifleman* articles are available from the Congressional Research Service.

Atlanta Newspaper Report

The first analysis of national trace data on military-style semiautomatic firearms was published in May 1989.⁴¹ The article was published approximately four months after the Stockton tragedy during, as reported in the article, "a wave of national state legislation, unparalleled since the assassinations of Robert F. Kennedy and Martin Luther King Jr. led to passage of the 1968 Gun Control Act." The authors indicated that the statistical analysis presented in the article was intended to resolve one of "two problems [definition of and statistics on such firearms, that] have hampered advocates of revised gun laws."⁴² The article noted that "the findings appear to document for the first time what police across the nation have asserted for months—that a minute number of semiautomatic guns patterned after military firearms are the favored weapon of a growing number of criminals, especially violence-prone

⁴¹ Stewart, Jim and Andrew Alexander. Assault Guns Muscling in on Front Lines of Crime. *The Atlanta Journal-The Atlanta Constitution*, May 21, 1989, p. A1, A8.

⁴² *Ibid.*, p. A8.

drug gangs that infest larger U.S. cities."⁴³ The makes and models of firearms included in the article's "assault weapon" classification included those listed in the President's temporary importation bans and in S. 386, as introduced in the 101st Congress.

Based on an examination of 42,748 ATF tracing requests submitted from January 1988 through March 1989, staff of the *Atlanta Journal-Atlanta Constitution* concluded that in terms of their general availability in the civilian gun market, these firearms are "20 times more likely to be used in a crime than a conventional firearm." Other findings regarding the makes and models of firearms traced were that two-thirds of the military-style firearms listed in the traces were domestically manufactured, the "use of assault weapons in crime rose more than 78 percent in 1988 over 1987," 70 percent of the models identified by the newspaper accounted for ninety percent of assault weapons traced during that period, and the firearms in question were associated with eleven percent of reported Gun Control Act violations, over twelve percent of "narcotics crimes," and thirty percent of the traces associated with organized crime. The study also presented statistics on the proportion of these and other firearms traced in nine cities and reported that one "assault weapon," the TEC-9, was included in the "top five criminal guns." The other four guns most frequently found in the sample were the Raven MP-25 (.25-caliber semiautomatic pistol), Smith & Wesson Model 60 (.38-caliber revolver), Smith & Wesson Model 36 (.38-caliber revolver), and the Calwest J22 (.22-caliber semiautomatic pistol).⁴⁴ None of these is generally included in the definition of "assault weapons."

Limitations or Cautions. Acceptance or rejection of the Cox newspaper findings is primarily based on perceptions of the utility of the trace system for statistical purposes. Appendix B of this report consists of a description of the tracing system and a discussion of the limitations of using ATF tracing data for statistical analysis. Such limitations include the inability to determine whether a particular trace request is generated as a result of the gun's involvement in a criminal incident as well as the general nature of the universe of trace requests. One limitation, the inability of ATF to trace firearms from which serial numbers obliterated, could mean that the tracing data used in the Cox report understate the extent to which these firearms are used by criminals. It may be argued that, despite those limitations, the trace data are the best available on the firearms used by criminals; others, however, may reject their utility altogether.

Another element of the Cox study meriting attention is the connection drawn between two separate sets of data. As noted above, there are grounds for arguing that the ATF tracing system is not appropriate for statistical

⁴³ *Ibid.*, p. A1.

⁴⁴ The study defined "assault weapons" to include the 49 models temporarily suspended from importation by the Administration, along with the fifteen models listed in S. 386 as introduced.

analysis. In support of the claim by an ATF official that the traces "represent a 'significant cross section' of crimes involving firearms," the article compared the number of firearm crimes reported to the FBI through the UCR system to the number of trace requests submitted to the ATF in 1987. Because an unknown percentage of the trace requests may not be associated with criminal activity and the data collection procedures used by the ATF are not consistent with those used by the FBI, it is not appropriate to link the two data sets. While UCR data were not used to derive the probability estimate in the Cox newspaper study, they were used to buttress the validity of the ATF data.

NRA Crime Rate Comparison

In November 1990, following Senate consideration of "language banning some makes and models of semiautomatic firearms" (S. 1970), the National Rifle Association (NRA) published a series of questions posed by the organization and corresponding answers provided by the FBI on the criminal use of firearms listed in the legislation, particularly with regard to assaults on law enforcement officials.⁴⁵ Opining that statistics used in the debate on the bill "were fabricated or taken from propaganda," the article noted: "To set the record straight, NRA wrote to the FBI, seeking unassailable facts to refute these allegations."

The questions posed by the NRA generally asked whether data existed on the use of these firearms in assaults, including assaults on law enforcement officers. The answers provided by the FBI, as paraphrased or excerpted in the article, noted that 12 of 810 (less than 1.5 percent) deaths of law enforcement officers "during the past decade" involved the firearms listed in S. 1970 and also discussed the dearth of information on the criminal use of these firearms.

In addition to the questions and answers, the article included the NRA finding that a very small proportion of serious crimes in 1989 involved "military-caliber" semiautomatic rifles. Specifically, NRA pointed out that "less than 1 percent of all serious crimes involve long-guns. Of those that do, less than 8 percent involve rifles which may have military-style cosmetic features."

Uniform Crime Report data, as well as data prepared by other sources, reportedly served as the basis for the NRA finding.⁴⁶ Specifically, the article noted that long guns (rifles and shotguns) were involved in 94,309 crimes (time period unspecified), of which 7,545 involved "military-caliber semi-auto rifles." The latter number, it was noted, was "based on FBI data on military calibers used in rifle-related homicides of law enforcement officers, approximately one-fifth" of which may involve military calibers. The article also included a note

⁴⁵ Blackman, Paul H. Senators Use False Numbers to Cover Up Gun Ban Votes. *American Rifleman*, v. 139, Nov. 1990: 49-50.

⁴⁶ Conversation with the author (Paul H. Blackman of the NRA).

that one criminologist estimated that "one percent of rifle-related homicides involve military-style rifles."

Limitations or Cautions. Data used in the NRA article cannot be verified, should be used with caution, and may be based (to the extent known) on debatable assumptions. In particular, the estimate that 7,545 "military-caliber semi-auto rifles" were involved in violent crimes appears to be based on a very small sample of information on the caliber of rifles used in homicides of law enforcement officers.⁴⁷ The appropriateness of extrapolating this small subset of information to the larger sets of violent and serious crimes can be questioned. In addition, the NRA comparison does not take into account criminal use of semiautomatic handguns such as the MAC 30/11 and the TEC-9 or less frequently reported shotguns such as the Striker 12 or Streetsweeper.

Other Approaches

The preceding statistics have been cited in the debate on whether the military-style semiautomatic firearms are preferred by criminals. The question of criminal preference may be answered in other ways as well. For example, the ATF has summarized "preference" as follows:

Criminals are most likely to use whatever kind of firearm is immediately available to them. A review of our records of firearms taken into custody and our approximately 40,000 annual firearms traces reflect a broad range of firearms types. For most criminals, concealment is an issue, so they prefer handguns.⁴⁸

This could arguably indicate that "assault weapon" handguns are less preferred because they are larger and less concealable than other semiautomatic pistols or revolvers. The agency notes, however, that "there is some preference for high capacity, semi-automatic firearms, particularly among narcotics traffickers." The statement by the ATF continues, as follows:

There is no contradiction in this. The difference is between what they are readily able to get their hands on and what they would like to have but is less available on either the illicit market or in commercial channels.

It is worth noting that occasionally there are very clear preferences in certain criminal gangs. This may be for a specific

⁴⁷ These data are published annually by the FBI. For 1989 data, see: U.S. Department of Justice. Federal Bureau of Investigation. Law Enforcement Officers Killed and Assaulted, 1989. Washington, U.S. Govt. Print. Off., 1990. p. 13.

⁴⁸ ATF response (dated April 8, 1991) to question 21 of letter from House Ways and Means Committee.

firearm or for a generic type. We have noted that in some places UZI has become a generic term for any semi-automatic firearm.

Where those preferences appear, that may help us; particularly when guns are being bought at retail through straw purchasers. However, it does not mean that a group of criminals will actually have more of the preferred firearm than of more readily available and widely circulated models.⁴⁸

In addition to the ATF assessment, other perspectives and statistics provide insight into the demand by criminals for such firearms. These include the increased rate at which these and other semiautomatic firearms have appeared on the civilian market and a comparison of the number of traces (assuming trace requests are a measure of criminal use) conducted on a given model to the total number produced.

Increased Production Levels

For some the debate over the extent to which these or other firearms have been used in violent crime in the past is subsidiary to the question of whether future tragedies can be averted. It could be argued that policymakers should act to prevent tragedies, and not wait for the statistics to justify congressional action. For instance, in addition to curbing actual use, proponents of control argue that more restrictive controls would 'stem the proliferation' of the firearms in criminal activities.⁴⁹ Such an argument has been used by the Administration in defending the importation ban. According to one ATF official, the ban "halted a flood of foreign-made military-style weapons that were threatening to reach the streets in the spring of 1989." At the time, he said, the agency had received applications to import more than 700,000 of these guns - a tenfold increase over the previous year.⁴¹

It may be argued that an increased appearance of these semiautomatic firearms in police property rooms reflects their increased availability. The application of the 'new gun theory'⁵² to the issue at hand introduces the idea

⁴⁸ Ibid.

⁴⁹ Kennedy, Edward. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6730.

⁴¹ Testimony of Richard Cook, Chief, ATF Firearms Division, in the House June 12 hearing, as cited in: Isikoff, Michael. Justice Dept. Official Cites Gun Ban Loopholes. *Washington Post*, June 13, 1991: A17.

⁵² Building upon research completed in the 1960s for the National Commission on the Causes and Prevention of Violence (generally referred to as the Eisenhower Commission), in 1976, Professor Franklin Zimring found that "a disproportionate percentage of handguns confiscated by metropolitan police will have been in circulation for relatively short periods of time." See: Zimring,

that rather than drawing upon any of the 200 million firearms reported to be in existence, criminals are more likely to prefer "new" firearms. This does not refute the contention that semiautomatic military-style firearms are preferred by criminals in numbers disproportionate to their existence on the civilian market, nor does it contradict the ATF contention that criminals will use any firearm they can obtain. Instead, if this theory is applicable, it appears appropriate to consider statistics on the criminal use of certain firearms within the context of the number of "new" guns in the market.

The semiautomatic handgun market has increased dramatically in recent years. Production of semiautomatic pistols increased most significantly in the latter half of the 1980s, the years in which the "assault weapon" issue gained prominence. From 1985 to 1989, the domestic production of semiautomatic pistols almost doubled, from 706,542 to 1,376,073. By comparison, during that period of time the production of revolvers declined 26 percent (843,529 to 754,711). In addition, a greater percentage of domestically manufactured semiautomatic pistols remained in the United States; in 1985, 4.1 percent of the pistols were exported, while, in 1989, exports dropped to 2.9 percent.⁵³ The number of rifles produced increased 21 percent in that period (approximately 1.1 million to almost 1.4 million). (Current data do not allow differentiations between the production of semiautomatic rifles from other types of rifles.) Also, during that period, the production of shotguns declined.

Generally, information on the production of military-style semiautomatic firearms is not available. Statistics are compiled on the production of semiautomatic handguns by caliber. Because the handguns proposed for further control accept 9mm or, now less commonly, .45-caliber rounds, the production of all pistols (not revolvers) of those calibers are the best production measures available.

According to ATF data, as compiled by one researcher who has studied and published firearm production data for years, domestic production of 9mm semiautomatic pistols increased more than five-fold from 1986 to 1989, from 64,361 to 404,078. The number of .45 caliber pistols increased less dramatically (55.2 percent) during those years.⁵⁴ Table 6 provides annual production data for calendar years 1986 through 1989.

Franklin E. Street Crime and New Guns: Some Implications for Firearms Control. *Journal of Criminal Justice*, vol. 4, summer, 1976: 95-107.

⁵³ Data taken from: Howe, Walter J. Firearm Production by U.S. Manufacturers, 1973-1989. *Shooting Industry*, 1991 Shot Show Issue, vol. XXXV, no. 12: 62-96.

⁵⁴ Ibid, p. 72.

TABLE 7. Production of 9mm and .45-Caliber Pistols, 1986-1989

Calendar year	9mm pistols		.45-caliber	
	Number	% change (over previous year)	Number	% change (over previous year)
1986	64,361	N/A	91,683	N/A
1987	104,238	63.2	127,466	39.1
1988	183,459	89.5	138,671	8.8
1989	404,078	120.3	142,261	2.6

Source: Howe, Walter J. *Firearm Production by U.S. Manufacturers, 1973-1989*. Shooting Industry, 1991 Shot Show Issue, vol. XXXV, no. 12, p. 72.

The number of imported military-style semiautomatic firearms in the civilian market increased dramatically in the latter part of the 1980s. For example, according to ATF data cited in one article,⁶⁵ ninety-five percent (79,195 out of 83,695) of the semiautomatic rifles imported in 1987 were of the types included in the two temporary importation bans adopted in the spring of 1989. All but seven of the types included in the temporary bans were listed in the permanent ban adopted in July 1989.

It should be noted that these statistics differ from those provided by the ATF in a brief submitted before a U.S. district court. In that brief, ATF stated that, in 1987, "approximately 39,000" semi-automatic assault-type rifles were approved for importation into the United States.⁶⁶ Still, the agency noted in the brief that a significantly greater number of these rifles were imported in 1987 and 1988 as compared to other years. In 1985 and 1986, "approximately 4,000" such rifles were approved for importation; by 1987, the number increased to 39,000, and, by 1988, to 40,000. In addition, the agency expected the imports to increase further, as noted in the following excerpt:

Statistical information available at the time ATF took the action to temporarily suspend the importation of these types of weapons indicated that there were applications pending to import over 110,000

⁶⁵ Thompson, Thomas R. *Form or Substance: Definitional Aspects of Assault Weapon Legislation*. Florida State University Law Review, vol. 17, Spring, 1990: 659.

⁶⁶ Higgins, Stephen. Declaration in *Gun South, Inc. v. Nicholas Brady, et. al.* In the United States District Court for the Northern District of Alabama Southern Division, April, 1989, p. 5.

assault-type rifles, and outstanding permits to import over 420,000 more. These figures indicate that in the first 3 months of 1989 alone, importers sought to import over one-half million assault-type rifles.⁶⁷

News articles also reported that an increasing number of the firearms now proposed for further control were produced and imported in recent years. An article in the May 21, 1989, *Atlanta Journal-Atlanta Constitution* newspaper, for example, noted that greater numbers of the TEC-9 handgun were being produced:

Today, the [manufacturer] can't make the guns fast enough. Production . . . is up to about 3,000 TEC-9s a month, he said, more than double the 1,200 a month produced little more than a year ago.⁶⁸

Other news reports also provide an indication that the demand for semiautomatic firearms proposed for further control increased in recent years. *Time* magazine reported shortly after the Stockton tragedy that:

Purchases of the AK-47 copy soared from a mere 4,000 a year as recently as 1985-86 to more than 40,000 last year. There has also been a leap in sales of the MAC-10, a relatively cheap U.S.-manufactured semiautomatic; the AR-15, a semiautomatic copy of the U.S. military's M-16 infantry rifle; and a semiautomatic version of the Israeli-made Uzi.⁶⁹

The *New York Times* quoted an official of one company that manufactures semiautomatic versions of the M-14 military rifle as follows:

Our factory is running around the clock, seven days a week, no holidays and no vacations . . . [The article went on to note] that the "company had increased production by 35 percent in the last four months, both for making guns and for making parts sold to other gun assemblers, and is still weeks behind in deliveries."⁷⁰

Other gun manufacturers cited in the mid-1989 article presented contrary information, however. An official at one company commented that "orders were up only slightly" (in opposition to another employee at the same company who

⁶⁷ *Ibid.*

⁶⁸ Alexander, Andrew and Jim Stewart. A 'High-Spirited' Gun. *Firepower: Assault Weapons in America*, p. 7.

⁶⁹ Church, George J. *The Other Arms Race*. *Time*, v. 133, Feb. 6, 1989: 22.

⁷⁰ Johnson, Kirk. Gun Import Ban Enriches Small U.S. Arms Makers. *New York Times*, July 14, 1989: A1, B6.

noted that "more orders were received in March for \$500 unassembled copies" of the AR-15 than in the entire previous year, and the manufacturer of the Mini-14 reported they were "not experiencing any great surge in demand."⁴¹ Other reports also cited instances of sales and requests in record numbers for semiautomatic firearms in the wake of Stockton and in anticipation of a ban on the possession or transfer of the firearms.⁴²

In summary, it could be argued that the increase, from 1986 through 1989, in tracings of the semiautomatic firearms proposed for further control (see tables 1 and 2) might have been expected in the context of the "new gun" theory.⁴³ Such a conclusion does not disprove the claim that these firearms are increasingly preferred by criminals, but it does indicate that they represent a significant share of the new gun market and may arguably be another explanation for the number of traces conducted in recent years.

Comparison of Trace Requests to Production

It has been argued that a small proportion of firearms in civilians' hands are used for illicit purposes. For example, in the debate on this issue in the House, it was noted that "FBI data indicate that annual criminal misuse of all firearms involves two-tenths of 1 percent of the total number of firearms owned."⁴⁴ From this perspective, it might be argued that a comparison of the number of traces conducted on certain makes or models to the total number produced would be a worthwhile task. The limitations associated with using trace data to measure criminal firearm use, as discussed in appendix B, are applicable to this discussion.

⁴¹ *Ibid.*

⁴² For example see: Jenkins, Kent Jr. Calls for Ban Boost Assault Rifle Sales. *Washington Post*, Mar. 6, 1989: B1, B6. and Mathews, Jay. Massacre Boosts Sales of Assault Rifle. *Washington Post*, Jan. 24, 1989: A10. and Smothers, Ronald. Assault Rifles Selling Like Hot Stocks, Stores Say. *New York Times*, Mar. 17, 1989: A1, A18. and Mathews, Jay. Frenzied Buyers Cleaning Out Assault Rifle Stocks Across Nation. Mar. 17, 1989: A12. and Hurst, John. Gun Ban Bill Brings Panic Shopping, Hoarding. *Los Angeles Times*, May 20, 1989: 16.

⁴³ Some may question the validity of the "new gun" theory by arguing, as reported by the ATF, that criminals use any firearm they can find. For example, traces of firearms recently seized from illegal gun shipments to South American nations found "that some of these firearms were purchased as far back as 1971." See: U.S. House. Committee on Foreign Affairs. Connection Between Arms and Narcotics Trafficking. Hearing, 101st Cong., 1st Sess., Oct. 31, 1989. Washington, U.S. Govt. Print. Off., 1990. p. 4.

⁴⁴ Schutze, Richard. Remarks in the House. *Congressional Record*, Daily Edition, v. 137, Oct. 17, 1991. p. 135029.

Intuition would support the hypothesis that the preference of criminals for particular models of firearms can be measured by comparing the number of times the specific type or model of firearm has been suspected (through tracing statistics) of being used for illicit purposes to the number of that type or model in circulation. Difficulties inherent in the use of tracing statistics are discussed elsewhere in this report. Four other limitations to this approach should be noted. First, any traced firearm is probably in the possession of the police department and is unlikely to be used again by a criminal. As a result, the data cannot be compared to the number of criminal offenses because the gun may have been involved in many illicit situations prior to seizure by police. Second, the tracing system obviously will only identify those firearms that are in the possession of police. Many firearms used in crimes have not been seized or traced, and therefore cannot be counted as "crime guns." Third, the ratio of firearms used by criminals to the number used for licit purposes will be low because such a small segment of the general population engages in criminal activity. Fourth, it could be argued that knowledgeable criminals would obliterate the serial number on a TEC-9 used in crime, thereby making it more difficult (if not impossible) to trace. For these reasons, the utility of trace data for measuring criminal use of particular models is questionable, and a comparison of the number of firearms traced to the total produced may identify only the tip of the iceberg.

Because it was traced more frequently than others in the Cox newspaper study and because data are available, the TEC-9 might serve as a model for an investigation. Production data on the TEC-9 are more easily obtained from data collected by ATF because it is a relatively new firearm on the market and it is the only 9mm pistol produced by the manufacturer.

The Cox newspaper article reported that "one of every five assault weapons traced to crime" was a TEC-9.⁴⁵ Since 4,240 "assault weapons" were identified in the sample, it follows that approximately 850 were TEC-9s. Approximately 110,000 TEC-9s had been manufactured by March 1990 (the last month included in the Cox study). Comparing the 850 traced by the ATF to the 110,000 available yields a proportion of less than 1 percent (.007).⁴⁶

If the total number of TEC-9s traced from 1986 through 1990 (2,532, from table 2 of this report) is compared to the total number estimated to have been produced from 1986 through 1989 (126,000, the most recent data available), two percent (.02) of all TEC-9s in the market have been the subject of traces. (If 1990 production were added, the trace percentage would fall.)

A related indicator of the criminal use of the TEC-9 handgun is the comparison of annual trace statistics to cumulative production data. Using trace data collected by the ATF each year from 1986 through 1990 and

⁴⁵ Cox study, "Assault Guns Most Often Used in Crimes," p. A-6.

⁴⁶ Annual production information obtained from ATF.

comparing the number of traces of TEC-9s in any of those years to the number produced in all previous years, approximately 1 percent of the TEC-9s produced have been traced each year. See appendix D for the relevant calculations.

It might be argued that a very small number of the TEC-9s in the market at that time were subjects of ATF trace requests. The overwhelming majority of those guns arguably do not appear, to the extent one accepts the trace data as a measure of criminal use, to be the focus of trace requests and might be held for licit purposes.

Further Research. The increased demand (licit and illicit) for military-style semiautomatic firearms has presumably been influenced by the recent publicity given to these firearms. A considerable number of newspaper articles and the accompanying photographs as well as television reports (news as well as feature productions) have given publicity to these firearms. In addition, they have appeared in a number of popular "action movies" and television shows.⁶⁷ The impact of this publicity was noted by an ATF official in testimony before a congressional committee, as follows:

[T]here has been a tremendous increase in the number of those weapons used in crimes. . . . The price has dropped to about \$250, so they will become easier to purchase in this country. In addition, these weapons are seen continually in the media--on television, in movies, in books--so they are more desirable.⁶⁸

Since a content analysis of the broadcast and print media treatment of this topic is beyond the reach of this report and apparently has not been done elsewhere, this hypothesis cannot be elaborated upon here, beyond the suggestion that further research on the subject might be illuminating.

⁶⁷ See *Firepower: Assault Weapons in America*, p. 12-15.

⁶⁸ U.S. Congress. House. Subcommittee on Trade, Committee on Ways and Means. *Banning the Importation of Assault Weapons and Certain Accessories into the United States*. Hearing, 101st Cong., 1st Sess., April 10, 1989. Washington, U.S. Govt. Print. Off., 1989. p. 30.

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OTHER ISSUES

In addition to the issue of whether these firearms are preferred by criminals, other points of debate concern the following:

- U.S. exports to other nations (and the subsequent use of these firearms by drug traffickers in those nations);
- The Administration's ban as indication of need for legislation (the decision by the Administration to ban the importation of certain makes or models);
- Opinions and perceptions of the firearms (public perceptions of "assault weapons" and of their possession by civilians);
- Military-style characteristics;
- Firepower (the amount of ammunition and the rate of fire);
- Conversion to full automatic (technical considerations of the ease or difficulty involved in such conversions);
- Paperwork burden (the additional administrative tasks associated with further control);
- Second Amendment to the U.S. Constitution; and
- Legitimate uses of the firearms.

This section summarizes the more significant points made with respect to these topics of concern during debate on the floor of the Senate in 1990 and in hearings held in the House and the Senate from 1989 through 1991. While some non-congressional references are included, the section draws primarily from the congressional debate itself.

Export to Other Nations

In addition to proposals to control the possession and transfer of military-style semiautomatic firearms manufactured in the United States, the Congress is considering legislation to prohibit the export of such firearms to other nations.⁴⁹ Arguing that these are among the firearms used by drug traffickers, some claim that it is inconsistent for the United States to allow their export while urging foreign governments to control illicit activities of drug organizations. As noted in the Senate debate in 1990:

⁴⁹ Two bills introduced in the 102nd Congress would prohibit the export of semiautomatic military-style firearms--H.R. 19 (Section 3) and H.R. 465.

[We are in the intolerable position of taking these [assault weapons] which are manufactured here in the United States and shipping them down to the Andean countries. We shake our fist at those Andean countries and send big aircraft carriers out there telling them to stop this violence, stop this transportation of the various illicit substances; meanwhile, we are sending right in there the weapons of destruction that put at risk the lives of courageous men and women who are trying to bring about peaceful change through democratic process and procedures.⁵⁰

It has also been noted that the ban on the importation of such firearms is at variance with policies that allow their continued export from the United States.⁵¹

Some leaders of foreign nations have called for a prohibition on the export of "assault weapons" and other firearms. As noted in one hearing, "the Colombian Government has appealed to the Administration to curb the supply of handguns and semi-automatic weapons sold by U.S. gun dealers that eventually wind up in the hands of Latin American cocaine dealers."⁵² According to recent testimony provided by an ATF official, such requests have been made by representatives of at least three nations.⁵³

⁵⁰ Kennedy, Edward. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S8735.

⁵¹ U.S. Congress. House. Select Committee on Narcotics Abuse and Control. *The Flow of Precursor Chemicals and Assault Weapons from the United States into the Andean Nations*. Hearing, 101st Cong., 1st Sess. Nov 1, 1989. Washington, U.S. Govt. Print. Off., 1990. p. 22, 24, 30.

Hereafter cited as *The Flow of Precursor Chemicals and Assault Weapons from the United States into the Andean Nations*

⁵² U.S. House. Committee on Foreign Affairs. *Connection Between Arms and Narcotics Trafficking*. Hearing, 101st Cong., 1st Sess., Oct. 31, 1989. Washington, U.S. Govt. Print. Off., 1989. p. 34.

For other references to requests from foreign leaders see also: Testimony of Richard Cook, Chief, Firearms Division, Bureau of Alcohol, Tobacco and Firearms before the Subcommittee on Crime and Criminal Justice, House June 12 hearing and U.S. Congress. House. Select Committee on Narcotics Abuse and Control. *The Flow of Precursor Chemicals and Assault Weapons from the United States into the Andean Nations*. 101st Congress, 1st Session. Hearing, Nov. 1, 1989. Washington, U.S. Govt. Print. Off., p. 247-253, 258.

The latter hereafter cited as *Flow of Precursor Chemicals*.

⁵³ Testimony of Richard Cook, Chief, Firearms Division, Bureau of Alcohol, Tobacco and Firearms, before the House Judiciary Committee, Subcommittee on Crime and Criminal Justice, June 12, 1991. (in print)

In general, public opposition to the enactment of such legislation has not been strong.²¹ Witnesses have questioned, however, whether additional legislation is necessary. For example, an official of the U.S. Customs Service noted that "further banning of exportation of weapons, to my way of thinking, only further exacerbates the illicit activity that will go on despite the ban. I think it would just drive them further and further underground."²² Under current law, it was noted, the Department of State may reject an application to export these or any other firearms.²³ Part of the answer, for some, is the compilation of more information and the presence of investigative agents in foreign nations.²⁴

One aspect that appears to be in some dispute concerns the utility of U.S.-manufactured military-style semiautomatic firearms to criminals, particularly drug traffickers, in the Andean nations. A representative of Handgun Control, Inc. has noted: "Unfortunately, the United States has become the major assault weapons supplier to drug cartels in Central and South American nations. According to ATF, of the 569 foreign firearm seizures reported to the bureau in 1988, 540, or 95 percent, were assault type rifles."²⁵ An ATF official testified in 1989 that the AR-15, Mini-14, the AKS 47 were the "weapons of preference" for criminals in the Caribbean area, Mexico, and Colombia.²⁶ Another ATF official provided the following summary in his testimony during another hearing:

Almost daily ATF special agents and other Federal, State and local police see the spread of assault weapons on the streets. ATF's firearms seizure reports from foreign countries such as Mexico,

²¹ See *Flow of Precursor Chemicals*, 285 p. and U.S. Congress, House, Committee on Foreign Affairs, *Connection Between Arms and Narcotics Trafficking*, Hearing, 101st Cong., 1st Sess., Oct. 31, 1989, Washington, U.S. Govt. Print. Off., 1990, 142 p. The latter hereinafter cited as *Connection Between Arms and Narcotics Trafficking*.

²² *Flow of Precursor Chemicals*, p. 19. Regulations governing the export of firearms are set forth in 22 CFR 126. Note especially 22 CFR 126.7, "Denial, revocation, suspension, or amendment of licenses and other approvals."

²³ See testimony of Rose Biancardello of the Department of State at: *Flow of Precursor Chemicals*, p. 29-30, 37.

²⁴ Statements affirming the need for better information are found at: *Connection Between Arms and Narcotics Trafficking*, p. 4, 48, and 94, and *Flow of Precursor Chemicals*, p. 5, 15.

The argument for placing agents in these nations is made in *Connection Between Arms and Narcotics Trafficking*, p. 36, 53-55.

²⁵ *Flow of Precursor Chemicals*, p. 44.

²⁶ *Connection Between Arms and Narcotics Trafficking*, p. 6-11

Colombia and Jamaica give us a clear indication that significant numbers of assault or paramilitary type rifles are smuggled out of the United States and used in crimes in other foreign countries.²⁷

Others, by comparison, contend that with the general availability of inexpensive military weapons, including fully automatic firearms, foreign drug organizations are unlikely to prefer military-style semiautomatic firearms made in the United States.²⁸ Surplus military firearms, it has been noted, are readily available from countries other than the United States.

Some of the disagreement may result from the manner in which the terms "assault weapons," "automatic weapons," and "firearms" are, at times, used interchangeably. As is the case with other reports on this issue, statements made for the record on the export of these firearms do not always differentiate among these terms.

If Congress should determine that the export of military-style semiautomatic firearms constitutes a problem requiring some action, it may consider at least two options: (1) the enactment of new or amended statutory provisions, such as a prohibition on the export of such firearms; or, (2) a determination of whether existing law could be enforced more effectively. The selection of one or both of these alternatives may turn on whether, and to what extent, the semiautomatic firearms in question are shipped from the United States in conformance with law and still end up in the hands of criminals overseas or are exported illegally from the United States. If firearms are exported legally and—through mismanagement, malfeasance, or unforeseeable events—obtained by criminals in other nations, it may be argued that the criteria the Department of State uses to review and approve export permit applications should be reconsidered, including the ability or willingness of destination governments to ensure that criminals do not obtain those firearms. However, if the firearms used by drug traffickers or other criminals in foreign nations leave the United States illegally, it may be argued that additional legislation will accomplish little. In this event the focus might be placed on the enforcement of current controls.

Administration Ban as Indication of Need for Legislation

The permanent ban established by the Administration, in July 1989, on forty-three types of "semiautomatic assault rifles" is cited by proponents of control

²⁷ Statement by Daniel Hartnett, Associate Director, Law Enforcement, ATF, House Hearing, p. 114.

²⁸ *Connection Between Arms and Narcotics Trafficking*, p. 75, 114, and *The Flow of Precursor Chemicals*, p. 61, 131-132.

legislation as an acknowledgement of the need for such legislation.⁴² They argue that prohibiting the importation of such firearms is only a partial response to the problem because firearms with similar capabilities, produced domestically, remain available in the United States. The "logical next step," according to proponents, is to place more stringent control on military-style semiautomatic firearms made in the United States.⁴³ As noted above, it has been argued that the importation ban is also inconsistent with the absence of restrictions on exportation.⁴⁴ Most opponents argue that the import ban was not appropriate in the first place and that it should not serve as a model for general policy.

Public Opinion and Perceptions

A number of polls have been conducted on military-style firearms (many of these polls use the phrase "assault weapon" or "assault rifle.")⁴⁵ The polls indicate generally that a majority of those surveyed advocate more stringent restrictions on these firearms. Proponents of further controls cite the polls as added evidence that such controls are needed. For example, they point to one poll which found that 73 percent of gun owners think assault weapons should

⁴² See discussion at: U.S. Congress. House. Committee on the Judiciary. Subcommittee on Crime and Criminal Justice. Selected Crime Issues: Prevention and Punishment. Hearing, 102d Cong., 1st Sess., June 12, 1991. Washington, U.S. Govt. Print. Off., 1991. p. 293-295.

⁴³ Metzenbaum, Howard. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6727. Also, Kennedy, Edward. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 23, 1990. p. S6795. Also, Dodd, Christopher. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6754.

See also debate between Senator Kennedy and William Bennett, then-Director of the Office of National Drug Control Policy at: U.S. Congress. Senate. Committee on the Judiciary. Review of the Second National Drug Control Strategy. Hearings, 101st Cong., 1st and 2d Sessions, Dec. 12, 1989 and Feb. 2, 1990. Washington, U.S. Govt. Print. Off., 1991. p. 188-192.

⁴⁴ See also: U.S. House. Committee on Ways and Means. Subcommittee on Trade. Banning the Importation of Assault Weapons and Certain Accessories into the United States. Hearing, 101st Cong., 1st Sess., April 10, 1989. Washington, U.S. Govt. Print. Off., 1989. p. 32.

⁴⁵ See: U.S. Library of Congress. Guns and Gun Control: National Public Opinion Polls. CRS Report for Congress, by Rin-Sup Shinn, Nov. 26, 1990, p. 19-27. See Chapter IV for the poll results from: a July 1990 NBC News/Wall Street Journal survey; a December 1989 Yankelovich Clancy Shulman poll for Time and CNN; and Harris Survey From March 1989, among others.

be banned⁴⁶ as well as the findings from a nationwide poll in 1989 that 72 percent of the public (broken down more specifically as 68 percent of gun-owners and 76 percent of non-gun-owners surveyed) supported control legislation.⁴⁷ Many major law enforcement organizations (such as the National Association of Police Organizations, the Fraternal Order of Police and the National Sheriffs Association, and others⁴⁸) support the control legislation.⁴⁹

One opponent has argued that the poll results are misleading because the potential consequences of banning these firearms are not given to respondents, as follows: "If the American people knew that their right to keep and bear arms is going to be removed because of these types of activities, I think they would vote this down overwhelmingly."⁵⁰ It also has been argued that "rank and file" police officers and other organizations oppose such legislation.⁵¹

As noted earlier in this report, military-style semiautomatic firearms have received considerable attention from the press and other media. It could be argued that the perception that these firearms are frequently used by criminals is attributable to media reports that selectively highlight incidents in which they have been used. One news commentator testified that reports on the use of such firearms stemmed from a conscious decision on the part of his broadcast station to influence the public.

We have involved the public in this issue through our daily commentary. We are working every day with the Los Angeles Police Department. Every time there is an incident using a semiautomatic assault rifle in the city of Los Angeles, we report it on the news and

⁴⁶ Metzenbaum, Howard. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6730.

⁴⁷ DeConcini, Dennis. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6743-44.

⁴⁸ Letters from law enforcement officers and the Mayor of Boston printed at: DeConcini, Dennis. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6791-6793.

⁴⁹ See also: McNamara, Joseph D. (Chief, San Jose Police Department). Developing a Rational, National Firearms Policy. The Police Chief, Mar. 1985: 26,29.

⁵⁰ Hatch, Orrin. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6735.

⁵¹ Hatch, Orrin. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6735. and Statement of David Kopel of Guardian Group International, House Hearing, p. 410-411.

we ask people to write to the State legislature to ban these weapons.⁵²

In addition, movies and television shows that feature these and other "exotic" firearms have reportedly spurred consumer demand. Viewers reportedly have requested information from the producers of certain shows on where featured firearms could be obtained, and dealers reportedly have acknowledged that customers request the types of firearms used in popular action shows or movies.⁵³

Military-Style Characteristics

Certain components (pistol grip, large magazines and collapsible stock, for example), finish (black or camouflage), and available attachments (bayonets and flash suppressors, for example) for some of these firearms are cited as evidence that they are essentially designed for combat use. Opponents of control legislation argue that the weapons are targeted because they're "ugly" and are perceived to be more dangerous than other firearms.⁵⁴ Because the firearms function in a fashion identical to that of firearms in common use for hunting and other legitimate purposes and not proposed for further control, opponents argue that it is not possible to distinguish military-style semiautomatic firearms for purposes of legal definition.⁵⁵ Proponents argue that these characteristics are attributes of firearms useful for military or criminal purposes.⁵⁶ For example, large-capacity magazines and pistol grips are perceived to facilitate "spraying" rounds from the hip.

⁵² Statement of Bill Press, News Commentator KABC-TV and KABC Radio, Los Angeles, Senate February 10 Hearing, p. 50.

⁵³ Stewart, Jim and Andrew Alexander. "TV Helped to Trigger Assault Gun Mania. 'Miami Vice' Sets Weapon Trends. Hollywood Wants a 'Bigger Bang'." In *Firepower: Assault Weapons in America* (a compilation of articles published by Cox Newspapers). [Washington, 1989]. p. 12-15.

⁵⁴ McClure, James. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 23, 1990. p. S6797. Also, Gramin, Phil. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6753.

⁵⁵ Hatch, Orrin. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6730. Also, Dole, Robert. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6741-42.

⁵⁶ Kennedy, Edward. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 23, 1990. p. S6795.

Firepower

Though with semiautomatic firearms each shot requires a trigger pull, proponents of control claim that a large number of bullets may be "sprayed" from semiautomatic firearms equipped with big magazines; as a result, victims can be struck by many bullets. Accuracy of fire, as a result, is less necessary. In testimony before the Senate Subcommittee on the Constitution, a surgeon and associate director of the Trauma Unit in a Chicago hospital gave her view of the impact the use of "assault weapons" has upon victims.

In the 9 years since I have been at Cook County Hospital, the profile of penetrating trauma has shifted. In the past, the typical victim would have sustained a single, medium-velocity handgun injury to an isolated body region. . . . Recently, we have observed a disturbing trend. Victims are now coming in with multiple bullet wounds through many different parts of their bodies, in shock, barely alive. Many times, it is difficult to decide which organ system to address first.⁵⁷

The large capacities of ammunition-feeding devices that may be attached to semiautomatic firearms is a concern of police officers. Reportedly, the "high rate of fire and capacity for firepower" associated with these firearms was a factor in the enactment of legislation in California that banned their possession, and a finding that these firearms "constitute a far greater threat to public safety than other firearms" was found by a Federal district court to be "eminently reasonable."⁵⁸

The number of rounds that may be fired before changing magazines or reloading is not the only measure of lethality. A ballistics analyst has noted that some of these firearms could be considered *less* lethal because the ammunition often used (7.62 x 39mm NATO-caliber) is "intermediate in power" and less powerful than many cartridges long in use. The analyst noted, with particular reference to the ammunition used by Patrick Purdy in the Stockton, California incident, that "many AK-47 shots will pass through the body causing no greater damage than that produced by nonexpanding handgun bullets. The limited tissue disruption produced by this weapon in the Stockton schoolyard is consistent with well documented data from Vietnam . . . as well as with controlled research studies from wound ballistics laboratories."⁵⁹

⁵⁷ Statement of Dr. Roxanne R. Roberts. Senate Hearing, p. 367.

⁵⁸ Submission to the U.S. District Court, Eastern District of California (Fresno Division), *Fresno Rifle and Pistol Club, et. al., v. Van De Kamp*, May 7, 1990. p. 24.

⁵⁹ Fackler, M.L. and others. Wounding Effects of the AK-47 Rifle Used by Patrick Purdy in the Stockton Schoolyard Shooting of 17 January 1989. In *Commission on Assault Weapons*. State of Florida. 1990. Attachment 1.

The issue of the lethality of the military-style rifles, as compared to certain other firearms under specified conditions, has also been addressed as follows:¹⁰⁰

Far more would have died if Purdy (the Stockton, California assailant) had been using a conventional shotgun, such as Huberty used to kill most of his victims in the McDonald's massacre. According to California reports, after the shotgun fortunately jammed early in that insane attack, he substituted his less-lethal 9mm pistol and UZI carbine. With those more-wicked-appearing [emphasis in text] guns, he did most of his shooting, wounding more but killing fewer. . . .

It is my opinion as a court-qualified "firearms expert" that either the six- (or seven-) shot Model 12 or the five shot Model 1100 Remington 12 gauge hunting shotguns are more lethal at ranges under 50 yards than either the semi or full-automatic versions of the AK-47 with 7.62x39 military ammunition.¹⁰¹

Conversion

An additional characteristic of military-style semiautomatic firearms which, according to some, buttresses arguments for stricter controls is the capability for conversion to full-automatic action. The ease of conversion, however, varies among the makes and models and is dependent upon the machinist's skills. In testimony before Congress, an ATF official has noted: "Some can be converted easily. Others are very, very difficult to convert."¹⁰²

As part of a review of firearms proposed for importation, ATF considers as a factor the degree of difficulty involved in conversion to full automatic. Thus, it has been argued that with regard to semiautomatic firearms, a firearm easily converted to full-automatic could be banned from importation by the ATF. The fact that those firearms had been approved for importation, it is argued, indicates that ATF had judged them difficult to convert.¹⁰³

¹⁰⁰ For example, see House hearing, p. 255.

¹⁰¹ Testimony of Neal Knox, Executive Director, Firearms Coalition, House Hearing, pp. 304-306.

¹⁰² U.S. Congress. House. Committee on Ways and Means. Subcommittee on Trade. Banning the Importation of Assault Weapons and Certain Accessories into the United States. Hearing, 101st Cong., 1st Sess., April 10, 1989. Washington, U.S. Govt. Print. Off., 1989. p. 30.

¹⁰³ Statement of Dave Conover, National Rifle Association in: U.S. Congress. House. Committee on Ways and Means. Subcommittee on Trade. Banning the Importation of Assault Weapons and Certain Accessories into the United States. Hearing, 101st Cong., 1st Sess., April 10, 1989. Washington, U.S. Govt. Print. Off., 1989. p. 83.

According to FBI technicians, a machinist with access to the proper machinery would be able to convert any semiautomatic firearm to full-automatic. However, such conversions might not be reliable or safe.¹⁰⁴ Also, while the conversions might be feasible, the ease with which they can be made appears to differ among the models. For example, certain firearms (the AKS, the civilian variant of the AK-47)¹⁰⁵ and the MAC-10¹⁰⁶ have been reported to be "easily converted to fully automatic." One of the earliest news reports on semiautomatic firearms with military appearance noted that the AR-15 and the UZI Model B were relatively easy to convert, with the appropriate parts, while the HK-91, Mini-14 and TEC-9 were more difficult to convert.¹⁰⁷ While conversion may be feasible, opponents of control argue that in fact relatively few semiautomatic firearms have been converted.¹⁰⁸

In connection with the question of whether these firearms are easily converted to full-automatic, it might be noted that publications, blueprints, kits and video tapes are available to serve as guides in the conversion of two semiautomatic models.¹⁰⁹

Some anecdotal evidence on conversion is available from ATF data. The trace project initiated in Detroit, Michigan, in 1989 and 1990, found that of the weapons selected for tracing, 129 (over ten percent) were capable of full-automatic fire. According to the trace report, "the majority of these weapons were manufactured as semi-automatic firearms but were subsequently converted to fire in the full automatic mode." The breakdown of conversions by caliber (and model) was found to be:

¹⁰⁴ Conversations with firearms technical staff of the FBI Academy, Nov. 28, 1990.

¹⁰⁵ Senate hearing, p. 28 and 35.

¹⁰⁶ From the Center for the Prevention of Handgun Violence, as reported in: Cool, Dawn Weyrich. NRA Loses in Machine-Gun Battle with Court. Washington Times, Jan. 15, 1991: p. A6.

¹⁰⁷ Margenthau, Tom. Machine Gun U.S.A. Newsweek, v. 106, Oct. 14, 1985: 48.

¹⁰⁸ Statement of Detective Jimmy Trahin, Firearms/Ballistics Unit, Los Angeles Police Department, Senate Hearing, p. 379.

¹⁰⁹ See: Full auto: AR-15 modification manual. Cornville, Arizona, Desert Publications, 1981. 32 p.; and Full auto: HK 94 conversion. Hurst, Texas. Minuteman Publications, 1985. 56 p. An advertisement for such videos, blueprints and kits may be found at: Shotgun News, June 20, 1991, p. 94.

9 mm:	113	(SWD 501 (Intratec 32) (Uzi 7) (Interdynamic 4)
7.62 mm:	6	(Norinco 5)
.223 cal.:	5	(Colt 2) (Essential Arms 2) (Palmetto 1)
.45 cal.:	5	(Auto Ordnance 3) (Colt 1) (USA 1) ¹¹⁰

Some observers contend that the issue of conversion may be of only academic interest. The ability of the shooter to fire many rounds in quick succession with a semiautomatic can, in certain circumstances, rival the rate of fire with a full automatic. One police chief compared the rate of fire as follows:

After a San Jose officer was shot with an Uzi, we tested it on our police firing range. Fully automatic, the weapon is illegal; it fired a 30-round clip in slightly less than two seconds. On semiautomatic, it fired the same clip in five seconds. . . . The difference between full automatic and semiautomatic didn't impress officers in [a] gun fight.¹¹¹

Regulatory Burden

Opponents of control legislation consider the proposed filing requirements (using ATF form 4473) objectionable for several reasons: first, they would not prevent criminals from obtaining guns, second they would be difficult to enforce and would establish a possibly onerous paperwork burden,¹¹² third, they could constitute *de facto* registration requirements,¹¹³ and last, "law-abiding American citizens [who] make a mistake" would be prosecuted.¹¹⁴ Proponents argue that the burdens are secondary concerns if the policy changes result in lives saved.

Second Amendment Questions

Constitutional arguments figure prominently in discussions of military-style firearms, as they do in most congressional debates on gun control. The Second Amendment declares that "A well regulated Militia being necessary to the

¹¹⁰ U.S. Department of the Treasury. Bureau of Alcohol, Tobacco and Firearms. ATF/DPD Firearms Trace - Project Detroit. [Washington, 1990] p. 6

¹¹¹ McNamara, Joseph D. (Chief, San Jose Police Department). Developing a Rational, National Firearms Policy. The Police Chief, Mar. 1988: 26.

¹¹² Hatch, Orrin. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 21, 1990. p. S6652.

¹¹³ Hatch, Orrin. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6731.

¹¹⁴ *Ibid.*, p. S6747.

security of a free State, the right of the people to keep and bear Arms shall not be infringed." These words are interpreted in varied and sometimes conflicting ways.

Members of Congress have expressed divergent views on the meaning and intent of the Second Amendment. As noted by one Senator opposed to controls on military-style semiautomatic firearms, "[T]he second amendment to the Constitution provides that every citizen of this country has the right to keep and bear arms in order to help in the preservation of our freedom. By banning [military-style firearms], Congress would seriously undermine that constitutionally protected right."¹¹⁵ A Senator who favors control argued the contrary point: "[I]f we are to follow the [absolutist] argument to its logical conclusion, then we would permit the [unregulated] sale of machineguns, bazookas and grenade launchers."¹¹⁶ The Senator argued that because regulations imposed by the 1968 Gun Control Act were not struck down, the Federal courts had effectively affirmed the constitutionality of firearms regulation such as restrictions on the sale of the semiautomatic firearms under consideration.¹¹⁷ The constitutional controversy over gun control endures in Congress partly because the Supreme Court has never clearly established what the language of the Second Amendment means with respect to private possession of firearms.

The Supreme Court has decided only three cases directly relating to the Second Amendment.¹¹⁸ First two cases have little bearing on Federal legislation.¹¹⁹ The third, *U.S. v. Miller* (1939) involved defendants prosecuted under the 1934 National Firearms Act for interstate transportation of a short-barrelled shotgun.¹²⁰ The Court ruled that "In the absence of any evidence tending to show that possession or use of [such a firearm] has some reasonable relationship to the preservation or efficiency of a well regulated militia, we

¹¹⁵ Hatch, Orrin. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6743.

¹¹⁶ Kennedy, Edward M. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 23, 1990. p. S6795.

¹¹⁷ *Ibid.*

¹¹⁸ *U.S. v. Cruikshank*, 92 U.S. 542 (1876); *Presser v. Illinois*

¹¹⁹ *Cruikshank*, *Presser*, and *Miller v. Texas* each declare that the Second Amendment has application only to Congress, and neither indicates the nature and extent of permissible legislation by the Federal government.

¹²⁰ 307 U.S. at 175.

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cannot say that the Second Amendment guarantees the right to keep and bear such an instrument.¹²¹ It has been argued that one corollary to this reasoning holds that possession of firearms having a reasonable relationship to maintenance of a well regulated militia does enjoy constitutional protection.¹²² The *Miller* Court thus arguably implied, though it did not specifically determine, that the Second Amendment provides refuge for the possession of military firearms.¹²³

The *Miller* decision goes to protected possession of arms as it applies to type of firearm. Separately, one may ask *how* for Second Amendment rights extend and *to whom* these rights are extended. Federal courts have uniformly rejected the notion that the Amendment bestows an unlimited right. In *U.S. v. Tot* (1942), the Third Circuit Court of Appeals held that "Weapon bearing was never treated as anything like an absolute right by the common law,"¹²⁴ and in a later case, *U.S. v. Warin* (1976), the Court of Appeals for the Sixth Circuit held, "Even where the Second Amendment is applicable, it does not constitute an absolute barrier to the congressional regulation of firearms."¹²⁵ Further, the Amendment has been read by Federal courts to protect States rather than individuals. The holding in *Tot* maintained that the Second Amendment, "unlike those (Amendments) providing for protection of free speech and freedom of religion, was not adopted with individual rights in mind, but as a protection for

¹²¹ 307 U.S. at 178.

¹²² See Stephen P. Halbrook, *That Every Man Be Armed* (Albuquerque, NM: University of New Mexico Press, 1984), pp. 164-69. Halbrook argues that the opinion in *Miller* "stands for the proposition that the U.S. government cannot regulate the right to keep and bear arms suitable for militia use but can regulate possession of only those arms that are unsuitable for militia use." Halbrook, at 165. See also Sanford Levinson, *The Embarrassing Second Amendment*, *Yale Law Journal*, vol 99, Dec. 1989, p. 655.

¹²³ *But see* text accompanying notes 124 and 125.

¹²⁴ 131 F.2d 261, 266 (3d Cir. 1942), *rev'd on other grounds*, 319 U.S. 463 (1943).

¹²⁵ *U.S. v. Warin*, 530 F.2d 103, 07 (6th Cir. 1976). *But see* Halbrook, pp. 84-87. Halbrook argues that the Amendment is in fact absolute: "While some freedoms are relative -- for instance, the Fourth Amendment's proscription only of 'unreasonable' searches and seizures -- others [e.g., the Second Amendment and its proscription against the infringement of rights] are guaranteed against any interference whatsoever." Halbrook, p. 84.

the States in the maintenance of their militia organizations against possible encroachments by the federal power."¹²⁴

One Federal case specifically deals with Federal efforts to control military-style firearms, *Gun South, Inc. v. Brady* (1989).¹²⁷ *Gun South* came to the courts as a result of the temporary import ban ATF imposed on five "assault-type" weapons and firearms "indistinguishable in design, appearance, and function to the original five."¹²⁸ ATF had approved *Gun South's* request to bring 4,700 AUG-SA rifles into the country, but the importation of these firearms was suspended prior to final delivery.¹²⁹ Customs interdicted the shipment, and *Gun South* sued for release of the firearms.¹³⁰ The Federal Court for the Northern District of Alabama ordered the Government to deliver the firearms to their intended recipient.¹³¹ Its ruling was appealed.¹³² The Court of Appeals for the Eleventh Circuit subsequently held that the import ban was a reasonable use of authority that did not abrogate procedural due process

¹²⁴ 131 F.2d at 266. See also *Cases v. U.S.*, 131 F.2d 916, 921. *But see* the concurring opinion of Justice Hugo Black in *Duncan v. Louisiana* (1968). Justice Black quotes Senator Jacob M. Howard of Michigan who, when proposing an Article that would become the Fourteenth Amendment, listed "the right to keep and to bear arms" among the "personal rights guaranteed and secured by the first eight amendments." 91 U.S. 145, 65 (emphasis added).

Halbrook argues that the term "the right of the people" refers to individual, not collective, rights. First, he says, "The holistic argument that 'the people' in the Second Amendment means the collective people in their role as the select militias of the state governments ignores the 'metaphysical difficulty of how something can exist in the whole without existing in any of its parts.'" *Id.* at pp. 84-85, citing R. Rohrer, *The Right to Bear Arms: A Phenomenon of Constitutional History*, 16 *Catholic U. L. Rev.* 53, 55. Second, Halbrook notes that the term "the people" occurs not just in the Second Amendment, but in the First, Fourth, Ninth, and Tenth Amendments as well. Halbrook, p. 85. Says Halbrook, "It is unlikely that the framers would have intended to commit blatantly the fallacy of equivocation by shifting the meaning of 'the people' from amendment to amendment, or that they would have risked the fallacy of ambiguity by defining the phrase 'the people' in the Second Amendment in such an unusual manner, that is, as 'those people in the select militia.'" *Id.*

¹²⁷ 877 F.2d 858 (11th Cir. 1989).

¹²⁸ 877 F.2d at 859.

¹²⁹ 877 F.2d at 859.

¹³⁰ 877 F.2d at 859-60.

¹³¹ 877 F.2d at 860.

¹³² 877 F.2d at 860.

rights and that the ban did not take property without just compensation.¹³³ Second Amendment questions were not discussed in the court's opinion.

Other Uses

Proponents of control legislation argue that these military-style firearms have no legitimate purpose in private ownership. One Member of Congress has commented, for example, that "the casual gun owner who keeps a firearm for the protection of life and family has no need for a weapon used by soldiers and commandos."¹³⁴ Opponents argue, on the other hand, that these firearms are used lawfully by citizens for self-defense, recreation, or as collectibles. For example, during the Senate debate it was argued that residents in rural areas may believe that they have a more urgent need for firearms than residents of urban areas due to the inability of law enforcement officers to respond rapidly to calls for assistance.¹³⁵ Also, some of the "assault weapon" legislation considered by the Congress has been opposed because it would provide broad authority for disarming lawful citizens.¹³⁶ The semiautomatic firearms proposed to be subject to further control have been argued by some to be often more suitable for self-defense than other firearms, as noted below:

Pleasure boat owners in the Gulf Coast have been stocking up on Uzis. Why? Because drug smugglers commonly pull alongside pleasure boats, murder all the passengers, use the boat to transport a load of drug to the mainland, and then abandon the boat. . . . Anyone who reasonably fears attack by a gang—such as a store-owner in the middle of a Miami riot—could reasonably conclude that the rapid-fire capability of an Uzi or AK-47 is the only effective way to protect his or her family from murder. . . . In rural areas, farmers who may confront a bear attacking their livestock also carry assault guns. Bears do not fall down after being shot just once. Rugged and reliable, military style guns can

¹³³ 677 F.2d at 861-90.

¹³⁴ Opening statement of William Hughes, Chairman, Subcommittee on Crime, House Hearing, p. 2.

¹³⁵ Heflin, Howell. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S6748. See also House Hearing, p. 318-325 for a discussion of the issue.

¹³⁶ Dingell, John. Remarks in the House. *Congressional Record*, Daily Edition, v. 137, Oct. 17, 1991. p. H8027. See also remarks of Marlene, Ron. p. H8028. *ibid.*

be bounced around in a pickup truck, frozen on a winter night, caked with mud, and still fire with absolute reliability.¹³⁷

In addition, the firearms in question are used or obtained by citizens for a variety of lawful purposes which would either fall under a broader interpretation of the "sporting purposes" test or for reasons not necessarily related to the test.¹³⁸ For example, some individuals purchase the firearms for their collections and some use them for recreational shooting ("plinking") at cans, bottles, or similar targets.¹³⁹ The argument is also made that the issue of whether these firearms have lawful civilian uses (e.g., self-defense, sporting purposes, as collectibles) can be answered, in part, by an examination of the personal preferences of firearms owners.¹⁴⁰ These firearms, for example, are regarded for attributes such as their limited recoil, a characteristic of value to

¹³⁷ Statement of David Kopel of Guardian Group International, House Hearing, p. 303, and Senate Hearing, p. 205 *et. seq.*

¹³⁸ While the argument has been made that a broader interpretation of the sporting purpose test would include these firearms, note that the ATF Working Group concluded that: "A broad interpretation which permits virtually any firearm to be imported because someone may wish to use it in some lawful shooting activity would render the statute meaningless." See U.S. Department of the Treasury. Bureau of Alcohol, Tobacco and Firearms. Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles. (Washington, 1989) p. 10. Hereafter cited as Working Group Report.

¹³⁹ Hatch, Orrin. Remarks in the Senate. *Congressional Record*, Daily Edition, v. 136, May 22, 1990. p. S8746-47.

¹⁴⁰ As an example of the debate among gun owners over the licit use or ownership of semiautomatic military-style firearms see: Joyce, Robert T. Gun Owners, NRA Deserve to Regain Dignity. *Wall Street Journal*, April 13, 1989. p. A3. Responses to the article are found at: Letters to the Editor. *Wall Street Journal*, May 5, 1989, p. A15.

In published form and in testimony before the Congress gun owners and dealers have testified on the unsuitability as well as the suitability of these firearms for lawful purposes. Examples of positions on the unsuitability of the firearms are found in: Statement of Randy Garell, owner of Grant Boys, Inc., House Hearing, p. 226; Statement of Phillip C. McGuire, Handgun Control, Inc., Senate Hearing, p. 366; Carter-Yamauchi, Charlotte A. A Clash of Arms: The Great American Gun Debate. Honolulu, State Capitol, Legislative Reference Bureau, 1991. p. 104-105. Examples regarding the suitability of the firearms for lawful purposes are provided in: Statement of Emanuel Kapelsohn, American Shooting Sports Coalition, House Hearing, p. 325; Testimony of John Krieger, President, Krieger Barrels, Inc., in House July 25 hearing.

hunters and to target shooters.¹¹¹ Firearm collectors may wish to own certain semiautomatic firearms because they resemble military small-arms, much as commemorative firearms are collected.

While divergent opinions are held on the lawful use of these firearms, it could be argued that the sporting purpose test for importation represents the most stringently constructed statutory guidance on whether firearms are "appropriate" for civilian use. In their review of the military-style semiautomatic rifles presently banned from importation, the ATF points out that the legislative history of the Gun Control Act of 1968 provides that "the fact that there may be some evidence that a particular rifle of this type is used or recommended for sporting purposes should not control its importability."¹¹² In fact, the Working Group survey of game commissioners, hunting guides, local hunting associations, competitive shooting groups, and hunting and shooting magazine editors found comparatively little evidence the banned models are used for lawful purposes. (Individual hunters or shooters were not surveyed by the ATF.)

The assertion by ATF that "some evidence" of lawful use should not control the decision to import is arguable. According to the only court ruling that directly addressed the import ban, the statute's use of the phrase "generally recognized" "suggests a community standard which may change over time even though the firearm remains the same."¹¹³ While this ruling, and the ATF findings on the particular unsuitability of these firearms for lawful purposes, appears to control at present, the development of a different "community standard" could arguably provide grounds for general acceptance of these firearms in the future.

¹¹¹ House hearing, p. 246.

¹¹² Working Group Report, p. 11.

¹¹³ *Gun South, Inc. v. Brady*, 877 Fed. Rept. 2d 868

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DISCUSSION OF POLICY ACTIONS AND OPTIONS

101ST CONGRESS

During the 101st Congress, subcommittees of both the House and Senate Judiciary Committees held hearings on military-style firearms.¹⁴⁶ Seven bills were introduced to place further controls on such firearms, particularly those manufactured in the United States; none were enacted.

In 1989 and 1990, however, the Administration and Congress did restrict access to certain military-style semiautomatic firearms. In July 1989, the Administration established a permanent import ban on 43 models of semiautomatic rifles after the imposition of two temporary bans (the first issued March 14 and the second on April 5, 1989). In July 1990, the Senate passed an "assault weapon" ban as part of the Omnibus Crime bill of 1990 (S. 1970), and in July the House Judiciary Committee reported a different provision (H.R. 4225). Both bills covered certain domestically manufactured as well as imported firearms. H.R. 4225 was not brought before the House for debate. Participants in informal conference on the omnibus crime control bills (S. 1970 and H.R. 6259) agreed not to include the Senate bill's provisions on this subject. Thus, the enacted omnibus crime bill (the Crime Control Act of 1990, P.L. 101-647) did not contain any significant control provisions further restricting commerce in such firearms. It did, however, include a prohibition on the domestic assembly, from imported parts, of semiautomatic rifles or shotguns that fail the sporting purpose test.

The Administration's Import Ban

In March and April of 1989, ATF announced a temporary ban on the importation of military-style semiautomatic rifles. Subsequently, the ATF Working Group on the Importability of Certain Semiautomatic Rifles (the Working Group) was established to conduct the "reevaluation of the importability" of the rifles in question. Specifically, the Working Group considered whether the rifles met the statutory test of being "generally recognized as particularly suitable for or readily adaptable to sporting purposes." Based upon the report and recommendations of the Working Group, the

¹⁴⁶ U. S. Congress. House. Committee on the Judiciary. Subcommittee on Crime. Semiautomatic Assault Weapons Act of 1989. Hearings on H.R. 1190 and related bills, 101st Cong., 1st Sess., April 5 and 6, 1989. Washington, U.S. Govt. Print. Off., 1989. 414 p. and U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution. Assault Weapons. Hearings on S. 386 and S. 747, 101st Cong., 1st Sess., Feb. 10 and May 5, 1989. Washington, U.S. Govt. Print. Off., 1989. 465 p.

Administration decided to permanently ban the importation of 43 types of military-style or "assault" rifles previously approved for importation.¹⁴⁷

The Working Group concluded that the banned rifles were "particularly suitable for combat rather than sporting applications". . . .¹⁴⁸ Under current law, the Secretary of the Treasury is required to approve the importation of a firearm that is "generally recognized as particularly suitable for or readily adaptable to sporting purposes. . . ." ¹⁴⁷ Otherwise, with limited exceptions, importation may be prohibited by the Secretary. Under the framework of this statute, the finding by the Working Group that certain makes and models of firearms are more suitable for combat, law enforcement, or other non-sporting purpose led to the importation ban, a reversal of previous decisions to allow importation under the same statutory authority.¹⁴⁸

The Working Group convened amid considerable publicity over the Stockton incident and, as noted in the previous section, news stories of the increased demand for semiautomatic military-style rifles. Stockton and subsequent tragedies, greater public scrutiny of these firearms, climbing homicide rates (by any weapon), the "war on drugs," and other related public safety concerns are some factors that led to the decision to reconsider importation based on whether these firearms meet the sporting purpose test. Some have argued that because these rifles had previously been approved for importation, a reevaluation was not needed. In fact, according to one news report, ATF had approved the importation of the semiautomatic rifles now banned from importation because they "had a particular use in target shooting and hunting."¹⁴⁹ However, at the conclusion of their examination, the Working Group found that the importation of those firearms in the past was based upon "superficial and unpersuasive"

¹⁴⁷ U.S. Department of the Treasury. Bureau of Alcohol, Tobacco and Firearms. News Release, July 7, 1989. The documentation is presented in: U.S. Department of the Treasury. Bureau of Alcohol, Tobacco and Firearms. Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles. Washington, [July] 1989. 16 pages plus attachments. Hereafter cited as Working Group Report.

¹⁴⁸ Working Group Report. p. 15.

¹⁴⁹ 18 U.S.C. 925(d)(3)

¹⁴⁸ The right of the ATF (or other agency) to reevaluate and reconsider previous administrative decisions is discussed in: *Gun South, Inc., v. Brady*, 877 Fed. Reporter, 2d 862-863.

¹⁴⁹ Hurst, John. Debate Rages on Imported Guns: Just What is a Sporting Weapon? Los Angeles Times, Feb. 26, 1989. p. 27. Hereafter cited as Debate Rages on Imported Guns.

consideration given by the review panel charged with considering whether firearms met the sporting purpose test.¹⁵⁰ As noted in the report:

long guns being imported prior to 1968 were generally conventional rifles and shotguns specifically intended for sporting purposes. Thus, in 1968, there was no cause to develop criteria for evaluating the sporting purposes of rifles and shotguns. Until recently, all rifles and shotguns were approved for importation so long as they were not otherwise excluded. . . .¹⁵¹

The final report issued by the Working Group noted that the reevaluation of these "semiautomatic assault rifles" was not the first review of long guns under the sporting purpose test. In 1984, ATF considered the application of the sporting purpose test to "a new breed of imported shotgun," the Striker-12 and USAS-12.¹⁵² These firearms are commonly included in listings of "assault weapons." The Working Group concluded that "sporting purposes" should not include police or combat-type competitions, the same position that led to a ban on the importation of these shotguns in 1986. Finding that sufficient criteria did not exist for evaluating whether long guns met the sporting purpose test, the Working Group identified the characteristics shared by the "assault rifles" found unsuitable for importation. These characteristics are discussed below.

Findings Regarding Characteristics of "Semiautomatic Assault Rifles". Three characteristics, according to the Working Group, make the banned rifles more suitable for combat than for sporting purposes: (1) military configurations (e.g., ability to accept a detachable magazine, folding or telescoping stocks, pistol grips or a bayonet, among others); (2) the fact that they are semiautomatic versions of machineguns—that is, military firearms with selective fire (i.e., fully automatic or semiautomatic) capabilities; and (3) acceptance of centerfire (as opposed to rimfire) cartridges with a length of 2.25 inches or less. (Modern military assault rifles and submachineguns are generally chambered to accept a centerfire cartridge case of 2.25 inches or less.¹⁵³) The Group noted that the presence of any one of these characteristics in a rifle would not necessarily result in its being banned from importation; instead, the "criteria must be viewed in total to determine whether the overall configuration" of the firearm merits approval or disapproval.¹⁵⁴

¹⁵⁰ Working Group Report, p. 4.

¹⁵¹ Working Group Report, p. 4.

¹⁵² *Ibid.*

¹⁵³ *Ibid.*, p. 9.

¹⁵⁴ Working Group Report, p. 9.

In addition to examining the physical characteristics of the firearms in question, the Working Group gathered information from sources other than the ATF. They reviewed advertisements and catalogs to determine how the firearms have been marketed, read professional journals to determine the viewpoints of technical writers, and conducted surveys to identify the uses actually made of the firearms. Following this research, the Group concluded that 43 types of "semiautomatic assault rifles" should be banned.¹⁵⁵

In the course of developing its recommendations, the Working Group adopted assumptions challenged by some organizations or individuals. These assumptions, and their counterpoints, are summarized below.

Sporting Purpose Test. The Working Group used what it called a "narrow" interpretation of the sporting purposes test set forth in the statute; that is, the test to determine whether a firearm is "particularly suitable" for "traditional sports of target shooting, skeet and trap shooting, and hunting."¹⁵⁶ One position of the Working Group was that the use of the firearm for a lawful purpose such as unorganized target practice was not considered to be adequate justification for importation of the firearm. Firearm owners who use the semiautomatic rifles for recreational use would likely disagree with the Working Group's interpretation.¹⁵⁷ ATF argued, however, that few recreational shooters use these firearms; of the 700 hunting guides responding to a survey conducted by the Working Group, only 10 "indicated that their patrons had used any of the rifles whose importation had been temporarily suspended."¹⁵⁸

Criminal Use. The ATF Working Group, under its statutory authority, considered only whether these firearms met the sporting purpose test of the

¹⁵⁵ For a list of the banned firearms see Appendix A of this report.

¹⁵⁶ Working Group Report, p. 9-11.

¹⁵⁷ For example see: Carlson, Peter. *Guys Who Just Gotta Have Guns*. Washington Post magazine, Apr. 16, 1989: 39-46.

Some of the semiautomatic rifles proposed for further control reportedly are used in organized rifle competitions. See testimony of Emanuel Kapelsohn, Executive Director, American Shooting Sports Coalition, House Hearing, p. 325-336. However, the Working Group report concludes that the legislative history of the Gun Control Act of 1968 did not include military or "military-type" rifles just because they happened to be used in a sporting event, even one such as a national rifle competition.

¹⁵⁸ Working Group Report, p. 13. A total of 1,800 guides were sent surveys, resulting in a response rate of 39 percent. Sixty-one percent of the potential respondents did not provide information. The omission of information from that proportion of hunting guides means that the data obtained from the respondents cannot be considered a measure of the experiences of surveyed guides throughout the nation.

statute; it did not consider estimates of the extent to which the firearms are used by violent offenders.¹⁵⁹ After implementation of the two temporary bans and prior to the decision to issue a permanent ban, both opponents and proponents of the proposals for further control claimed that the issue of criminal access to and use of these firearms was a factor that was or might have been considered by the Administration. For example, a representative from the National Rifle Association (NRA) reportedly asked "Does the Bush administration seriously believe a prohibition-style approach will stop drug dealers, gang members and other criminals from getting any guns they want?"¹⁶⁰ On the other hand, a representative from the National Coalition to Ban Handguns reportedly noted that the Working Group should have surveyed "police departments [to] find out what weapons are being used and . . . medical facilities [to discern] . . . what kind of [ammunition] rounds they have seen. . ."¹⁶¹

Classification of Rifles. Based on the Working Group's efforts, the ATF concluded that the Secretary of the Treasury had the authority to evaluate types of firearms and that the "semiautomatic assault rifles" in question were considered to be a class of firearms separate from others. (The three basic characteristics cited above were used to classify individual firearms of this type.) Opponents of further control argue that it is not possible to distinguish the military-style firearms from others except for "add-on" and cosmetic features.¹⁶² Proponents counter that such distinctions can indeed be drawn; one spokesperson for Handgun Control, Inc. testified that "sporting rifles and semi-automatic assault weapons are two distinct classes of firearms."¹⁶³ Most notably, they argue, characteristics such as folding stocks, bayonet lugs or mounts, flash suppressors, pistol grips, and the capability to accept high-capacity ammunition magazines enable one to differentiate "assault weapons" from other semiautomatic firearms.

Consultation with non-Federal Organizations. A variety of external sources were consulted by the Working Group, including technicians, journalists

¹⁵⁹ The Working Group did note that criminal misuse of these rifles was "a matter of significant public concern . . ." Working Group Report, p. 11. The sporting purpose test, as set forth in the statute, does not authorize the ATF to consider criminal use of firearms.

¹⁶⁰ Isikoff, Michael and Ann Devroy. Bush Widens Ban on Import of Semiautomatic Rifles. *Washington Post*, Apr. 6, 1989: A1.

¹⁶¹ Mathews, Jay. BATF Survey on 'Semiautomatic Rifles' Draws Fire. *Washington Post*, Apr. 16, 1989: A26.

¹⁶² For example, see: Rogers, Dan (California State Senator). Proposed Semi-Auto Bans Lack Substance. *B. dge*, v. 1, Apr. 1989: 4.

¹⁶³ Testimony of Phillip C. McGuire, Senate Hearing, p. 365.

specializing in outdoor activities, hunting and golds groups, and technical writers in firearms journals. Both proponents and opponents of the importation ban expressed concern with regard to the types of organizations or individuals consulted. As noted above, proponents of gun control reportedly believe the survey should have been sent to law enforcement agencies and medical facilities; opponents of control urged the ATF to send the survey to individual gun owners as well, not solely to licensed guides or organized clubs that do not speak for many hunters and sport shooters.¹⁶⁴

102D CONGRESS

The 102nd Congress is considering legislative proposals similar to those of the 101st Congress. Broad options include a prohibition on the possession or transfer of the firearms in question, the enactment of more stringent controls on their possession (much like the registration requirements attached to the legal ownership of fully automatic firearms prior to the 1986 ban), limitations on the size of ammunition-feeding devices, and the establishment of import controls beyond those in current law.

During the first session two hearings on the issue were held in the House.¹⁶⁵ Two proposals for control have seen major action thus far in the 102nd Congress: the Antidrug, Assault Weapons Limitation Act of 1991, Title VII, (identical to Title IV of S. 970, approved by the Senate in 1990) in S. 1241, the Violent Crime Control Act; and Subtitle B of Title XX of H.R. 3371, the Omnibus Crime Control Act of 1991. The Senate passed S. 1241, with Title VII included, on July 11, 1991; the House stripped Subtitle B from its version of the bill in floor debate on October 17, 1991; and the conference committee rejected the Senate version.¹⁶⁶ Appendix A of this report lists the firearms that would be subject to further controls under S. 1241 as approved by the Senate and H.R. 3371 as approved by the Committee on the Judiciary.

In addition to these broad proposals for control, legislation prohibiting the export (H.R. 466) and the importation of certain semiautomatic firearms or ammunition feeding devices (H.R. 1659, S. 789) were introduced, as well as a bill to prohibit the manufacture and possession of handguns (H.R. 1770), the Restricted Weapons Act of 1991 (H.R. 19), and the Assault Weapon Act of 1991

¹⁶⁴ Mathews, Jay. BATF Survey on 'Semiautomatic Rifles' Draws Fire. *Washington Post*, Apr. 16, 1989. p. A26.

¹⁶⁵ U.S. Congress. House. Committee on the Judiciary. Subcommittee on Crime and Criminal Justice. Selected Crime Issues: Prevention and Punishment. Hearings, 102nd Cong., 1st Sess., June 12 and July 25, 1991. Washington, U.S. Govt. Print. Off., 1991. 927 p.
Hereafter cited as House June 12 or House July 25 hearings.

¹⁶⁶ The conference agreement was approved by the House but is still pending in the Senate, where a cloture motion has twice been defeated.

(H.R. 3194). Of these bills, only H.R. 1559 (as amended) has been approved by the subcommittee to which it was referred. Also, legislation has been introduced in the House and the Senate disapproving of District of Columbia legislation regarding the liability of manufacturers of such firearms (H.J. Res. 79, S.J. Res. 46, H.R. 3712, and S. 2113). The first two resolutions have not been acted upon. H.R. 3712 was considered by the House District of Columbia Committee and was defeated in a committee vote taken November 21, 1991. S. 2113 was introduced November 26, 1991, and has received no further consideration.

Other Policy Options

The legislation considered by the Congress thus far proposes controls, beyond those in current law, on specific makes and models of firearms, on firearms that fail the sporting purpose test for imports, or on firearms that accommodate military-style features. Aside from these proposals, Congress may wish to consider other options.

One proposed alternative is a requirement that firearms contain a fixed magazine that is integral to the construction of the firearm, and not be capable of accepting a detachable magazine.¹⁶¹ Occasionally considered to be an "assault weapon," the M1 Garand is an example of such a firearm. The M1 Garand is sold with a non-detachable magazine that holds 7 rounds.¹⁶² This configuration may meet the concern that semiautomatic rifles can accommodate large ammunition magazines, enabling the shooter to continue firing without reloading. It could be argued, however, that this proposal would have limited impact in that a shooter intent on fast reloading could have fully loaded clips close at hand that would facilitate rapid reloading of the non-detachable magazine.

Another proposal draws upon the "sporting purpose" test used by the ATF to ban the semiautomatic rifles listed in appendix A of this report. One researcher has suggested that the specification of lawful purposes for which firearms may be used could be the basis for such statutory provisions. In addition to a sporting purpose test, the statute might, in his formulation,

... be based on requiring an intended defensive—as opposed to offensive—use. Under this approach, a weapon with a folding stock, a bayonet mount, night sight, flash suppressor, and a seventy-five-round drum magazine would be considered to have been built for offensive

¹⁶¹ Testimony of Gary Hankins, Chairman, Metropolitan Police (District of Columbia), Labor Committee, Fraternal Order of Police before the Crime and Criminal Justice Subcommittee, House Judiciary Committee, June 12, 1991.

¹⁶² See description of U.S. Garand M1 Rifle at: Quartermous, Russell C. and Steven C. Quartermous. *Modern Guns Identification and Values*. 6th Rev. ed. Paducah, Ky. Collector Books, 1987. p. 219.

purposes, as opposed to semiautomatic weapons with none of those features.¹⁶³

Instead of prohibiting the possession or transfer of these firearms, Congress may wish to enact stringent regulatory provisions, much like those adopted in 1934 for machineguns and short-barrelled long-guns. In effect these provisions allow the sale of certain firearms to individuals only after considerable registration and tax requirements are met.¹⁶⁴ The National Council for a Responsible Firearms Policy, Inc., has urged enactment of such provisions for semiautomatic firearms.¹⁶⁵ Additional administrative could be associated with this option. The ATF has estimated that the inclusion of "assault-type" semiautomatic firearms would increase the register by two to three million, requiring an increase in staff and new computer equipment. "Because of the large number of new employees, funds for additional space, equipment and administrative support would be necessary. An additional \$15 to \$20 million would be required to effectuate such a proposal."¹⁶⁶ It may also be argued, however, that revenues from the registration taxes could offset this cost.

Congress may wish to consider ways in which to secure more accurate and detailed information on the use of firearms by criminals.¹⁶⁷ The limited nationwide data and the media reports on the criminal use of these firearms have led proponents and opponents of gun control legislation to different conclusions on the need for control policies. It may be argued that the Congress needs to know more precisely how often specific types, makes or models of firearms have been used to threaten public safety. Such data collection efforts may be modeled upon a much expanded reporting system maintained by the Federal Bureau of Investigation (FBI) which compiles information on law enforcement officers killed. An alternative approach would be to conduct

¹⁶³ Thompson, Thomas R. *Form or Substance? Definitional Aspects of Assault Weapon Legislation*. Florida State University Law Review, vol. 17: 668-673.

¹⁶⁴ The National Firearms Act of 1934, as amended, established a national register for short-barreled shotguns and rifles, machineguns, and other "gangster" weapons and accessories. 26 U.S.C. 5801-5872.

¹⁶⁵ U.S. Congress. House. Committee on Ways and Means. Subcommittee on Trade. *Banning the Importation of Assault Weapons and Certain Accessories into the United States*. Hearing, 101st Cong., 1st Sess., April 10, 1989. Washington, U.S. Govt. Print. Off., 1989. p. 102.

¹⁶⁶ ATF response to question 18 of letter from House Ways and Means Committee, letter dated April 5, 1991.

¹⁶⁷ A call for the collection of "some very basic data about semi-automatic firearms and their misuse" is presented in: Zimring, Franklin E. *The Problem of Assault Firearms*. *Crime & Delinquency*, vol. 35, Oct. 1989: 535-546.

occasional surveys, such as the one sponsored in the State of Florida. However, as noted above, the lack of information on many of the firearms reported in Florida's survey (apparently the most detailed survey conducted to date) leaves questions unanswered. The costs of obtaining detailed information would be high, and the task might be considered burdensome by local law enforcement officers charged with filing detailed incident reports.

Alternatively, the Congress may decide to leave the matter of further controls on "assault weapons" to the States, where most law enforcement functions, responsibilities and resources reside. Two States (California and New Jersey) have enacted legislation banning the sale and restricting ownership of such firearms. The California statute was challenged but upheld in Federal court on the grounds that such firearm restrictions are constitutional.¹¹⁴ Other State legislatures have also considered, but not approved, similar legislation.¹¹⁵

Finally, two developments may stimulate congressional reexamination of the intent and applicability of the sporting purposes test. First, the Working Group report asserted that the legislative history of the section "indicates that Congress intended the standard to allow the importation of traditional sporting

¹¹⁴ *Fresno Rifle and Pistol Club, Inc. v. Van de Kamp*, 746 F.Supp. 1415. Decision affirmed on appeal. See: *Fresno Rifle and Pistol Club, Inc. v. Van de Kamp*, 91-15486 (9th Circuit May 22, 1992). Available Westlaw, 1992 WL 106931.

The *Fresno* litigation is discussed in: O'Hare, Robert A. and Jorge Pedreira. An Uncertain Right: The Second Amendment and the Assault Weapon Legislation Controversy. *St. John's Law Review*, v. 66, winter 1993: 179-206.

¹¹⁵ Information on the number of States in which control proposals were considered is presented in: Stallings, Richard H. Remarks in the House. Omnibus Crime Control Act. *Congressional Record*, Daily Edition, v. 137, Oct. 17, 1991. p. H8031.

For a discussion of legislation considered in Florida and summaries of other State actions see: Thompson, Thomas. Form or Substance? Definitional Aspects of Assault Weapon Legislation. *Florida State University Law Review*, vol. 17: 649-673. The contention that the militia and supremacy clauses of the Constitution arguably invalidate State controls over those "modern militia" firearms is presented in: Fafarman, Keith R. State Assault Rifle Bans and the Militia Clauses of the United States Constitution. *Indiana Law Review*, v. 67, Winter 1991: 187-205.

Also, see statement of Governor Michael Dukakis on action taken by the Massachusetts legislature in 1989 in: U.S. Congress. House. Select Committee on Narcotics Abuse and Control. *The Drug War 1989: Taking the Offensive in Boston*. Hearing, 101st Cong., 1st Sess., Oct. 6, 1989. Washington, U.S. Govt. Print. Off., 1990. p. 11-12.

rifle, while excluding military-type rifles.¹¹⁶ This interpretation of legislative intent is reiterated in the report's discussion of the scope of the sporting purposes test.¹¹⁷ The point is arguable, however. The legislation expressly prohibits the importation of surplus military firearms, and the legislative history lends weight to the interpretation that Congress was principally concerned with the dumping of low-cost firearms such as these, not their military features.¹¹⁸

¹¹⁶ Working Group Report, p. 2. The Report generally uses the term "military-type firearm." It also distinguishes between "military firearms" and "traditional sporting firearms." (See p. 2) Because surplus military firearms are specifically prohibited from importation and other (non-surplus) military firearms that fit the technical definition of "assault rifles" (i.e., those capable of selective-fire) are not readily available on the legitimate civilian market, it can be argued that any reference in the Report to "military" firearms is intended to be synonymous with "military type" or "military-style."

¹¹⁷ Working Group Report, p. 10.

¹¹⁸ Congressional concern with the availability of low-cost firearms is evident in the findings and declarations section of Title IV, State Firearms Control Assistance, of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351). Two findings noted the "ease with which any person can acquire firearms other than a rifle or shotgun" [(Section 901(a)(2))] and the "causal relationship between the easy availability of firearms other than a rifle or shotgun and juvenile and youthful criminal behavior" [(Section 901(a)(6)]. In addition, another finding [(Section 901(a)(7))] noted: "that the United States has become the dumping ground of the castoff surplus military weapons of other nations, and that such weapons, and the large volume of relatively inexpensive pistols and revolvers (largely worthless for sporting purposes), imported into the United States in recent years, has contributed greatly to lawlessness and to the Nation's law enforcement problems." In addition, references to "junk" or "cheap" firearms were made several times by principal sponsors (Senators Thomas Dodd, Joseph Tydings, and John Pastore) in the Senate debate on a subsequent amendment to this provision in the Gun Control Act of 1968, P.L. 90-618. See: Gun Control Act of 1968. Remarks in the Senate. *Congressional Record*, v. 114, Sept. 18, 1968. [third column], p. 27462, [third column], p. 27463, [second column], p. 27464.

Note, however, that, in at least one instance, it was argued that price should not be the determinate factor in the sporting purpose test. During the September 1968 debate on the Gun Control Act of 1968, Senator Dodd provided the following response to the question "Would the purchase price or general condition of a firearm relate itself in any manner to its classification of a firearm to be used for 'sporting purpose'?: Mr. Dodd: Not specifically. While certain firearms may be designated non-importable and at the same time be inexpensive, the cost of the weapon is not the decisive factor. I think there are some very expensive sporting weapons. I have heard of guns costing \$5,000 and more. I suppose there are military weapons that cost much money. But I do not think the price is the standard, nor do I think it should be." Dodd, Christopher.

As the ATF report notes, "longguns being imported prior to 1968 were generally conventional rifles and shotguns specifically intended for sporting purposes."¹¹⁹ Thus, it could be argued that, contrary to the Working Group's assertion or implication that Congress intended to prohibit the importation of military type rifles, the 1968 legislative debate did not even contemplate "sporterized" military firearms or the incorporation of military-style characteristics into civilian firearms, issues that bear directly on the current debate.

Second, through slight modifications of some of the rifles included in the importation ban, manufacturers have succeeded in importing new versions of the banned rifles. During the June 12 hearing in the House on the issue, the chairman of the Subcommittee on Crime and Criminal Justice noted that permits had been granted for the importation of 86,000 modified weapons: "these altered guns now meet the so-called 'sporting purpose' test, a technical definition that will be of little solace to the mother of a child murdered by one of them."¹²⁰ The issuance of permits for the modified rifles indicates that the import ban issued under authority of the sporting purpose test is arguably of little use in banning the firearms targeted by the pending proposals. An Administration official at the hearing made the following point:

Remarks in the Senate. *Congressional Record*, v. 114, Sept. 18, 1968. [first column], p. 27462.

¹¹⁹ Working Group Report, p. 4. However, on page 2 of the ATF report the Working Group expanded upon the language of the Senate report concerning the importation of quality sporting firearms (for example by the Browning firearms firm) by noting: "Significantly, the rifles being imported by Browning at that time were semiautomatic and manually operated traditional sporting rifles of high quality." The suggestion that civilian versions of military-type (or "non-traditional") rifles were not imported by Browning, or any other importer, may be inapplicable to the present debate as the legitimate civilian market at that time offered foreign surplus military firearms, as well as "traditional" sporting rifles to consumers. Instead, the principal issue being considered by the Congress in 1968 arguably was whether consumers should have access to low-cost surplus military firearms.

¹²⁰ U.S. Congress. House. Committee on the Judiciary. Subcommittee on Crime and Criminal Justice. Selected Crime Issues: Prevention and Punishment. Hearings, 102d Cong., 1st Sess., June 12, 1991. Washington, U.S. Govt. Print. Off., 1991. p. 236.

[T]he inherent nature of a semiautomatic firearm is still there, regardless of whether it has a bayonet attachment or a pistol grip or not.

Therefore, the ability to create a test which tries to distinguish firearms based on these features is inherently limited. It can be circumvented by these modifications. So the first point is that the import ban has some very significant limitations.¹²¹

¹²¹ Testimony of Paul McNulty, Principal Deputy Director, Office of Policy Department, U.S. Department of Justice, *ibid.*, p. 293.

APPENDIX A: MAKES AND MODELS OF SELECTED
SEMI-AUTOMATIC FIREARMS PROPOSED FOR AND SUBJECT
TO FURTHER CONTROLS

In light of the difficulty Congress, and others, have had in defining the semiautomatic firearms that would be subject to further controls, one solution has been to list specific makes and models and to authorize the Secretary of the Treasury to recommend others for restriction. The following makes and models are identified in: (1) the permanent importation ban imposed by the Administration in July, 1989; (2) Title VII of S. 1241, as passed by the Senate July 11, 1991; and (3) Title XX of H.R. 3371 as reported from the House Judiciary Committee, on October 7, 1991.

Importation Ban

The following types of imported military-style semiautomatic rifles were banned from importation by the Administration in 1989. These firearms were identified by the ATF Working Group on the Importability of Certain Semiautomatic Rifles.

AK47	86 S
AK47s	86S7
AK74	87S
AKS	Galil
AKM	66
AKMS	60S
84S	Valmet M76
ARM	Valmet M76
84S1	M76 counter sniper
84S3	FAL
HK91	L1A1A
HK93	SAR 48
HK94	AUG
G3SA	FNC
K1	Uzi carbine
K2	Alpinec AGM1
AR100	AR180
M14S	Australian Automatic Arms SAR
MAS223	Beretta AR76
SIG 550SP	Beretta BM59
SIG 551SP	CIS SR88
SKS	

Source: U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, News Release, July 7, 1989.

TABLE A1. Makes and Models of "Assault Weapons" listed in Omnibus
Crime Legislation Considered by the House and the Senate, 1991

S. 1241	H.R. 3371
Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikova (all models)	Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikova
Action Arms Israeli Military Industries UZI and Galil	Action Arms Israeli Military Industries UZI and Galil
Beretta AR-70 (SC-70)	Beretta AR-70 (SC-70)
Colt AR-15 and CAR-15	Colt AR-15 and CAR-15
Fabrique Nationale FN/FAL, FN/LAR, and FNC	Fabrique Nationale FN/FAL, FN/LAR, and FNC
MAC 10 and MAC 11	MAC 10 and 11
Steyr AUG	Steyr AUG
INTRATEC TEC-9	INTRATEC TEC-9
Street Sweeper and Striker 12	Street Sweeper and Striker 12
No similar provision.	Auto Ordnance 27A1 Thompson, 27A5 Thompson, and M1 Thompson
No similar provision.	Springfield BM59, SAR48, and G3SA
No similar provision.	All Ruger Mini-14 models with folding stocks
No similar provision.	Armscorp FAL
No similar provision.	In addition, included copies of these firearms and defined the term "copy" to be "a weapon, by whatever name known, which embodies the same basic configuration as the weapon so specified."

APPENDIX B: THE ATF FIREARM TRACING SYSTEM

The ATF tracing system is an operational system designed to help law enforcement agencies identify the ownership path of individual firearms. It was not designed to collect statistics.

Law enforcement agencies seeking information on a specific firearm optimally provide the following information on each firearm: manufacturer; type; model; caliber or gauge; magazine or cylinder capacity; barrel length; finish; serial number; country of origin; and "other identifying marks." The most critical information is the manufacturer's name and the serial number. Without this information a trace cannot be processed.

Using the information provided by the requesting law enforcement agency, ATF tracing staff tries to track the firearm's record of ownership by calling retailers, importers or wholesalers and, if necessary, searching files by hand.

Limitations of the System

Two significant limitations should be considered when tracing data are used for statistical purposes:

- First, the firearms selected for tracing do not constitute a random sample and cannot be considered representative of the larger universe of all firearms used by criminals, or of any subset of that universe. As a result, data from the tracing system may not be appropriate for drawing inferences such as which makes or models of firearms are used for illicit purposes;
- Second, standardized procedures do not exist to ensure that officers use consistent definitions or terms in the reports of circumstances that lead to each trace request. Some trace requests do not even identify the circumstances that resulted in the request.

Also, it is not possible independently to verify the authenticity or accuracy of the circumstances surrounding trace requests. While the information on each firearm is furnished by the requesting agency in accordance with criteria and instructions provided by the ATF (see the second side of form ATF F 7620.5 in this appendix), the circumstances which initiated the trace request are recorded less systematically, a fact at the heart of the system's limitation as a statistical source.¹⁴² Each of these limitations is discussed below.

¹⁴² This is not an implicit suggestion that the ATF should address these limitations. Because the system is designed to expedite requests from law enforcement agencies on the history of firearm ownership, there would likely be little benefit in placing additional restrictions or requirements on officers submitting the trace request. The more important accomplishment of the

Selection of Firearms to be Traced. With regard to the first limitation, a law enforcement officer may initiate a trace request for any reason. No crime need be involved. No screening policy ensures or requires that only guns known or suspected to have been used in crimes are traced. Although it can arguably be assumed that many of the firearms that are the subject of trace requests are suspected of involvement in crimes, the extent to which trace requests focus on guns not involved in crimes cannot be determined.

The only available statistical information that can help answer these questions on the relative number of crime and non-crime firearms submitted for tracing was obtained in a survey conducted by the ATF in the early 1980s. In a follow-up examination of 24,852 trace requests, the agency found that 81 percent "were of some enforcement value" and 54 percent "aided in solving a crime and/or assisted in an apprehension or indictment."¹⁴³ The finding that 81 percent of the traces had some enforcement value indicates that, based on this survey, the overwhelming majority of requests had some connection to criminal activity and suggests that about twenty percent did not have such a connection. The finding that about half assisted in solving a crime might suggest that even if law enforcement agents suspected that the firearms were involved in a crime at the time the trace was initiated, a roughly similar proportion were of no assistance in investigations, for unknown reasons. Further detail on the survey is not available from the agency, as noted in the following response to a recent congressional inquiry.

In 1981 or 1982, ATF conducted a survey of field special agents and local police departments to determine the impact of firearms tracing. The questionnaire and the files on this survey are no longer available. The term "law enforcement value" meant a firearms trace that had value to the requester in terms of leading to a particular suspect in an investigation or leading to a person connected to the investigation in some way other than as a direct suspect. This survey, and its results, which are nearly 10 years old, are not applicable to ATF's current firearms tracing operations.¹⁴⁴

In the same response to the congressional inquiry, ATF provided more current information on the extent to which traced firearms were known to be involved in crimes. The agency response noted that it is not possible to determine if traced firearms are related to criminal activity. In addition, the response

system design, it may be argued, is to minimize paperwork and administrative burdens on the requesting agency.

¹⁴³ Hill, Tom. Firearms Tracing: A Crime-fighting Weapon. FBI Law Enforcement Bulletin, v. 55, July 1986: p. 1 of reprint provided by ATF. Hereafter cited as Firearms Tracing.

¹⁴⁴ ATF response (dated April 8, 1991) to question 25 of letter from House Ways and Means Committee.

provided statistics from 1990 on ATF trace requests that led to or may have led to investigations and indictments, but not on State and local law enforcement requests.

ATF does not always know if a firearm being traced has been used in a crime. For instance, sometimes a firearm is traced simply to determine the rightful owner after it is found by a law enforcement agency. ATF does ask the trace requester for a reason for the trace.¹⁴⁵

Firearms tracing was used as an ATF investigative technique a total of 3,985 times in fiscal year 1990. There were 9,725 firearms-related investigations conducted by ATF in fiscal year 1990, with 6,650 defendants recommended for prosecution. It is not known how many of these arrests or prosecutions resulted solely from a firearms trace.¹⁴⁶

Another factor that increases the probability that the tracing data might not be a representative sample of crime firearms is the absence of a systematic procedure (or information on the procedure used) to determine which firearms are selected for tracing. In 1990, for example, approximately 17,000 guns were seized by the New York City Police Department; 1,000 of those guns were selected for tracing. No information is available on why those 1,000 guns were selected out of the 17,000 for tracing.¹⁴⁷

A number of the firearms listed in the tracing system may be selected because special studies are being conducted in certain geographic areas. For example, all firearms reported to the police in certain areas in Boston¹⁴⁸ and certain firearms confiscated by the Detroit Police Department¹⁴⁹ have been the subject

¹⁴⁵ *Ibid.* At this point the response provided a breakdown of completed traces for 1990. These data are included in Table 1 of this report.

¹⁴⁶ ATF responses to question 25 posed by the House Ways and Means Committee, letter to the Committee dated April 8, 1991.

¹⁴⁷ Conversation with ATF Tracing Center staff.

¹⁴⁸ U.S. Department of the Treasury. Bureau of Alcohol, Tobacco and Firearms. *Trace Study: City of Boston*. Washington, 1990. 23 p.

¹⁴⁹ U.S. Department of the Treasury. Bureau of Alcohol, Tobacco and Firearms. *ATF/DPD Firearms Trace - Project Detroit*. Washington, 1990. unnumbered pages.

of such studies.¹⁵⁰ The latter study sought to identify firearms used in narcotics violations and focused specifically on "assault weapons."

In the absence of a systematic procedure for selecting which firearms are to be submitted for tracing, the concerns of the requester arguably determines whether a request will be submitted. If some State or local law enforcement departments or Federal law enforcement offices in certain regions have determined that certain types of firearms (such as military-style semiautomatics that accept large capacity magazines) should be traced because they are thought to be used by dangerous offenders, the data in the tracing system will reflect those specific concerns.

Also, to maximize the resources of the ATF Tracing Center, ATF agents, on their own or in consultation with State or local agents, might be selecting those firearms most likely to be successfully traced—for example, those manufactured or imported in recent years, and only those firearms containing legible serial numbers. For example, field agents may opt to select firearms for tracing only if certain information is available. The Detroit study noted, for instance, that "all firearms containing enough data for a successful trace were forwarded to . . . the ATF Tracing Center."¹⁵¹ As a result, statistics drawn from the system may understate the universe of crime guns because guns missing essential (or possibly less essential information sought by investigators) might be excluded.

Once a firearm is purchased by a retail consumer, it is more difficult to trace the line of ownership because transactions may then occur at gun shows or in personal transactions. Under the assumption that the longer a firearm is in circulation, the more likely it will be transferred through such transactions, it would arguably be a more efficient use of ATF resources to concentrate on those firearms that have recently entered the market. The likelihood that gun traces on relatively new guns will be more successful than traces on older guns has been noted by ATF, as follows:

When possible, since all firearms are not traceable due to age, the manufacturer supplies ATF with the name and address of the wholesaler/importer to obtain the retailer's name and address. This process continues until no further trace is possible. Many times, a trace may go no further than the manufacturer (because the firearm is untraceable), but it may also lead to the perpetrator of a crime.¹⁵²

¹⁵⁰ Because these studies are likely to be conducted in areas with high violent crime rates, it may be argued that a number of the firearms selected for tracing reflect violent crime incidents.

¹⁵¹ *Ibid.*, p. 1.

¹⁵² *Firearms Tracing*, first page of reprint.

The omission of older guns from tracing requests could arguably be a cost-effective use of the system.¹⁵³ However, with regard to whether traced firearms may be a representative sample, the decision by ATF agents to omit older guns from traces will likely skew the sample of guns in the system and may result in the identification of more "new guns" than older models.

In summary, the absence of a screening policy to ensure that trace requests are related to crimes, the omission of any reference to crimes on some requests, the omission or inclusion of certain firearms from the system, and—most significantly—ATF's recent statement that it does not "always know" if a traced firearm has been used in a crime, provide foundation for questions as to whether the data from the tracing system provide representative information on firearms used in crimes. It could also be argued, however, that it is, to some unknown degree, a useful measure based on the "common sense" intuition that police are interested primarily in pursuing information related to criminal investigations.

As a final note, concern with the use of ATF trace data, and limitations on the use of the data for statistical analysis, were reported years ago by one author and are similar to (and obviously predate) the concerns noted above.¹⁵⁴ In addition to the absence of a uniform, consistent method of selecting the firearms to be traced, the author concluded that the ATF tracing data could be potentially biased because of screening conducted by local ATF agents prior to the submission of the tracing form to the Tracing Center and because "once gun trace requests are forwarded to Washington, only those weapons that can be successfully traced or otherwise age-estimated had been reported in the final statistics." Among the firearms that would be underrepresented in a given sample of ATF traces would be "guns produced or sold by firms no longer in business at the time of the trace."¹⁵⁵ According to ATF this limitation would be applicable principally to firearms produced or sold prior to 1968. Since that year data on the movement of firearms from producer or importer up to the

¹⁵³ The relative efficiency with which the ATF traces firearms that have recently entered the civilian market depends, in large measure, on whether the business is still operational or has closed. ATF staff telephone manufacturers, importers and retailers still in business (or field agents or local police visit such retailers) to trace newer guns. If the wholesale or retail firm is out of business, however, a huge inventory of boxes must be searched manually to trace the firearm in question. Source, conversation with ATF Tracing Center staff.

¹⁵⁴ Zbrning, Franklin E. *Street Crime and New Guns: Some Implications for Firearms Control*. *Journal of Criminal Justice*, vol. 4, Summer, 1976: 95-107.

¹⁵⁵ *Ibid.*, p. 105.

individual purchaser, even through firms no longer in business, are available.¹⁵⁶

Identification of Type of Crime. The second limitation of the system concerns the type of crime associated with the firearm traces. Data on criminal use or involvement with the firearm (see boxes 11, "Organized Crime Involvement" and 12, "Reason for trace-type of crime," on form ATF F 7520.6 at the end of this appendix) are provided by ATF staff based on the information available and, most importantly, on an unstructured and inconsistent basis.

Trace requests are not accurate indicators of specified crimes because some requests do not contain a reference to the type of crime in which the firearm is suspected of being involved and the requesting officers do not follow criteria or definitions in identifying the type of crime associated with the firearm. While the omission of the crime classification on the trace request form may result from negligence or the press of time, it is also possible that the officer did not list an offense because interest in the firearm was not linked to criminal offenses, particularly violent criminal activity.

It is possible that traces may be requested for a variety of reasons not necessarily related to criminal incidents. For example, a trace may be conducted on a firearm found at the residence of a suspect though the firearm itself is not associated with a criminal act. Traces may also be requested with respect to abandoned firearms, those found by chance, those seen by officers for sale at gun shows or pawn shops, or those used by suicide victims. In addition, traces may be requested with respect to firearms seized pursuant to an investigation not directly related with a violent criminal offense, such as tax evasion or a technical violation of the Gun Control Act provisions. It is not possible to identify how frequently firearm traces are requested for reasons other than those associated with violent crimes.

According to documents provided by the ATF, the following categories of offenses were used to "record the reasons for doing a firearms trace" and the "type of investigation" involving the firearms in 1989 and 1990:

- Gun Control Act violations
- Assault
- Homicides
- Arson
- International traffic in arms
- Narcotics
- Organized crime
- Outlaw motorcycle organizations
- Property disposition
- Robbery

¹⁵⁶ Conversation with Karen Michel, ATF, Official of Congressional and Media Affairs, May 11, 1992.

- Sex crimes
- Terrorist
- Miscellaneous

While this list provides a general indication of the types of crimes that lead to traces, it does not identify specific crimes involved in order to separate non-violent from actual or potentially violent criminal events. For example, Gun Control Act violations may include violent situations such as the use of firearms in a crime of violence,¹⁹¹ potentially violent situations such as a convicted felon's possession of a firearm,¹⁹² or non-violent, technical violations such as the conviction of a firearms dealer for a record keeping error. In addition, the ATF list is not comprehensive nor is it comprised of exclusive categories. For example, the crime of burglary is not listed by the Tracing Center. ATF staff, therefore, use discretion in assigning such crimes, for example, to the category of robbery. Also, the identification of organized crime involvement in box 11 on the form does not necessarily provide information on an actual violation (there is no criminal violation for outlaw motorcycle organizations, for example); such information is intended to be used by the ATF to answer operational needs for investigations into such organizations.

The question of the lack of uniformity followed by law enforcement officers in identifying the type of crime associated with individual traces was raised by one ATF agent in the study of Detroit traces. In commenting upon the study results, the agent noted that at least half of the crimes listed as unspecified or as weapons violations would more appropriately be considered violations of drug laws. The limitations of the data sheets provided by law enforcement officers in the Detroit study were summarized as follows:

It appears that many search warrants and other situations where weapons seizures took place were categorized as "unspecified" or "weapons violations" because the seizing officers were either pressed for time, faced with multiple choices or could not say what the final violation would be until they or investigating detectives completed the investigation. By that time the weapon had already been processed by the officers and sent to the central property room according to . . . procedures.¹⁹³

The lack of specificity regarding the crime categories identified on the tracing forms is also apparent from statistics provided by the ATF on the number of military-style semiautomatic firearms traced from 1986 through 1990. Table B1,

¹⁹¹ See 18 U.S.C. 924(c)(1).

¹⁹² See 18 U.S.C. 924(d)(1).

¹⁹³ U.S. Department of the Treasury. Bureau of Alcohol, Tobacco and Firearms. ATF/DPD Firearms Trace - Project Detroit. Washington, 1990. p. 2.

below, identifies the number of such firearms according to crime category, as listed by ATF. In 1986, the crime category with the greatest number of traces of these firearms (39 percent) was "miscellaneous" (672 of 1,689); by 1990, the guns attributed to "miscellaneous" crimes dropped to an insignificant percentage (6 of 3,352, less than one percent). A variation of that magnitude implies that a classification change occurred, rather than a shift in the types of crime. Because so many firearms were listed under miscellaneous crimes from 1986 through 1989, it is not possible to identify a trend for tracings related to any specific crime. For example, while tracings related to homicides more than tripled from 1986 through 1989, it is arguable that some firearms associated with "miscellaneous" crimes could have been classified in the homicides category. In the absence of a consistent method of classifying these statistics, inferences on the use of these firearms in specific crimes are open to challenge and debate.

TABLE B1. Number of Selected Semiautomatic Firearms^a Traced, by Crime Category, 1986-1990

Crime category	Number of semiautomatic military-style firearms				
	1986	1987	1988	1989	1990
Arson	3	4	8	3	4
Assault	56	85	131	237	141
Gun Control Act	304	295	442	890	1,706
Homicides	78	119	278	325	263
Miscellaneous	672	871	1,634	346	6
Narcotics	338	500	603	1,165	535
Property related	215	353	553	1,143	637
Robbery	21	30	46	50	56
Sex crimes	2	1	3	1	1
Total	1,659	2,296	4,059 ^b	4,163	3,352

^a Firearms identified by the ATF.

^b Number of firearms, by crime, exceeds number of firearms traced by ATF (see table 2 of this report) for unknown reasons.

Source: U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms.

In addition, the "type of crime" information provided on the ATF tracing forms appears to be of limited utility in trend analysis because statistical fluctuations may occur due to changes in enforcement strategies, not necessarily because of the incidence of crime. For example, in 1989, ATF classified 5,008 traced firearms (any firearm) as Gun Control Act violations. In 1990, firearms associated with Gun Control Act violations more than tripled, to 17,352. While it may be argued that the increase reflects a greater increase in such crimes, it may also be argued that the increase is due to enhanced enforcement efforts by the ATF to identify violators of the Gun Control Act.²⁰⁰

The statistical significance of ATF enforcement policies on the number of trace requests varies from year to year, depending upon the proportion of requests initiated by State and local agencies, other Federal agencies, ATF, or, usually to a lesser extent, international agencies.²⁰¹ According to the recent GAO report, "about 80 percent" of the 44,272 traces in fiscal year 1990 were initiated by State and local agencies.²⁰²

²⁰⁰ A discussion of the procedure followed by ATF in establishing law enforcement priorities that may subsequently influence ATF-initiated tracing requests, and the priorities for 1990, are presented in: U.S. General Accounting Office. *BATF: Management Improvements Needed to Handle Increasing Responsibilities*; Report to the Congress by the Comptroller General of the United States. GAO/GGD-91-67, March 19, 1991. Washington, 1991. Appendix II.

²⁰¹ The National Rifle Association has claimed that "massive numbers" of firearm traces conducted in late 1989 were targeting semiautomatic firearms "to determine ownership, and not due to any criminal misuse." See: U.S. Congress. House. Committee on Foreign Affairs. *Connection Between Arms and Narcotics Trafficking*. Hearing, 101st Cong., 1st Sess., Oct. 31, 1989. Washington, U.S. Govt. Print. Off., 1990. p. 124.

The NRA also claimed, in the same statement, that the ATF requests the majority of traces (statistics not provided by the NRA). This assertion does not appear to be consistent with data obtained by the General Accounting Office for 1990.

²⁰² ATF Management Improvements, p. 38. Annual statistics are not readily available. An ATF official noted in 1985 that, in 1983, 52 percent of the trace requests were submitted by State and local officials. See: Conklin, David R. Remarks, *The Effectiveness of Gun Tracing*. The Police Chief, vol. 111, Mar. 1985: 72.

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**APPENDIX C: SEMIAUTOMATIC FIREARMS (MAKE OR MODEL)
LISTED IN CRS REQUEST TO THE MIAMI POLICE DEPARTMENT**

In June 1991, CRS requested information from the Property Unit of the Miami Police Department (Florida) on the number of semiautomatic firearms likely to be considered "assault weapons" that came into the possession of the department from 1986 through 1990. This request was initiated in connection with congressional inquiries primarily because information compiled by the State Commission on Assault Weapons was not consistent with other data previously available.²⁰³

The request to the Miami Police Department listed makes or models included in legislation considered by the 101st Congress and those that arguably might be included based on characteristics listed in recent editions of *Our Digest* and the *Shooter's Bible*. Statistics obtained from the Miami Police Department are presented in table 6 of this report. The full list of firearms submitted to the Police Department, by manufacturer, make or model follows:

America Industries (Calico)
Armitage Int., Ltd (Scarab Scorpion)
Auto Ordnance
Beretta (AR70)
Colt (AR-15)
Encom (Mk IV)
Fabrique Nationale (FN/FAL, LAR, FNC)
Feather (AT-9)
Franchi (SPAS 12)
Gall
Heckler and Koch (91,93,94)
Holmes (MP-53)
Intratec (TEC-9, TEC-22)
Iver Johnson/AMAC
MAC (10,11)
Mossberg (500 Bullpup)
MAS (.223)
Mitchell (M76, AK47)
Norinco (SKS, 64S)
Patriot (Partisan Avenger)
Polytech
SIG (SSG/SS1)
Springfield, Springfield (SAR-18,3)
Stoer-Mannlicher (AUG)
S.W.D. Industries (Cobray)
UZI
Valmet (M76,76).

²⁰³ See: U.S. Library of Congress. Congressional Research Service. Semiautomatic Military-Style Firearms: Statistics and Issues. Report No. 91-112 GOV, by Keith Rea. Washington, 1991. p. 8.

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APPENDIX D: NUMBER OF TEC-9 TRACING REQUESTS

Each year, from 1986 through 1989, approximately one percent of the TEC-9 handguns are the subject of trace requests. This finding is based upon a comparison of the number of TEC-9s traced each year to the number produced in that year and prior years, less those that have been traced and subsequently confiscated by the police (hence removed from the market). The steps taken in this calculation were:

1. Number of TEC-9s traced, per year, see table 3 of this report.
2. Number of TEC-9s produced each calendar year, provided by ATF, as follows:²⁰⁴

1985--10,770
 1986--13,535
 1987--14,725
 1988--13,770
 1989--15,837

3. The number of TEC-9s traced each year is divided by the total produced in that year and in previous years, minus the number traced in previous years. The specific numbers and results for each year are presented below.

Year	Number traced	Number produced (cumulative)	Number removed from market	Percent of available TEC-9s traced
1986	239	24,314	unknown (assume 0)	.9
1987	246	39,039	239	.6
1988	620	52,809	486	1.2
1989	694	68,646	1,105	1.0

ATF provided tracing and production data, percents derived through CRS calculations.

²⁰⁴ According to Mr. Michael Solo, National Sales and Marketing Director, Navegar, Inc., production of the TEC-9s began with the incorporation of Intratec USA on November 1, 1984. On March 21, 1988, Intratec USA was purchased by Navegar, which continues to manufacture the TEC-9.

6

EXHIBIT "6"

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JOURNAL ON FIREARMS AND PUBLIC POLICY

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The Uses And Limitations Of BATF Tracing Data For Law Enforcement, Policymaking, And Criminological Research

by Paul H. Blackman, Ph.D.

BATF firearms tracing data have been a tool for investigating individual crimes. And there are some clear potential benefits for using the statistics for law enforcement. There are, however, severe limitations on the utility of those data for making public policy aimed at reducing crime. Limitations include: the minimal number of guns BATF attempts to trace or succeeds in tracing, the rules for excluding guns and efforts to trace them, and the limited information on the basis for gun traces. Dr. Paul Blackman is Research Coordinator for the National Rifle Association's Institute for Legislative Action. The views expressed in this paper do not necessarily represent the views of the National Rifle Association or its Institute for Legislative Action.

INTRODUCTION

Soon after the Gun Control Act of 1968 (GCA'68) improved the paperwork trail for guns, thereby allowing law enforcement, without too much trouble, to trace possible crime guns to their first retail sale, criminologists attempted to study statistical summaries of those traces with a view toward policy recommendations, even though such tracing "was not designed to collect statistics." (Bea, 1992, p. 65)

To some extent, the paper trail had existed since 1938, when the Federal Firearms Act required inexpensive federal licenses for persons selling guns interstate. The low price encouraged some 100,000 such dealer licenses by the mid-1960s (Zimring, 1975, pp. 140-41), even though one requirement of having a license was to keep records of transfers, and to

maintain them for a specified period of time, the length of which varied between 1938 and 1968 (Zimring, 1975, p. 144).

Proportionate to the population, there were more dealers in the late 1930s than there are now, and, while serial numbers and manufacturing information were not then required to be engraved on firearms, they have almost always been placed on quality firearms. But the paper trail was not generally employed. When the Massachusetts Commissioner of Public Safety, for example, testified on the need for additional federal gun control legislation, his assertion that 87% of the state's crime guns came from elsewhere was based not on tracing them to other states but on failing to find them in Massachusetts' records. (U.S. Senate, 1965, pp. 345-46) Similarly, the staff report of the National Commission on the Causes and Prevention of Violence relied on permit applications and the like, rather than on tracing data, to determine whether the gun originated where it was misused. (Newton and Zimring, 1969, ch. 8)

Some of those early efforts, particularly by Frank Zimring, simultaneously attempted analyses and evaluation while recognizing the limitations of the criminological use of BATF (Bureau of Alcohol, Tobacco & Firearms¹) tracing data, limitations also emphasized by the Police Foundation in its study *Firearm Abuse*. (Zimring, 1975, p. 183; Brill, 1977).

For example, while using BATF tracing data to support the theory that relatively new guns are disproportionately used in crime, Zimring noted "the possibility that police and federal agency sampling procedures had produced a nonrepresentative sample of guns from New York...the bedeviling problem of sample selection..." (Zimring, 1976, p. 96) He noted that older guns were more difficult to trace; that some data were not crime-specific; that some guns had been seized merely for possessory offenses rather than for use in a crime; that prescreening prevented even tracing attempts for some firearms; and that various other limitations impaired analyses based on tracing data. (Zimring, 1976, pp. 97-98, 101, 104-106)

For the first two decades of GCA '68, as BATF sought to assist law enforcement, it produced annual summaries of

tracing efforts, including the number of traces officially attempted and successfully completed, generally accompanied by anecdotal references to a few major crimes solved with tracing and/or the speed of tracing guns involved in prominent shootings. For example, BATF proudly noted that tracing a gun from the scene of a \$3.6 million armored-car robbery "led to the arrest and prosecution of the neo-Nazi cult known as The Order," and that the gun used in the attempted assassination of Ronald Reagan was traced to John Hinckley in 16 minutes.² (King, 1988)

More recently, a list of about 100 "significant" trace requests (often involving more than one firearm), derived from the 79,000 traces overall conducted during Fiscal Year 1994, included tracing the gun used on a Long Island commuter train to kill six persons and wound another 14. BATF noted they "learned the suspect had illegally purchased the weapon in California. The results of the trace culminated with a criminal case being made, charging the suspect with violations of the Federal firearms laws, specifically, 18 U.S.C. § 922(a)(3), 922(a)(6), and 924(c)." (National Tracing Center, 1995, p. 15)

In fact, no federal charge was brought against Colin Ferguson, who was already in custody for the violent crime itself; he was tried and convicted in the New York court system.

Other "significant" traces included a gun used in a suicide, and a gun dropped by a man who wished to avoid being found armed by a magnetometer set up near where the President was to speak. "The U.S. Secret Service does not believe the purchaser intended to harm anyone with the firearm." (National Tracing Center, 1995, p. 1)

One possible inference is that the other 78,900 traces were less useful to law enforcement. "And BATF would generally acknowledge that its tracing is primarily for the purpose of aiding law enforcement in identifying suspects, establishing whether guns were stolen, and proving ownership" (Pierce, Briggs and Carlson, 1996, p.5), rather than for the systematic analysis of crime guns or for other policy or research-related purposes.³

I. LIMITATIONS RELATED TO STATE AND LOCAL LAW ENFORCEMENT

A. Unrepresentative Nature of Guns Selected for Tracing

Most guns involved in violent crimes are not traced, and those which are represent not merely a small but an unrepresentative sample. (Bea, 1992, p. 65) This is unavoidable in a country with a relatively low clearance rate for violent crimes. Nonetheless, even most guns seized as a result of violent-crime investigations are not traced, and those traced are unrepresentative of firearms used, thus, some scholars suggest that confiscated firearms, while still flawed as a sample, provide a better sample of "crime guns" than do traced guns. (Brill, 1977, pp. 26, 42)

As Gregore J. Sambor, then Philadelphia Police Commissioner, noted: "tracing a gun by use of serial number and proofmarks from a manufacturer, through the wholesaler, to the retailer and then the purchaser, and eventually the user, is not always necessary to prove the facts of the case or the elements of the crime....[And] when a local agency has adequate information and their own means available, they can sometimes produce their own results quicker and with less chance of error."⁴ He went on to cite a police killing where the Philadelphia police found it more expeditious to telephone the German manufacturer, and thence the Virginia dealer, leading them to the brother of the person convicted. (Sambor, 1985)

Tracing data may be unrepresentative because of the nature of criminal investigations. Jurisdictions with more thorough recordkeeping than provided by federal law have no incentive to trace guns if their own state or local records supply all information needed for law enforcement purposes (prosecution of gun-wielding criminals, identifying stolen goods for determining whether a suspect was a thief, returning stolen property, etc.). Particularly in places with more restrictive gun laws than federal law requires, tracing through BATF could be considered both superfluous and less efficient.

For example, a Justice Department study based on surveys of police departments, reported that some jurisdictions, such as California, began with their own files on guns. The study noted that such files existed, too, for New York, New Jersey, Iowa, Maryland, in addition to several cities, including Philadelphia and Miami.⁵ (Weber-Burdin, Rossi, Wright and Daly, 1981, ch. 4, p. 9) If jurisdictions with more records first use the local records (Roth and Koper, 1997, p. 83) and only then turn to BATF for firearms not found, while less restrictive jurisdictions start with BATF, one result of BATF tracing would be to exaggerate the out-of-state sources of "crime guns" in restrictive jurisdictions vis-à-vis non-restrictive jurisdictions.

Tracing is least needed where local resources are sufficient, or the basis for access to the gun irrelevant, as with violent gun-related crimes or burglary investigations.

Tracing should prove most useful—and thus used—where local resources are insufficient and tracing information is likely to be available and useful. Such would be the case with out-of-jurisdiction guns not used in serious felonies, particularly if the trace might suggest the possibility of a less obvious serious crime, such as gun and narcotics offenses. (For example, had tracing provided evidence that John Hinckley had broken the law in his acquisition of handguns, such tracing might have allowed prosecution for a GCA'68 violation, but tracing provided no information necessary for his prosecution for the violent crime of attempted presidential assassination.⁶)

B. Law Enforcement Dissatisfaction with BATF Traces

In the 1970s, most law enforcement agencies, according to an NIJ-funded study led by James Wright and Peter Rossi, made little use of BATF and were generally dissatisfied with the results. (Wright and Rossi, 1981, p. 23)

Almost all surveyed law enforcement departments which used the National Crime Information Center (NCIC) used the NCIC for almost all firearms crime. In contrast, little more than a quarter of departments used BATF for most or every firearm

either implicated in a crime or found, confiscated, or recovered. (Weber-Burdin, Rossi, Wright and Daly, 1981, ch. 4, p. 13)

And the departments which did use BATF found the Bureau much less useful than the NCIC; over 30% of departments reported the BATF trace was seldom useful or was useless. Thus, almost twice as many departments reported generally finding NCIC useful as similarly found BATF generally useful. (Weber-Burdin, Rossi, Wright and Daly, 1981, ch. 4, p. 16)

C. Crime Classification of Traced Guns

Soon after, BATF began making serious efforts to improve cooperation with local police (Vizzard, 1997, pp. 88-89), and there has clearly been a great change in the willingness of local law enforcement to use BATF's tracing services. But two facts have remained constant over the decades: There is no standardized procedure for ensuring consistent definitions for identifying the circumstances leading to a trace, and sometimes circumstances are not identified at all.

In addition, categorization might have been done hastily, because the investigation which would explain in full the reason a firearm was obtained by police had not yet been completed. (Bea, 1992, pp. 65, 70-71)

And some dramatic changes in classification figures would suggest a classification change. For example, traced military-style semi-automatics went from being traced generally for "miscellaneous" reasons (39%) in 1986 to just 1% for that reason in 1990, with disproportionate increases both in violent crimes and gun-law violations. (Bea, 1992, p. 72)

1. Most Gun Traces not for Violent Crimes

Most guns seized by police and/or traced by BATF are not involved in violent crimes. Possessory offenses constitute the most common basis for a trace, with violent crimes only a minority of the reasons. Violent crimes explained 15% of traces in 1977, and gun-law violations (federal or state) about 45%,

along with 20% unspecified "other" reasons. (Letter and documents from Paul Mosny, BATF Disclosure Branch, to Bob Dowlut, NRA, July 21, 1980) This despite the fact that, during the 1980s, the crime codes were listed in order of BATF-perceived severity, with only one crime code to be chosen. Nonetheless, property crimes, drug investigations, and gun-law violations predominated. Homicide investigations were the most common violent crime investigation associated with a trace. "Miscellaneous" and "other" explained almost as many traces as other violent crimes. (BATF tape analysis for 1989 supplied to the NRA, Feb. 9, 1990, based on coding tables effective Oct. 1, 1986) There was not even a specific category for burglary. (Bea, 1992, pp. 70-71)

The 1990s coding of the types of crimes associated with traces is much more extensive, with nearly three dozen categories, compared to ten or twelve in the 1980s. One new category is-transportation/possession of untaxed cigarettes. Still, property crimes, gun-law violations, drug offenses, and other unspecified criminal investigations predominate. (Letter from BATF Director John W. Magaw, to Sen. Larry E. Craig, April 1, 1994, regarding "assault weapons.")

In the largest recent study of BATF traces, roughly five-eighths were for weapons offenses, and just over one-seventh for violent crimes. (Pierce, Briggs and Carlson, 1996, Table 3) A study in Boston, where traces were to be conducted wherever possible on all seized guns, showed that about three-fourths of gun seizures were for possessory rather than substantive crimes; if other reasons for guns to come into police custody (i.e., voluntary surrender) were added, the percentage of seized guns connected to a substantive offense falls to 18%. (Kennedy, Piehl and Braga, 1996a, p. 196)

A Los Angeles area study of traced guns showed two-thirds for possessory offenses and one-sixth for violent crimes. (Wachtel, 1996, p. 12) Roughly the same figures predominate in a recent BATF study of 17 cities, with most traces (exceeding 80% in some cities) involving possessory offenses and only

about one-sixth of traces involving guns associated with violent crime investigations. (BATF, 1997)

2. Additional Issues related to Crime Classification

And even traces of guns as a result of a violent-crime investigation do not indicate the role of the firearm in the crime or the investigation, regardless of the reason given for the trace. The gun might have been possessed by the alleged perpetrator but not involved in the specific crime.

The most detailed statistical information from BATF simply indicates the sort of investigation associated with the trace request.⁷ A firearm simply found, turned in, or otherwise recovered, might be traced to indicate whether it might have been stolen, potentially making it a property crime investigation. Or the official reason given to BATF for the trace request might be miscellaneous or other. Nothing in the coding, or in any information collected by BATF indicates which of the guns traced were used to commit which crimes.

As BATF has made clear, with regard to the guns it traces, "ATF does not track the incidence of specific use of each one of these firearms in crimes....[T]races requested by police are not always for guns that are used in crimes. Traces are sometimes submitted for firearms recovered by police investigating crimes where the guns were found but were not necessarily used to commit a crime....We do not establish the criteria as to when State or local law enforcement agencies initiate a trace of a firearm." (Letter from Daniel M. Hartnett [Deputy Director for Enforcement], for the BATF Director, to Rep. Richard T. Schulze, March 31, 1992)

Traces of guns to other states would not necessarily represent gun trafficking patterns especially with the average traced gun about five years old (Pierce, Briggs and Carlson, 1996), and untraced guns presumably still older, since age is a key reason for BATF not to attempt a trace. In a mobile nation, where roughly one-fifth of the populace moves each year, guns may be brought from another state simply because persons

previously lived in another state. Unsurprisingly, more guns are apt to be bought in states where paperwork for firearms purchases make the process not only less cumbersome but, in general, less expensive. The large proportion of traces for possessory offenses would support skepticism regarding the amount of trafficking suggested by traces.

D. Few Firearms are Traced

Even when BATF is encouraging tracing, as with Project Lead in New York City, relatively few firearms are traced. During the first nine months of 1992, for example, of 13,382 firearms recovered by the New York Police Department, only 1,231 (9%) were submitted for tracing, and only 824 traced (6%). (Memorandum from Project Lead to Special Agent in Charge, New York Field Division, BATF, October 22, 1992) And there is no basis for believing that the small percentage is representative. Regarding 1990, when a similar portion of New York City guns were selected for tracing, BATF indicated that "No information is available on why those 1,000 guns were selected out of the 17,000 for tracing." (Bea, 1992, p. 67)

During the first nine months of 1992, there were about 35,000 gun-related violent crimes reported to the New York City police (Letter from Michael A. Markman, NYPD Office of Management Analysis and Planning, to Mark Overstreet, NRA, January 21, 1993).

A BATF study in the Los Angeles area involved only about 5,000 guns traced during an eight-year period during which an estimated 13,000 guns came into police custody annually: thus the study thus based on successful traces of about 2% of the guns which came into police custody. (Wachtel, 1996, pp. 10-12)

E. Over-representation of Homicide

Traces are much more apt to involve weapons violations rather than violent crimes—roughly five-eighths of the traces analyzed by Pierce, Briggs and Carlson (1996, Table 3). Among

violent crimes, homicide traces predominate, and they always have. A study based on traces from the mid-1970s found that, among violent crime-related traces, homicide investigations accounted for 45%.

A computer analysis provided to the NRA by BATF for 1989 traces suggested about one gun trace for every four gun-related homicides reported to police, compared to one trace for every 125 gun-related assaults and one trace for every 250 robberies. (FBI, 1990) More recently, with more extensive BATF efforts to persuade local authorities to use the National Tracing Center (NTC), the figure has risen to one trace for every: two gun-related homicides, 50 gun-related assaults, and 100 gun-related robberies. (Pierce, Briggs and Carlson, 1996, Table 3; FBI, 1996) The numbers for homicides, at any rate, are clearly reaching impressive size, even though the guns are not necessarily murder weapons.

The expanded tracing efforts mean that for homicide there is now a large and unrepresentative sample rather than a small unrepresentative sample.⁸ For other violent crimes, the traces remain relatively small and unrepresentative.

II. LIMITATIONS DUE TO BATF TRACING PRACTICES

BATF recognizes the limitations local law enforcement practices place on statistical analyses based on tracing data. The standard "data advisory" BATF's NTC sends out with data requests reflects that. The NTC notes

- that their data only reflect trends relating to trace-requested guns, not to crime guns overall;
- that trace requests involve "trace requests submitted on firearms used in crimes, recovered from crime scenes, or suspected of being involved in crimes";

- that BATF relies upon those federal, state, or local authorities submitting a request to ensure that guns are related to crime investigations;
- that not every gun recovered is traced;
- that BATF does not know the extent to which recovered guns are submitted for traces: and

BATF's NTC notes that the accuracy of their reports is dependent upon the accuracy of data submitted. That advisory is well worth respecting.

In addition to local law enforcement limitations on the representativeness of traced guns, BATF imposes restrictions on tracing all but guaranteed to make traced guns unrepresentative of crime guns. The BATF changes in its restrictions make temporal comparisons of tracing data problematic.

- that the trace information "ONLY reflects trends relating to those firearms for which a trace request is submitted and is only as accurate as the information provided by trace requestors."

A. BATF Refusals to Trace

BATF does not like to attempt traces when success is unlikely. The motive may be to enhance BATF's tracing success rate—in the same way prosecutors pride themselves on conviction percentages—or simply because the Bureau wishes the most cost-effective use of its resources.

BATF has thus long excluded older firearms (Brill, 1977, pp. 94-95), as well as those whose serial numbers have apparently been removed (Kennedy, Piehl and Braga, 1996a, pp. 172-73), the technical efforts needed to determine the number being deemed excessively costly.

In order to enhance the apparent success rate, local law enforcement is asked to prescreen guns, and not ask for traces on guns too old to be traced. (Brill, 1977, pp. 57-58)

B. Traces Only to Retail Sale

The same cost-effective motivation means almost never seeking to trace a firearm beyond its initial retail transfer.⁹ In the past, BATF counted a trace completed and successful "(1) where the firearm is traced to a dealer located in the same state as the requestor or (2) where the firearm is traced to an individual purchaser located in a state other than that of the requestor." (BATF, 1978, p. 2) One explanation was that once a gun was traced to the state where the request was made, it was no longer a matter of interstate commerce and, thus, no longer a federal responsibility. (Brill, 1977, p. 83)

BATF's desire to make its tracing cost-effective severely limits its ability to provide useful data for analysis. In the past, the records of out-of-business dealers were less accessible than those of active federally-licensed dealers, so such traces would be scotched as not worth the effort (Brill, 1977, p. 125). Thus such handguns from retired dealers were underrepresented in trace samples. (Zimring, 1976, p. 105) With computerization of those records, now over half of traces use information from federal licensees who have gone out of business (Pierce, Briggs and Carlson, 1996, p. 8). The figure is likely to rise, as the number of dealers has dropped by over 60% during the Clinton administration.¹⁰

C. Information not Reported in Traces

Tracing data rarely give much in the way of sufficient detail for analysis. For example, the make, model, and serial number of a gun may allow a quick trace, but specific information about the cosmetics of the gun may not be on record (e.g., whether a particular semi-automatic rifle has a folding stock); other information not determined by the manufacturer will also be left out, such as the capacity of the magazine in the firearm as recovered.¹¹

Information which should be readily available may be reported incorrectly or at least inconsistently. (Roth and Koper,

1997, p. 88) Tracing data for 1988, for example, list Colt's semi-automatic versions of its M16 at least a dozen different ways—with variations on spacing, hyphenation, names, letters, abbreviations, and the like, plus others where the designation is unclear, or the name and model are totally wrong. There is even more variance for listing of the Norinco semi-automatic imitation of the AK-47.

In addition, traces rarely go beyond the simple information of who bought a gun where; the trace does not investigate whether that same purchaser acquired other firearms within a relatively short period of time in the same or nearby stores. While some additional data could be elicited from traces, that would involve expenditures of manpower incompatible with BATF efforts to make tracing a cost-effective law enforcement tool.

D. BATF Recordkeeping Improvements

Improvements in BATF record keeping and computerization—some lawful and some apparently *ultra vires*—have enhanced the Bureau's ability to conduct traces, particularly of recent sales and of out-of-business dealers. And BATF has made efforts to encourage more traces by law enforcement agencies, particularly urban agencies, increasing the number of traces from roughly 40,000 annually to closer to 100,000.

That effort has been seen by a friendly critic with decades of experience at BATF as partially politically inspired and based on a misunderstanding of the firearms market and the purposes of tracing. He argues that the current tracing efforts incorrectly emphasize trafficking, even though most crime guns move in individual transactions. (Vizzard, 1997, pp. 202, 210, 217-18)

Of course, the improvements make earlier tracing data chronologically incomparable to more recent data. The improvements are geared toward enhancing the speed with which successful traces can be conducted, and minimizing the need for labor intensive work by BATF agents. Yet it is

precisely the sorts of information which might be elicited from in-depth investigation from which criminologists might hope to learn more detailed information about criminals and their guns and gun sources.¹²

E. Emphasis on Newer Guns

BATF has recognized that tracing older firearms to their first retail purchaser is not a cost-effective way to attempt to solve crimes, but that tracing more recent guns may help solve crimes and also provide information useful for allocating law-enforcement resources toward particular dealers, dealer types, or areas. Thus, BATF has more sharply limited its willingness to attempt traces. BATF has gone this decade from rejecting most attempts at pre-1985 guns to rejecting most attempts at pre-1990 guns. (Kennedy, Piehl and Braga, 1996a, pp. 170-71) Because traced guns are normally over five years old,¹³ the pre-1990 exclusion obviously undermines any confidence that traced guns are representative of crime guns. (Pierce, Briggs and Carlson, 1996, pp. 8-9 and Table 3)

The emphasis on newer guns automatically means an emphasis on semi-automatics compared to revolvers, since they have come to dominate the newly-manufactured handgun market, going from about one-quarter to about four-fifths of new handguns between 1978 and 1993. (Thurman, 1994, pp. 102-103) To some extent, such a new-gun emphasis would also emphasize the relatively newer military-style semi-automatics and relatively inexpensive semi-autos as well. (Wintemute, 1994)

F. Tracing Failures

Trace attempts are frequently unsuccessful, even after exclusions. In the 1970s, the estimate was that up to about 40% of traces were unsuccessful (Brill, 1977, pp. 84, 117; Weber-Burdin, Rossi, Wright and Daly, 1981, ch. 4, pp. 6-7), with a 45% failure rate with the massive tracing the guns of "youth

offenders" in Boston.¹⁴ (Kennedy, Piehl and Braga, 1996a, p. 193) And, while the data were not presented particularly clearly, it appears that a trace study by a BATF agent in the Los Angeles area achieved only about a 42% success rate, supplementing California state records checks with traditional BATF tracing procedures. (Wachtel, 1996, pp. 10-12) More recently, an extensive effort to trace guns in 17 cities resulted in a 37% success rate. (BATF, 1997, p. 6)

G. Effect of Investigations in Skewing Trace Data

Investigations can, whether deliberately with a view toward influencing policy, or by chance, affect what tracing may indicate. As was noted by Pierce, Briggs and Carlson (1996, p. 9), when they looked at dealers with the most guns traced to them, Vermont stood out disproportionately but irrelevantly because of a "sting" operation affecting the data.

Just as a sting operation would make Vermont artificially high, a serious investigation would have the same effect on Virginia's gun rationing law later.. When it was reported that 41% of New York City crime guns came from Virginia, the anti-gun lobbyists who used the statistics, usually failed to mention that it was variously reported that 27% of the 41% (10% of the total) (Goode, 1992), or "the vast majority" of the 41% (Hynes, 1992) came from a single gun store, which BATF was investigating in part with undercover purchases going to New York.

Regarding the one store in Virginia, there is some discrepancy between the government and the store's owners. BATF insisted they warned the store of the problem of multiple purchasers being straw purchasers and gun traffickers and that the store was uncooperative. The owners insisted that they regularly telephoned BATF regarding multiple purchases which they thought might be suspicious and/or headed for New York, and BATF had reassured the store that they were investigating the buyers and the guns should be sold. It is clear that the data about Virginia's guns in New York City involved some guns

carefully followed by BATF to New York and then traced back, not random New York guns which just by chance happened to be traced to Virginia. (Affidavit of BATF Agent Irvin W. Moran, before U.S. Magistrate Judge David G. Lowe, August 25, 1992; letter from BATF Director John W. Magaw to Senator Olympia J. Snowe, February 23, 1996).

Speedier investigation and crackdown on the offending gunshop would have prevented the gun trafficking data from being so impressive. The Virginia data are unrepresentative because of an investigation or sting or entrapment—depending upon one's view of the investigation.

Another clue that the investigations affected the traces is that with homicide investigations the official reason for about 8% of traces (Pierce, Briggs and Carlson, 1996, Table 3), murder investigations accounted for only 1.6% (3.7% if suicides are included as homicide investigations) of the Project Lead guns traced from New York City to Virginia. At a time period when there were over one thousand gun-related homicides in the city, three firearms were traced to Virginia as a result of homicide investigations. (Memorandum from Project Lead to Special Agent in Charge, BATF New York Field Division, October 22, 1992)

III. POLICY-INFLUENCED LIMITATIONS ON TRACING DATA

Some of the unrepresentative nature of traces may be policy related, intentionally or unintentionally. When BATF sought, in Operation CUE (Concentrated Urban Enforcement), to buy undercover the types of guns criminals buy, they had to assume or guess or calculate the types of firearms which criminals sought out. Having predetermined that criminals tended to prefer guns then described as "Saturday Night Specials"—relatively inexpensive, lower-caliber handguns with short barrels—and long guns which were NFA¹⁵ weapons, that is what BATF wound up purchasing. Analysis of those guns, unsurprisingly,

found that criminals use SNSs and NFA long guns.¹⁶ (BATF, 1977, pp. viii, 20-23) The Police Foundation, about the same time, disputed both BATF's initial evaluation and BATF's conclusion, the Foundation feared that focus on "Saturday Night Specials" could "confuse the police administrator in confronting the problem of firearm abuse."¹⁷ (Brill, 1977, p. v)

A. Semiautomatics

With the rise of the military-style semi-auto issue, BATF made special efforts to check out purchasers of such arms, in projects known as "forward traces" from the manufacturer or distributor to the first retail purchaser, rather than starting with a gun seized as part of an investigation. (Personal communication from gun dealers regarding BATF investigatory practices)

Special studies may influence the sort of firearm being traced, such as one in Detroit, focusing specifically on "assault weapons." (Bea, 1992, pp. 67-68)

In addition, whether BATF made greater efforts to have local authorities solicit traces on such arms or not, rhetorical statements by politicians and higher-ranking BATF employees that such guns were the preferred choice of drug traffickers, organized crime, etc., would presumably have spurred at least some local authorities to make greater efforts to trace such guns on the presupposed and circular reasoning that the traces were more apt to provide evidence of drug trafficking, organized crime, etc.

Such an investigative reason could be the basis for the trace request, even if the ensuing investigation demonstrated that gun possession was the most serious offense involved in particular cases. "If...law enforcement offices in certain regions have determined that certain types of firearms (such as military-style semiautomatics that accept large capacity magazines) should be traced because they are thought to be used by dangerous offenders, the data in the tracing system will reflect those specific concerns." (Bea, 1992, p. 68)

If some law enforcement experts assert, and the media report, that certain types of guns are the preferred guns of terrorists, of drug traffickers, or the like, then some law enforcement authorities will be more inclined to trace those types of guns when they are seized. Similarly, if certain persons are said to be more apt to be involved in certain types of offenses—say, young black males and gangs—then guns found with the arrest of those persons are more apt to be traced, with the suspected characteristic the basis for the trace request.

It then becomes of self-fulfilling prophecy: If there is a greater tendency to trace certain types of guns, or guns found in the course of the arrest of certain types of persons, with narcotics, organized crime, or the like given as the type of criminal investigation, then those guns or persons will be found, using tracing data, to be disproportionately involved in the activity in question. The trace request cites the type of investigation; nothing in BATF tracing data indicates a negative investigative conclusion.

The unrepresentative effect of policy-related tracing was demonstrated perhaps most dramatically with the advent of the so-called "assault weapons" issue in the late 1980s, and the Cox Newspapers analysis of BATF traces.¹³ While BATF tracing data indicated that military-style semi-automatic firearms constituted 19% of crime guns in Los Angeles, the highest of any of the cities studied, LAPD data indicated that such firearms constituted only 3% of crime guns seized in that city. (Cox Newspapers, 1989, p. 4; letter from Edward C. Ezell, Curator, National Firearms Collection, Smithsonian Institution, to Rep. John D. Dingell, March 27, 1989) And the actual use of "assault weapons", two years later, in famed youthful drive-by shootings was all but non-existent, at one documented use in 677 incidents (Hutson, Anglin and Pratts, 1994, p.326). Researchers noted the "minor role" of "assault weapons" in gang killings, for which the guns were supposedly a preferred weapon, during that period. (Hutson, Anglin, Kyriacou, Hart and Spears, 1995)

B. Handgun Rationing

Policy goals may have influenced the investigation of the Virginia gun dealer and its reporting; the investigation was at least partly geared toward enhancing the likelihood that Virginia would impose a handgun-rationing plan, to limit handgun purchasers to one handgun purchase in a 30-day period. After all, the U.S. Attorney most actively involved in the investigation was also the Republican most outspokenly campaigning for the gun rationing measure which the state legislature was considering. (Goode, 1992; Johnson, 1992)

Similarly, more recent efforts involve the goal of nationalizing the rationing policy, by showing that Virginia's role as a gun-supplying state has been curtailed (Weil and Knox)¹⁹—a goal easily achieved by determining on which states' dealers to focus limited BATF investigatory efforts. A recent arrest suggested a single Alabama shop as the source for 2,000 guns taken to New York over a five-year period. (Associated Press, 1997)

C. Interstate Gun-Running

Working with the Atlanta office of BATF, New York City authorities arranged that an "undercover officer in New York City would place an order for handguns with the defendants, who would then travel to Georgia, use an accomplice to make a seemingly lawful purchase of firearms from a local dealer, and then immediately return to New York with the guns." Forty-eight firearms were recovered in the course of the investigation and, presumably, dutifully traced by BATF back to the place where New York authorities had arranged for many of them to be purchased. (District Attorney, County of New York, 1997) The New York authorities involved in the investigation are also actively promoting gun rationing on a national level, which is also the policy of the Clinton administration under which BATF operated.²⁰

Even if policy is not the only goal, the investigators themselves helped to determine where guns would be traced to,

and, in all likelihood, determined at least some of the details (caliber, action type, and price) of the sorts of guns which would be purchased and thus traced.

IV. BATF TRACING DATA USED IN POLICYMAKING AND EVALUATION

Whether due to local law enforcement practices, BATF tracing and enforcement practices, or policy-influenced decisions on what to trace, the result is that traced guns are simply not representative of crime guns.

A. Revolvers vs. Semiautomatics

Recent figures from New York City would suggest that revolvers are not used in criminal activity there. BATF's explanation, that New York's criminals no longer use revolvers, preferring the more modern guns (personal communication from Jerry Nunziato, BATF's NTC) approaches the absurd.

The dramatic increase in the popularity of semi-automatics among the general public, and criminals, has led to their accounting for about three-fourths of new handguns, and an increasing portion of crime guns. But their use in crime lags behind their percentage of new guns, even where their popularity is greatest, among younger criminals; in Boston, the percentage of youths using semi-automatics was reportedly up to 63% of handguns; in contrast there was near parity between the two main action-types of handguns among older criminals. (Kennedy, Piehl and Braga, 1996b, pp. 149, 155)

Notwithstanding limitations on the usefulness of tracing as a means of understanding criminal sources for and preferences in crime guns, those data have been used to influence policymaking on the gun issue. Curiously, the areas where tracing data use has most reasonably been related to possible suggestions regarding policymaking, the data have not influenced policy.

Nevertheless, with some encouragement from BATF (e.g., Vince, 1997, p. 207), tracing data analyses and studies are being used to influence and evaluate policymaking. BATF's interest may involve partly a desire to support the policies of the administration overseeing its operations.

B. "Assault Weapons"

The federal ban on so-called "assault weapons"—primarily a redesign requirement since existing guns were not regulated (Roth and Koper, 1997, pp. 13-14), and virtually any banned gun could be modified to be removed from the definition of "assault weapon" (letter from John W. Magaw, BATF Director, to Sen. Larry E. Craig, April 1, 1994)—called for an evaluation on the effects of the legislation after three years. The FBI Uniform Crime Reporting Section was asked in advance of the legislation's enactment if it knew "of any data which exist which would provide a base for determining whether these firearms are used more, less, or the same during the next three or four years, or are more or less available to criminals?" The response was, "The UCR Section knows of no existing data to provide a basis to address the question." (Letter from Paul H. Blackman, NRA, to J. Harper Wilson, July 20, 1990; letter from J. Harper Wilson, Chief, Uniform Crime Reporting Section, to Paul H. Blackman, September 5, 1990)

Nonetheless, the legislation was enacted, including an obligation to evaluate its effectiveness, a task assigned to the Urban Institute, with assistance received from BATF, the National Alliance of Stocking Gun Dealers, Handgun Control, Inc., and a number of other researchers and organizations.

Absent other sources of information, the Urban Institute used BATF tracing data, recognizing some of its limitations, including the nonrepresentative sampling suggesting only about 10% of gun crimes and 2% of violent crimes result in BATF trace requests. The Urban Institute further noted the lack of a comparison between traces of "specific banned assault weapon models with trends for non-banned models that are close

substitutes." (Roth and Koper, 1997, pp. 8, 82) They nonetheless defended the use as "the only such national sample" although "BATF trace data should be interpreted cautiously." (Roth and Koper, 1997, p. 83) With no reliable data on pre- or post-legislative criminal misuse of proscribed or similar guns, the caution is more advised than nevertheless proceeding with the uncertain interpretation.

C. One Gun a Month

As was noted above, BATF tracing data were used in popular literature;—"Batman" made the Virginia state legislature the only such body effectively lobbied by a cartoon character, certainly the only one where violence-control legislation was deliberately inspired by a cartoon character devoted to the glamorization of violence. Batman and his fellow anti-gun lobbyists used BATF trace statistics to make Virginia adopt legislation designed to support gun rationing as a means to curb gun trafficking,²¹ and then to prove the legislation's effectiveness. (Ostrander and Giarrano, 1993; Weil and Knox, 1996; Vizzard, 1997, pp. 217-18)

Even though the effort was to place chronological limits on handgun purchases in response to allegations that gun traffickers bought substantial numbers of guns at a time, no effort was made to determine whether any of the guns involved in violent crime investigations, before or after the law took effect, involved multiple purchase. This despite the fact that purchases of more than one handgun in a business week are reported to BATF by the dealer [18 U.S.C. § 923(g)(3)], and investigations of dealers, such as that which led to the prosecution of the largest alleged Virginia source of New York crime guns, was spurred by such multiple purchase reports. (Hynes, 1992)

And the number of guns associated with violent crimes was tiny. Roughly one-quarter of one-percent of New York's criminal homicide investigations resulted in a trace to Virginia. That figure is meaningless; Virginia-bought guns could have been involved in a small percentage of homicides, easily

explained by normal American mobility, or a large number best explained by gunrunning, or by something in between—such as individual evasions of New York's restrictions on the private acquisition of handguns.

Project CUE, found "that the majority of the firearm movement from States is occurring on an individual basis. That is to say that an individual will acquire a firearm in another State through the actual purchase by relative or friends and then transport that firearm back" to his own metropolitan area, with self-protection the primary motive. (BATF, 1977, p. 61) That view remains the conclusion of the historian of BATF, who voices criticism of the new focus on trafficking. (Vizzard, 1997, p. 202) Project CUE went beyond simple tracing data, which provide no particular reason to suggest any particular explanation as to where New York City's violent criminals get their guns or whether gun rationing at the state or federal level is a rational response.

BATF tracing data are nonetheless being used to support the notion that gun trafficking is widespread and requires national gun rationing. The data, although described as a "Congressional study," with words of praise by respected criminologists (Butterfield, 1997), is simply the analysis of BATF tracing data provided to Rep. Charles Schumer—as the data would be provided to anyone requesting them (Letter, with documents, from Averill P. Graham, BATF Senior Disclosure Specialist, to Mark Barnes, April 3, 1997)—broken down by state of retail dealer for each state of trace for a 12- or 13-month period beginning January 1, 1996.

As always, since only an unrepresentative fraction of guns involved in criminal activity were traced, and most traced guns are not involved in violent crimes, and no research was conducted to determine how the guns happened to reach the state from which the trace was initiated, there is no way to know the extent, if any, to which gun trafficking, specifically gun trafficking involving purchases of over one handgun in a 30-day period—already a serious federal felony [18 U.S.C. §§ 922(a)(1) and (5), 924(b), among others]—was involved.

D. Brady Act

BATF tracing data are also being used to demonstrate that gun trafficking—sometimes from the same source states—is diminishing due to the Brady Act. (Weil, 1997) Since the tracing data can show neither the problem of gun trafficking nor a contemporaneous solution, there is no more reason the data should not be able simultaneously to show both.

Crediting the Brady Act requires assuming that an Act aimed at encouraging local law enforcement officials to check criminal records of residents attempting to purchase handguns from licensed dealers also affects something at which it was not aimed: sales to non-residents. In addition its problems with data, then, there is a problem with logic. Brady was aimed not at interstate trafficking but at in-state purchases, envisioning a police check of records, not of residences.

E. Inexpensive Handguns

In addition to legislative measures addressed toward military-style firearms and gun rationing, efforts have been made by policymakers to use tracing data to support additional restrictions on small, inexpensive handguns—variously called “Saturday Night Specials,” “junk guns,” and “ring of fire” guns—and semi-automatic handguns,²² and restrictions on dealers. None of the tracing data available would allow an evaluation of the proposals or support the restrictions or, for that matter, opposition to the restrictions. Not enough is known about the sorts of crimes involved with the various small guns, nor is a sizeable enough portion of guns used in violent crimes traced by BATF.

F. Firearms Surrenders

Another study used tracing data to show, among other things, how different guns turned in during amnesties were from guns used by criminals, particularly younger criminals. So

different were the guns turned in that only about one-eighth could be traced, and an effort at evaluation found that three-fourths of the guns were manufactured before the enactment of GCA'68. (Kennedy, Piehl and Braga, 1996b, pp. 156-58) The authors went on to conclude that, while tracing data gave no reason to believe turn-in programs would have crime-control value, they might be beneficial for symbolic values. (1996b, p. 165)

V. POTENTIAL POLICYMAKING AND EVALUATIVE USES OF BATF TRACING DATA AND THEIR LIMITATIONS

The improvements in tracing records and their analysis should enhance law enforcement efforts, particularly against illicit firearms traffickers, even if tracing's role is exaggerated partly for political reasons. (Vizzard, 1997, pp. 202, 218) Certainly an avid supporter of tracing for law-enforcement and analytical purposes, David Kennedy, observed with regard to Boston, "There is very little illegal trafficking interdiction going on." (Lattimore and Nahabedian, 1997, p. 223)

A. Problem Dealers

There is only one apparent policymaking utility for tracing. An evaluation of which dealers are more apt to have firearms traced to them, in addition to suggesting which dealers may be breaking the law themselves, or may be insufficiently diligent, or may simply in an area where criminal misuse by customers is more popular, might suggest the curtailment of which sorts of dealerships might disproportionately reduce illicit firearms trafficking.

Research by Glenn Pierce et al. for BATF has suggested that a tiny fraction of dealers are vastly disproportionately involved in firearms traces. (Pierce, Briggs and Carlson, 1996, Table 5) Those data could provide a basis for seeking more information

about those dealers which could suggest for whom federal firearms licenses should be more difficult to obtain, or other regulations which might be appropriate.

For example, the administration, eventually with the legislative approval of Congress, has drastically reduced the number of dealers during the past few years. Data on dealer tracing could suggest whether the sorts of dealers driven out of business constitute the sort of dealer most or least apt to sell guns eventually traced to them. Those data were not used to make the policy. And there has been no *post facto* suggestion that the policy was warranted by the data.

Indeed, with the goal of putting out of business "convenience" dealers—those who have licensed in order cheaply to purchase firearms for themselves and their friends—in order to allow BATF to focus more regulatory attention on the remaining dealers, the sharp reduction in dealers may have been akin to rescinding the drivers licenses of persons over 40 in order to allow more effective policing of the driving habits of the remaining younger drivers.

Similarly, there are current legislative efforts to authorize BATF to mandate storage requirements for licensed dealers. Tracing data, and data on stolen firearms, might allow some evaluation of whether theoretically more susceptible dealers are, in fact, more apt to be the victims of thefts. But no such attempt has yet been made. (BATF, 1995)

B. Firearms Trafficking

There would appear to be no other obvious area where policymaking might benefit from an analysis of BATF firearms tracing data as currently collected. A trafficking study could be useful for law enforcement, but not for a study of criminals' guns or their sources, given the small number traced, the huge number of models recovered and the resultant small numbers of traces required for a gun to make it into some city's "top ten," and the lack of relationship of most crime guns to violent crimes. (BATF, 1997)

And thus even in a trafficking study, traces alone would be insufficient without additional information about the types of dealerships—their conformity to local zoning and other regulations, and the like—which would make traces more time-consuming and costly. With more serious follow-up research, there would, however, be other areas where cautious use of tracing data might provide the base for more extensive research.

Similarly, if BATF traces were followed up by more extensive investigation than the simple trace, the data could prove useful in learning more about where criminals get their guns and what their preferences are. For example, if data were collected on the relation of the traced firearm to the criminal investigation (used in the homicide, recovered at the scene, etc.) or follow-up information on the criminal investigation (was the criminal investigation founded? was there drug trafficking involved, or had the gun in fact been taken in a burglary, etc.? how did the firearm come to be in the state where it was recovered? what was the path of ownership and the means of transfer?), then the potential would exist for learning more about the nature at least of relatively new crime guns or criminal preferences in guns.

Most efforts by BATF, however, have been to curtail tracing to make it more cost-effective, not to expand the information gathering with labor-intensive follow-up inquiries. Thus, while the Congressional Research Service noted the problems with the tracing system in terms of statistical analysis, it made it clear that the limitations on the system should not necessarily be rectified: “the system is designed to expedite requests from law enforcement agencies on the history of firearm ownership, there would likely be little benefit in placing additional restrictions or requirements on officers submitting the trace request. The more important accomplishment of the system design...is to minimize paperwork and administrative burdens on the requesting agency.” (Bea, 1992, pp. 65-66)

Efforts to encourage more detailed data collection by BATF and from local law enforcement is apt to be even less successful than the current efforts at more thorough data collection for the

Uniform Crime Reporting Program. The currently envisioned expansion of tracing to include guns which cannot be traced, but are merely seized in cooperating cities, means less and less will be known about more and more firearms.

CONCLUSION: GIGO ("GARBAGE IN, GARBAGE OUT")

As currently collected—a small non-random undifferentiated sample of guns about whose involvement in crimes committed by whom little is known or asked—BATF tracing data cannot be used criminologically, with the possible hypothetical exception of giving some clues regarding dealers as sources for some misused firearms.

Suggesting sharp limitations on the utility of BATF tracing for criminological research in no way undermines either the benefits of tracing as a law-enforcement tool in general, or the benefits of recent improvements in BATF's tracing abilities. The traces were envisioned as a law-enforcement tool, not a law-making tool, and retain utility for that envisioned purpose.

To the extent it might be argued that, however weak, BATF tracing data are the only data available for certain criminological or policymaking goals, that discouraging fact would simply mean there are no data available; absence of other data does not make unrepresentative data representative. And no amount of sophisticated computer-assisted analysis changes the fact that if garbage is programmed in, garbage will be programmed out.

Analyses of tracing data, however performed, are akin to analyses of astronomical data for astrological projections. There is no need carefully to evaluate the data or the analyses; they are worthless. Tracing data can no more provide a sound basis for criminological analysis than can works of fiction.²³ Studies based on tracing data simply diminish the value of otherwise useful blank paper used for publishing the analyses.

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Endnotes

1 Until its promotion to bureau status in 1972, it was the Alcohol, Tobacco & Firearms Division of the Internal Revenue Service. For the past quarter century,

its name has generally been shortened to the letters BATF or ATF, the former seeming more thoroughly descriptive, and perhaps slightly more suitable as an acronym, but both have been used extensively both outside and inside government, including the Treasury Department itself.

2 BATF offered its tracing capability to the U.S. Secret Service at 2:40 p.m. on March 30, 1981, with BATF personnel ordered to stand by for an urgent trace. The Secret Service contacted the BATF liaison to begin the tracing process at 3:20 p.m. and, following some confusion on the Secret Service's part regarding the serial number, the trace was completed by 4:30 p.m. (Office of the General Counsel, 1981, pp. 78-79.) The General Counsel found it noteworthy that the investigative activities were initiated during normal working hours, and that the tracing capability "would assume even more importance if a suspect had not been immediately apprehended at the scene." (Office of the General Counsel, 1981, pp. III and 81) The trace of the handgun used in the assassination attempt on Governor George Wallace took about 30 minutes. (Brill, 1977, p. 119)

3 Many of the limitations noted in this paper replicate the introduction to BATF's National Tracing Center (NTC) by its director, Gerald A. Nunziato, in speaking to visitors, for example, from the Homicide Research Working Group on June 10, 1997.

4 Although Commissioner Sambor did not explain, the reduction in likelihood of an error simply reflects the fact that the fewer the intermediaries, the less the likelihood of an error in the transcription of a serial number or other information essential to an accurate trace, and that no reflection on BATF personnel in particular was intended.

5 Similarly, because of Michigan's records, guns originally purchased there were prescreened and excluded from BATF's Project Identification data. (Zimring, 1976, p. 105)

6 According to the trial transcript in *United States v. Hinckley*, #81-306, pp. 1489-1559, 1751-52, when he was arrested at the Nashville airport on October 9, 1980, with three handguns in his carry-on luggage, they were seized, but he was fined only a total of \$62.50 for the misdemeanor, using his Texas drivers license as identification, which listed his address as 1612 Avenue Y, Lubbock, Texas. He used the same drivers license on October 13, when he purchased two inexpensive .22 caliber revolvers, to replace two of the seized handguns, from Rocky's Pawn Shop, although the address he put on the actual federal form 4473 was 2404 10th Street, Lubbock. The address listed for him in the November 1979 Lubbock-Slaton telephone directory was 409 University Avenue. According to a Washington Post article from March 31, 1981 (reproduced as part of a fundraising package from Handgun Control, Inc.), each of the revolvers cost about \$47.50 (although later advertisements from that organization have lowered the price to \$29). The diversity of addresses suggests that some college students—Hinckley was a sometime student at Texas Tech, as he had been in the summer sessions of 1980 (personal

communication)—move around, but was irrelevant under federal law which was only concerned with whether he was a resident of Texas. Explaining the meaning of "State of residency," ATF Rule. 80-21 explains that "during the time the students actually reside in a college dormitory or at an off-campus location they are considered residents of the State where the dormitory or off-campus home is located. During the time out-of-state college students actually reside in their home State they are considered residents of their home State." Had a name-check been conducted—as it likely was following BATF's receipt of the multiple purchase form from the pawnshop—it would have found, at most, a misdemeanor record for a Texas resident. As the resident of his home state, using a Colorado identification card with an Evergreen, Colorado, address, Hinckley purchased a .38 caliber revolver from the Kawasake West gunshop on January 21, 1981, to replace the third handgun seized in Nashville. Any alleged illegalities in either purchase could have led to prosecution in Texas or Colorado until the mid-1980s, but no such charges were brought.

7 The categories are not necessarily all that revealing: "other"; "miscellaneous." Even "weapons" or "GCA" or "Title 1" cover a multitude of possible offenses, from trivial typographical errors to gun-trafficking and violent offenses. (Bea, 1992, p. 71) A stolen weapon trace could involve the thief or a gun found and turned in to authorities. Some traces may be of police-owned firearms. (Brill, 1977, pp. 23-25) Crimes reported as the basis for traces in BATF's Project Lead in New York City included suicide and loitering. (Memorandum from Project Lead to Special Agent in Charge, New York Field Division, BATF, October 22, 1992)

8 Murder weapons may differ from guns used in non-lethal assaults (Brill, 1977, p.71), regardless of one's position in the motivation versus instrumentality debate.

9 Such labor-intensive tracing may be possible if deemed essential to a case. The Beretta used in about half of the so-called Zebra slayings in San Francisco in the 1970s was traced, over a period of over eight months, by BATF and then the San Francisco police beyond the first retail sale through seven private transfers. (Adams, 1978)

10 It will not necessarily rise as fast as the number of dealers has fallen, or just because of that. The vast majority of traces involve a small portion of dealers. Ninety-two percent of dealers were involved with no traces, and less than 2% of dealers accounted for over three-fourths of traces. (Pierce, Briggs and Carlson, 1996, Table 5) The records of those dealers driven out of business by increased regulations will likely not be anywhere near so useful as of those driven out of business as a result of criminal investigations of their activities.

11 The more information which is required or provided, the more likelihood for error. The author once ran a .38 caliber revolver from California through the NCIC and was told it was a .22 caliber revolver from Alabama.

12 BATF's then-Chief, Firearms Division, Joseph J. Vince, Jr., told the Homicide Research Working Group's 1997 symposium that in some cities, even though BATF could not trace all firearms, it was collecting available information on all guns seized by police. Since those data would be limited to the few cooperating cities, they would be comparable to data currently available from some cities analyzing the guns which are taken into custody. Cities can vary dramatically in a variety of data, so that there would be no reason to suppose a few cities might be representative either of cities in general or of the nation as a whole. For example, with 17 cities cooperating extensively in tracing efforts, the percentage of guns associated with firearms offenses ranged from 36% to 92%, and the number with an in-state source varied from 0-77%. (BATF, 1997) In addition, it is unclear whether departments which cooperate with outside studies differ from those more reluctant to cooperate. If differences exist in the way spousal violence is treated, the differences may or may not imply similar differences in way gun seizures, information, and gun-related cases are treated. (Fyfe, Klinger and Flavin, 1997). Even if the cities were typical, the information would still generally be useless for anything except telling about the sorts of guns were seized by police. If broken down by crime type, the data might give some information about the sorts of guns used by criminals in specific crimes in specific cities, but, since most of the firearms could not be traced, the data would still not provide information about the sources of criminals' guns.

13 Traced semi-automatic handguns tend to be roughly half as old as revolvers and long guns (Pierce, Briggs and Carlson, 1996, Table 3; Wachtel, 1996, Table 5), and their predominance in the marketplace is similarly relatively recent. Semiautos clearly overtook revolvers among domestically manufactured firearms only during the past decade. (Thurman, 1994)

14 The Boston police and BATF reportedly agreed to trace every firearm seized. The figures suggest about 500 trace attempts of seized guns annually, plus an additional 120 guns recovered other than for possessory or substantive crimes. (Kennedy, Piehl and Braga, 1996a, p. 196) David Kennedy says about 700-1000 firearms came into BPD custody annually during the 1990s, with the number decreasing. The estimate on firearm confiscations in Boston in 1974, on the other hand, was over 1700. (Brill, 1977, p. 27) The annual number of violent crimes remains at roughly 10,000.

15 National Firearms Act of 1934, also known as Title II, based on its incorporation into Title II of the GCA'68. The most common NFA weapons used by criminals are sawed-off shotguns. (Wright and Rossi, 1986, p. 95-97)

16 Although Operation CUE was not primarily a tracing activity, tracing was a facet of the operation. (BATF, 1977, pp. v, 58-65)

17 That conclusion was supported by the NIJ-funded survey of felons regarding their preferences in firearms. (Wright and Rossi, 1986, ch. 8)

18 The Cox Newspapers analysis of BATF traces constitutes an odd combination of a news company's policymaking goal and BATF's desire for increased access to its own data, at a time when BATF was being asked by the administration to justify restrictions on military-style semi-automatic firearms. In exchange for access to BATF tracing files, which it hoped to use to show that so-called "assault weapons" were disproportionately used in crime, Cox Newspapers assisted in getting those data onto computers, to the benefit of BATF. (Cox Newspapers, 1989, pp. 31-32; Chichioco, 1989) A somewhat different approach was taken in California where, following initial indications that information on the types of guns used in crime would show low levels of "assault weapons," collected state data indicating 1.8-2.9% use in serious crime were suppressed. BATF tracing was not involved. (Kobayashi and Olson, 1997, pp. 43-44)

19 In addition to problems with examining changes in traces to Virginia, explaining changes based on the gun rationing law would be undermined by two factors: First, the same legislative session required proof of residency for driver's license applicants (Virginia Code § 46.2-323). And the rationing, in fact, rarely applies; during the first three years, applications for multiple handgun purchase requests were denied to 3% of applicants, and another 2% withdrew their applications. (Personal communication from Captain R. Lewis Vass, Department of State Police, August 30, 1996) Captain Vass testified to a Virginia crime commission that the rationing law has "not significantly affected ... the number of multiple handgun purchases within the Commonwealth." (August 29, 1995) Subtracting the single gunshop from the 1991-92 data would suggest roughly 24-28 traces from New York City to Virginia monthly. (Hynes, 1992, p. 113; Goode, 1992) BATF tracing data from January 1, 1996, through January 31, 1997, reports 372 handguns traced to Virginia (with Florida in second place at 242, and South Carolina, another gun-rationing state, third at 220, and New York sixth), which would work out to about the same, with no data on the source of actual crime guns used in New York City before or after the Virginia law took effect. Tracing data would suggest nothing much had changed in the past two decades. New York City guns traced to New York State has risen from 4% or 5% in 1973 to 8%, and those traced to the four Southern states of Virginia, South Carolina, Georgia, and Florida, has fallen from 56% to 46%. (BATF tracing data, January 1, 1996, through January 31, 1997; Brill, 1977, pp. 83-84, 91-93; Zimring, 1975, pp. 181-82) Traces of Boston crime guns to Massachusetts has gone from 35% to 37%. (Brill, 1977, p. 84; Kennedy, Piehl and Braga, 1996a, p. 196) And Los Angeles crime guns traced to California has gone from 82% to 81%. (Brill, 1977, p. 84; Wachtel, 1996, Table 6) Tracing data, however, do not provide a reliable measure of changes in gun sources, especially relative to recent changes in federal or state laws, and a time frame involving substantial changes in BATF tracing practices.

20 Those suspecting a possible public relations aspect of the investigation would also note that the BATF Special Agent in Charge of the Atlanta field division is Jack Killorin, who for a long time headed BATF's public affairs office in Washington.

21 The actual punishment for massive numbers of trafficked guns can be relatively small, with relatively short prison terms (14 months not being unusual) and/or probation. (Wachtel, 1996, Table 7)

22 One generally invalid criticism of the use of tracing, and more localized similar, data on firearms is that those using it provide no reports on the proportionate availability of the guns, only data on the use of some guns in crime; that is, there are no data provided on non-crime guns. (Kobayashi and Olson, 1997, p. 49) In fact, those using traces to attack particular guns do provide some information on the traces proportionate to availability.

Unfortunately, those data are often combined with rhetoric and the supposed uselessness of the guns in question for legitimate purposes. Wintemute, for example, asserted that what he called "ring of fire" handguns—predominately small and inexpensive—"truly are weapons of choice for criminal use," because they were traced disproportionate to their production. While his data support the disproportionality, they also show traces accounting for 0.33% of the guns manufactured rather than the 0.1% for major manufacturers in Connecticut. (Wintemute, 1994, p. 63)

While higher percentages of both groups of manufacturers' products may well have been involved in crime, tracing data provide no real confidence that the "ring of fire" handguns are misused relatively more than the "Gun Valley" handguns. The data suggests that vast numbers of the handguns in question are "weapons of choice" for non-criminal use.

Another dishonest effort at comparison, albeit not one relying upon tracing data, involved using overall domestic manufacturing data over a 20-year period to suggest disproportionate involvement of .25 caliber pistols in a big-city's suicides and homicides—10% of manufacturing vs. 14% of reported involvement (and 13% if unknown calibers were not apportioned). (Hargarten et al., 1996)

That use of comparative data ignored the fact that protection-type calibers are more apt to be owned in big cities, where sporting uses of handguns are less available, and that a shorter time frame (more in keeping with the fact that relatively newer guns are used in crime) would similarly record that 13% of manufactured handguns are .25 caliber pistols. (Thurman, 1994, pp. 101-102)

The Cox Newspaper analysis, while asserting that "assault weapons" were ten times more likely to be misused relative to their availability, did not emphasize that this was based on four thousand traces of what it asserted to be about one million guns. In addition, the availability data may not be accurate. Cox Newspapers assertion of one million "assault weapons" (1989, p. 1), conflicted

with the estimate of at least 3.7 million such arms by the Smithsonian Institution's firearms expert, Edward Ezell (letter to Rep. John D. Dingell, March 27, 1989), and the Cox Newspapers' elsewhere counting the M1 Garand as an assault gun and reporting the availability of 1.5 million of those. (1989, p. 10)

23 This view is not necessarily universally shared. Actress Demi Moore told the television show "Entertainment Tonight" that her movie "GI Jane" proved that women could successfully serve in elite military combat forces. Gun control opponents, who believe some of their points about the evils of firearms registration were proven in the film "Red Dawn," more recently have been promoting the novel *Unexpected Consequences* (Ross, 1996) as evidence that gun control could be dangerous to American society.

On the other side, in the mid-1980s, when then-Rep. Robert Torricelli was introducing legislation aimed at semi-automatic handguns which could be readily converted to machineguns, his source for believing such firearms were a crime problem was the "Miami Vice" television show. (Orr, 1985)

Like effective fiction, tracing data may provide rhetorical support for criminological or political views. This does not mean that fiction and tracing data are of no utility to criminology. One could use Erle Stanley Gardner's novels to supplement his other writings to summarize and evaluate his criminological beliefs, and one could use BATF tracing data to evaluate how traces are used for crime control. Those data, however, do not provide information useful for studying how criminals obtain firearms or the firearms criminals use to commit crimes.

24 The report has no date, but internal evidence suggests it was produced in 1995.

25 According to Lois Mock of the NIJ, there was no final draft published, leaving the preliminary draft, paginated within each chapter, the only one available.

7

EXHIBIT "7"

EXHIBIT "7"

CITY OF OAKLAND

Agenda Report

To: Office of the City Manager
Atten: Mr. Robert C. Bobb
From: Police Department
Date: November 30, 1999

Subj: AN INFORMATIONAL REPORT FROM THE CHIEF OF POLICE ON
EFFORTS TO TRACE GUNS USED IN CRIMES

SUMMARY

At the Public Safety Committee meeting of September 28, 1999, Vice Mayor Chang requested a report on the efforts taken by the Police Department to trace guns used in the commission of crimes in Oakland. This report provides statistics on crime guns traced through the Criminal Investigation Division's Weapons Unit and tracked by the National Tracing Center and information on active local programs designed to reduce and eliminate the illegal flow of firearms to violent criminals.

FISCAL IMPACT

This is an informational report with no fiscal impacts.

KEY ISSUES AND IMPACTS

"Firearms (crime guns) related violence by criminals, gang offenders, and juveniles is one of Oakland's and the nation's primary concerns. Firearms related violence, spurred by an indifference to human life, depletes the cultural and economic resources of our society and erodes our basic quality of life. While it has become increasingly difficult for prohibited purchasers (such as convicted felons, those under the age of 18, those convicted under certain prohibitive misdemeanors, and persons subject to protective orders) to obtain firearms through Federal firearms licensees (FFL), criminals, juveniles, and youthful gang offenders continue to obtain firearms through straw purchases, illegal firearms traffickers, and in some instances corrupt FFLs."

The Department recovers firearms through a variety of means: Recovered as evidence in a crime, turned in for destruction by the owner, for safe keeping (usually in domestic violence cases), as found property, and those received during special buy back / trade-in programs. For each weapon confiscated by the Department (Table 1), a card [Attachment (A)] is filled out by police personnel and recorded in a data base.

Firearms are not always released or destroyed in the same year they are received, this accounts for the difference shown in the "weapons received" and "weapons out" categories. The time of a guns release depends on whether a firearm is returned to an eligible owner or if the firearm was

¹ Youth Crime Gun Interdiction Initiative (YCGII), Statement of Participants

YA 0479

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collected as evidence in a crime and must be retained until after the case has been adjudicated by the courts.

TABLE (1) Weapons Statistics from the Evidence & Property Unit

Description	1997	1998	1999 *
Handguns received	1159	1151	774
Long guns received	317	517	334
TOTAL weapons received	1476	1668	1180
Handguns released	592	180	106
Long guns released	123	41	21
Hand guns destroyed	953	609	815
Long guns destroyed	226	144	272
TOTAL weapons out	1894	974	1214
DIFFERENCE	OUT 418	IN 694	OUT 106

* January - October 1999

The Department's goal is to trace all firearms recovered by the Department. At this time, the Department's priority is to trace crime guns in those cases where the Department's criminal investigators believe the information will be of assistance in solving the crime or series of crimes. When guns used in the commission of a crime are confiscated, the Police Department makes a request to the ATF to trace the weapon(s). The crime gun information is retrieved from the Department's Evidence and Property Unit data base and transferred to the AFT "YOGI" computer. The information is then forwarded to the National Tracing Center, where it is entered into a permanent record. Tables 2 below shows the number of traces that have been requested by the Department since 1995 and Table 3 shows the crimes with which the guns are associated.

TABLE 2: Crime Gun Traces per Year

Year **	Number of Traces
1995	422
1996	226
1997	135
1998	127
1999	165
TOTAL	1075

** January 1, 1995 - November 1, 1999

TABLE (3) Crimes Associated with Traced Guns

Offense	Number of Guns
Weapon Offense	916
Homicide	42
Health / Safety	39
Dangerous Drugs	29
Assault	24
Robbery	13
Burglary	5
Concealed Weapon	4
Kidnapping	1
Sex Offense	1
Possession of a weapon	1
** TOTAL	1075

** January 1, 1995 - November 1, 1999

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The "top ten" manufacturers of the crime guns traced in Oakland are:

TABLE 4: Top Ten crime guns traced

Manufacturer	Caliber	Number of Traces
Smith & Wesson	.38	52
Raven	.25	42
Davis	.380	35
Smith & Wesson	.357	25
Lorcin	.380	22
Mossberg	12 gauge	22
Ruger	9 mm	22
Glock	9 mm	21
Intratec	9 mm	21
Smith & Wesson	9 mm	20

Trace
Possession
The crime gun tracking performed by the ATF starts with the manufacturer, then proceeds to the distributor and then the individual dealer(s) who sold the weapon. When the Police Department tracks a gun they begin with the dealer and then attempt to establish whether the gun was stolen from the original owner, was an illegal sale, or was part of a straw purchase. A straw purchase is the acquisition of a firearm(s) from a Federal Firearm Licensee (FFL) by an individual (the "straw"), done for the purpose of concealing the identity of the true intended receiver of the firearm(s). This activity facilitates illegal firearms trafficking. When contacted by the police, the "straw" will often claim the gun was stolen - even though the "theft" was not reported. There is no requirement to report a stolen gun. Establishment of a straw sale is very complex investigation and requires a large amount of surveillance work.

The information requested by the Department on Oakland crime guns traced by the National Tracing Center was not received in time for inclusion in this report. The following information is an extraction of Bay Area Dealers contained in a NTC report on "Top Retail Dealers for Firearms Traced by California for calendar years 1997 - 1998":

TABLE 5: Top Bay Area retail dealers for firearms

Dealer, City, (Number of traces)	Ranking
Trader Sports, Inc., San Leandro, (127)	4
Reeds Sport Shop, San Jose, (97)	7
Target Master West, Milpitas, (63)	12
Tri-City Sporting Goods, Fremont, (59)	14

Siegles Guns, Inc. (15 traces in 1997), located in Oakland, was not among the 30 dealers listed.

NOTE: These are legitimate and licensed gun dealers. It is neither implied nor inferred that the crime guns traced back to these dealers was due to any impropriety on the part of the seller.

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Partnerships

Youth Crime Gun Interdiction Initiative

The Youth Crime Gun Interdiction Initiative (YCGII) is a component of the ATF's illegal gun trafficking enforcement program. Begun in July 1996 in 17 cities, YCGII seeks to reduce the illegal supply of firearms to juveniles, youth and adult criminals. Police departments participating in the program agree to trace all recovered crime guns and to collaborate with the ATF in investigations of trafficking. ATF assists the departments in developing electronic tracing capability and provides training in tracing and trafficking interdiction. ATF's Crime Gun Analysis Branch also provides each participating community with standardized analysis of the crime guns recovered and traced from that jurisdiction. Today, 27 communities, of which Oakland is one, participate in YCGII.

OKLAHOMA INC. 1999

Under the YCGII program, the Police Department and the ATF agree to:

- Develop and exchange information relating to the unlawful acquisition, illegal trafficking, and criminal misuse of firearms.
- Ensure that all recovered crime guns are traced through ATF's National Tracing Center.
- Ensure that ATF is the central recipient of all crime gun related information and that this information is then analyzed, shared, and used in furtherance of strategic enforcement objectives.
- Ensure coordination with existing partnership programs and local law enforcement efforts, as well as cooperation in the mutual conduct of joint firearms trafficking investigations where resources allow.

Gun Tracing Committee

A Gun Tracing Committee, comprised of representatives from the Police Department, the Office of the City Manager, the City Attorney's Office, Youth Alive!, Legal Communities Against Violence, the East Oakland Partnership to Reduce Juvenile Gun Violence and the Office of Vice Mayor Henry Chang has been formed. Part of the mission of the Committee is to address specific concerns and issues of the individual groups involved:

- The East Oakland Partnership to Reduce Juvenile Gun Violence is committed to tracing guns, confiscated from youth, to their source. The goals of the partnership are to reduce the flow of guns and change the conditions that draw youth to guns in the first place.
- The Office of the City Attorney has joined the City of Oakland as co-plaintiff in the multi-city litigation effort to hold gun manufacturers, distributors and retailers liable for the costs of gun injuries and death.

Item: _____
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YA 0482

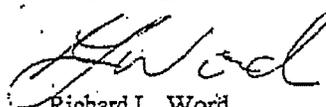
CONCLUSION

The Department will continue working in partnership with the ATF National Tracing Center to further streamline and refine efforts to trace every firearm recovered in Oakland. In addition, the Department will also continue working with its partners on the Gun Tracing Committee to eliminate firearms related violence in Oakland.

RECOMMENDATION

Recommend acceptance of the report.

Respectfully submitted,



Richard L. Word
Chief of Police

Prepared by: Lt. R. Yee, Criminal
Investigation Division and Bill Uber,
Management Assistant
Research, Planning & Budget Division

Attachment

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:

Office of the City Manager

YA 0483

Item: _____
Public Safety Comte.
November 30, 1999

Attachment (A)

RD # (if known)	Offense(s)	Recovery Date
Complainant	Arresting Officer(s)	Serial No.
Recovery Location	Suspect's Birth Date	Juvenile <input type="checkbox"/> Yes <input type="checkbox"/> No

SUSPECT

LAST Name		First	Middle
Sex <input type="checkbox"/> F <input type="checkbox"/> M	Race	Height	Weight
	Hair	Eyes	PFN
Address		City	State/Zip

FIREARM DESCRIPTION (Must be Filled Out Completely)

Manufacturer	Serial No.	Caliber	Barrel Length
Magazine/Cylinder Capacity	Type	Model	Finish <input type="checkbox"/> Blue <input type="checkbox"/> Black <input type="checkbox"/> Silver <input type="checkbox"/> Chrome <input type="checkbox"/> Other
Country of Origin (if known)	Importer (if known)	Other Identifying Marks	

TF-654 (10/96)

FIREARM REFERRAL SLIP
OAKLAND POLICE DEPARTMENT

Item: _____
Public Safety Comm.
November 30, 1999

YA 0484

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EXHIBIT "8"

EXHIBIT "8"

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1          SUPERIOR COURT OF THE STATE OF CALIFORNIA
2          FOR THE COUNTY OF SAN DIEGO
3
4  COORDINATION PROCEEDING SPECIAL      )  JUDICIAL COUNCIL
5  TITLE (RULE 1550(b))                  )  COORDINATION PROCEEDING
6  FIREARM CASE                          )  NO. 4095
7          INCLUDING ACTIONS:            )
8  PEOPLE, ET AL. V. ARCADIA MACHINE    )  SAN FRANCISCO SUPERIOR
& TOOL, INC., ET AL.                    )  COURT NO. 303753
9  PEOPLE, ET AL. V. ARCADIA MACHINE    )  LOS ANGELES SUPERIOR
& TOOL, INC., ET AL.                    )  COURT NO. BC210894
10 PEOPLE, ET AL. V. ARCADIA MACHINE    )  LOS ANGELES SUPERIOR
& TOOL, INC., ET AL.                    )  COURT NO. BC214794
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DEPOSITION OF KEITH LEBRUN
WEDNESDAY, MAY 30, 2001
LOS ANGELES, CALIFORNIA

REPORTED BY: PATRICIA A. PAGANO
CSR NUMBER 8406

00002

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1          A P P E A R A N C E S
2  WITNESS: KEITH LEBRUN
3          FOR THE PLAINTIFFS:
4          MILBERG WEISS BERSHAD HYNES & LERACH LLP
5          100 Pine Street
6          Suite 2600
7          San Francisco, California 94111
8
9          BY: EX KANO S. SAMS II, ESQ.
10
11         and
12
13         OFFICE OF THE COUNTY COUNSEL
14         Page 1

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15 done by the investigator or with -- by this investigator with
16 that information?

17 A. It would depend on the purpose for the trace. It
18 would depend on what information he was looking for; if he's
19 looking to find out if a particular individual has ever been
20 in possession of that gun or illegal possession. That's one
21 thing he might be looking for.

22 He might be also looking to find out who's the last
23 person that we know has had possession of the gun by
24 documentations for contact purposes to find out where did it
25 go from there.

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1 Q. Okay. We talked earlier about legwork and manual
2 investigation.

3 A. Right.

4 Q. So the investigator might then go to that first
5 retail purchaser, either in pen or on the phone, and ask
6 questions, as a law enforcement officer would, regarding that
7 firearm and what -- also what that person did with the
8 firearm?

9 A. Yes. If that's where the trail ended, yes.

10 Q. Okay. I'm going to show you a document here I'll
11 mark as an exhibit.

12 MR. SAMS: Do you have another copy of it?

13 MR. VOGTS: I have one other copy. Maybe you can
14 look over his shoulder.

15 (Exhibit 1 was temporarily marked.)

16 (The witness reviews the document.)

17 BY MR. VOGTS:

18 Q. Okay. Exhibit 1 is page four from B.A.T.F.
19 publication called "Crime Gun Trace Reports 1999." It's a
20 document that I believe both sides have produced to each other
21 in this litigation.

22 I'd like you to focus on the italicized language in
23 the first paragraph.

24 A. Okay.

25 Q. Do you agree with the B.A.T.F.'s statement that "A

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1 crime gun trace alone does not mean than an F.F.L. or firearm
2 purchaser has committed an unlawful act. Crime gun trace
3 information is used in combination with other investigative
4 facts in regulatory and criminal enforcement"?

5 A. Do I agree with that statement?

6 Q. Yes.

7 A. Yes.

8 Q. Okay. So when an investigator receives a response to
9 a trace request that identifies the retail seller of the
10 firearm, the mere fact that that retail seller has been on a
11 trace response does not mean in any way that that retail
12 seller committed a criminal act or did anything wrong or
13 improper in the sale of that firearm.

14 Is that correct?

15 A. For my position in law enforcement, I can't say he
16 has committed a crime or has not. I mean, from what you just
17 described, he sold a firearm. He's licensed to do so. It's
18 not a criminal act.

19 Q. Okay. And, similarly, the identification of the
20 first lawful retail purchaser of a firearm in a trace response
21 standing alone does not tell you, as a law enforcement
22 officer, that that purchaser did anything criminal or unlawful
23 or improper in purchasing that firearm, does it?

24 A. We have no other information other than the fact that
25 this individual purchased it, no.

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EXHIBIT "9"

EXHIBIT "9"

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1          SUPERIOR COURT OF THE STATE OF CALIFORNIA
2          FOR THE COUNTY OF SAN DIEGO
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5  Coordination Proceeding,      ) JUDICIAL COUNCIL
6  COORDINATION                  )
7  Special Title (Rule 1550(b)) ) PROCEEDING NO. 4095
8  FIREARMS CASE                 )
9  Including actions:            ) San Francisco Superior
10 People, et al. v. Arcadia     ) Court No. 303753
11 Machine & Tool, Inc., et al. ) Los Angeles Superior
12 Machine & Tool, Inc., et al. ) Court No. BC210894
13                               ) Los Angeles Superior
14                               ) Court No. BC214794
15                               )
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14
15          CONFIDENTIAL TRANSCRIPT
16
17          DEPOSITION OF JOHN BAUER
18          DECEMBER 12, 2001
19          LOS ANGELES, CALIFORNIA
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21  REPORTED BY:
22  TINA MARIE COLEMAN, CSR 10762
23
24
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1          A P P E A R A N C E S
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3
4          FOR THE PLAINTIFFS:
5          MILBERG, WEISS
6          600 West Broadway
7          Suite 1800
8          San Diego, California 92115
9
10         BY: JONAH GOLDSTEIN,
11         ATTORNEY AT LAW

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1 Q And what was your opinion regarding the viability
2 of increasing the amount of gun tracing done by the
3 Sheriff's Department?

4 A I believe I expressed to that individual --
5 whether it was John Hill or another field deputy, I don't
6 recall now -- that it was my belief that we received far
7 too many weapons to routinely trace every weapon that came
8 into our possession, and that those which the individual
9 assigned investigator of a crime case felt needed tracing
10 were getting tracing at this time.

11 Q Okay. So, again, did it come down to manpower
12 and resource issues to do what the field deputy was
13 suggesting needed to be done?

14 A I professionally felt that tracing every weapon
15 that comes into our possession was not necessary and a
16 waste of resources.

17 Q Why is that?

18 A Why trace a found weapon that's going to be
19 destroyed at the next gun dump? It makes no sense unless
20 there's a crime that needs to be investigated associated
21 with it. And --

22 Q Did you feel that way about gun tracing for any
23 other reason?

24 A No. Professionally I, you know, felt -- and I
25 still do -- that gun tracing has its place -- its time and

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1 place during an investigation. But that the field deputy
2 I was talking to, I recall, seemed to lack an
3 understanding of the investigative process and the need to
4 prioritized investigative resources to effect case
5 management.

6 Q How did she display that lack of understanding --
7 he or she display that lack of understanding?

8 A The form of the question, why don't we do it in
9 every case, implied a lack of understanding of these
10 issues. And I attempted to clarify the issues and give my
11 professional opinion to the field deputy that we just
12 didn't have the resources to do that, nor did I think it
13 was necessary.

14 Q So you're looking for better bang for the buck,
15 so to speak?

16 A Trying -- as a unit commander trying to avoid
17 getting involved in a project which I had neither the
18 money nor the personnel to conduct and for which, I
19 professionally felt, was not indicated in as many cases as
20 other people felt.

21 Q In the second paragraph of Commander Vadurro's
22 e-mail message in front of you, he makes reference to the
23 fact that gun tracing is something that the Los Angeles
24 Sheriff's Department -- Los Angeles County Sheriff's
25 Department "is something we rarely do now."

000031

1 Is that a fair characterization of gun tracing at
2 the Sheriff's Department as of August 1999?

3 MR. GOLDSTEIN: Based on your experience.

4 THE WITNESS: Based on my experience, I would not have
5 used the word "rarely." I have reason to believe that the
6 crime lab and homicide trace a number of weapons in --
7 under a number of circumstances that wouldn't represent
8 "rare," in my opinion. But I don't know how many.

9 BY MR. VOGTS:

10 Q Nevertheless, it wasn't a common systematic thing
11 done within the Sheriff's Department in August of 1999?

12 A Let me say in August '99 it was not something
13 that I was personally managing as a process. And
14 therefore, I only had some general knowledge of its -- of
15 the process being conducted elsewhere in the department.

16 Q In the third paragraph of Commander Vadurro's
17 e-mail, he states in the first sentence that "At this
18 point, I don't believe that a task force is what we need.
19 What we need is to price out a, quote, "gun unit,"
20 unquote, "within the major crimes bureau."

21 Did you have conversations with Commander Vadurro
22 regarding his belief that a task force, as described by
23 Supervisor Burke, was not what was needed?

24 A I don't recall any specific discussion to that
25 effect, no.

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1 Q Did you understand that that was, nevertheless,
2 Commander Vadurro's view of the task force recommended by
3 Supervisor Burke?

4 A After reading this e-mail and trying to recall
5 the events at the time and knowing Commander Vadurro as I
6 do, I believe that he felt that a task force was not going
7 to be productive, but that a working unit could be more
8 productive, in that we could all see that that was the
9 direction that it was going.

10 Q So is it fair, then, to characterize
11 Commander Vadurro's view that, if the Sheriff's Department
12 was going to embark down this road of comprehensive gun
13 tracing, at least let's do it the right way with a gun
14 unit devoted to, not only tracing, but following up on
15 whatever information can be gleaned from trace information
16 and actually do the law enforcement investigations?

17 MR. GOLDSTEIN: objection; calls for speculation.

18 You can answer.

19 THE WITNESS: I don't know what Commander Vadurro was
20 thinking at the time. So I can't -- I don't want to speak
21 for Commander Vadurro. He may very well be available to
22 you.

23 But your statement contains some sentiment that I
24 tried to express to the field deputy, that you can trace
25 all you want, but if you don't have someone sitting there

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1 to handle the returning data and conduct investigation,
2 you will get nothing from it.

3 BY MR. VOGTS:

4 Q And --

5 A It needs to be analyzed by a trained investigator
6 to determine what it means.

7 Q So it was your sentiment that you've just
8 described that trace data standing alone in somebody's
9 file someplace does not necessarily lead you, as law
10 enforcement, down any productive law enforcement path
11 without that additional work; is that correct?

12 A That's correct in that I viewed that process as
13 academic and not criminal investigative.

14 Q What process is academic?

15 A Simply collecting data on the routing of
16 firearms.

17 MR. GOLDSTEIN: Can we take a break in a couple
18 minutes?

19 MR. VOGTS: You can take a break now.

20 MR. GOLDSTEIN: Let's take a five-minute break.

21 (Break taken.)

22 BY MR. VOGTS:

3 And I'm going to ask that you refer to page 2 of
4 Exhibit 9.

5 Under paragraph 6, there is a statement as
6 follows: "The tracing data will be sent to DOJ and then
7 forwarded to ATF for tracing. But we will still need to
8 conduct follow-up investigations or the data will be
9 worthless."

10 The word "worthless" is italicized. Is the
11 sentiment expressed in that sentence consistent with the
12 view you've expressed, that gun tracing information is an
13 academic exercise without the ability to follow up with a
14 law enforcement investigation?

15 A While those are not my words, I do agree with
16 that sentiment.

17 Q Do you agree with the sentiment of the author of
18 Exhibit 9, that, in fact, without that follow-up
19 investigation the data is, in and of itself, worthless?

20 A It may be worthless in an investigative sense,
21 but it may be -- its analysis may reveal something unknown
22 to law enforcement or the firearms field which I really --

23 Q Don't know?

24 A I don't know --

25 Q Okay.

000059

1 A -- what the data could reveal were it to have a
2 lot of analysis.

3 Q Okay. Paragraph 8 states this author's view that
4 "a gun tracing program has the potential of impacting the
5 number of firearms flowing in the community and certainly
6 would welcome the opportunity to find out, but we place a
7 higher priority on our hate crimes program."

8 Are you familiar with the hate crimes program?

9 A Yes.

10 Q What is that?

11 A Following the Buford Furrow shooting in the
12 San Fernando Valley, the board of supervisors made
13 additional motions to have us attempt to find a way to
14 prevent that sort of activity. And one of our responses
15 was to centralize the investigation of hate crimes in
16 Los Angeles County into one unit for purposes of
17 consistencies and continuity.

18 And we proposed to staff such a unit, and that
19 was going to be placed in the major crimes bureau along with
20 the gun tracing unit.

21 Q Can you just very basically and simply describe
22 what the Buford Furrow shooting was.

23 A Buford Furrow was a racist who had been known to
24 law enforcement intelligence in some fashion in the past
25 and was unmonitored and apparently took some lives out in

000060

1 the valley using a firearm.

2 And in the aftermath of that incident, we were
3 forced to review all of our intelligence and our hate
4 crime investigative procedures to determine how we could
5 have prevented such an activity and review whether or not
6 we could constitutionally monitor such a person and
7 whether we could have done anything, as a law enforcement
8 entity, to prevent it. And that led to various proposals
9 directed by the board to do something to prevent that sort
10 of activity in L.A. County.

11 Q Exhibit 10 that is in front of you is another Gun
12 Tracing Program Fact Sheet that you said is similar in
13 content to those that you've prepared.

10

EXHIBIT "10"

EXHIBIT "10"

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1          SUPERIOR COURT OF THE STATE OF CALIFORNIA
2          FOR THE COUNTY OF SAN DIEGO
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4
5  Coordination Proceeding,      ) JUDICIAL COUNCIL COORDINATION
   Special Title (Rule 1550(b)) ) PROCEEDING NO. 4095
6
7  FIREARMS CASE                 ) San Francisco Superior
                                   ) Court No. 303753
8      Including actions:         )
9  People, et al. v. Arcadia     ) Los Angeles Superior
   Machine & Tool, Inc., et al. ) Court No. BC210894
10
11 People, et al. v. Arcadia     ) Los Angeles Superior
   Machine & Tool, Inc., et al. ) Court No. BC214794
12
13 People, et al. v. Arcadia     )
   Machine & Tool, Inc., et al. )

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14
15          CONFIDENTIAL TRANSCRIPT
16
17          DEPOSITION OF ROBERT COSTA
18
19          DECEMBER 12, 2001
20
21          LOS ANGELES, CALIFORNIA

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22 REPORTED BY:
23 TINA MARIE COLEMAN, CSR 10762
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000002

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1          A P P E A R A N C E S
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4          FOR THE PLAINTIFFS:
5          MILBERG, WEISS
6          600 West Broadway
7          Suite 1800
           San Diego, California 92115
           BY: JONAH GOLDSTEIN,
              Page 1

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18 A That's correct.
19 Q And there's a dealer record of sale available to
20 you, as law enforcement, to learn that information;
21 correct?
22 A That's correct.
23 Q Okay. When you went to the BATF for that
24 information, what did you learn about the sale of that
25 firearm?

000028

1 A My recollection was he was unable to find the
2 purchaser for that firearm.
3 Q Do you know why?
4 A No, I don't.
5 Q Was it the fact that it was old gun perhaps?
6 MR. GOLDSTEIN: Objection. The witness said he
7 doesn't know.
8 BY MR. VOGTS:
9 Q Just trying to jog your memory.
10 A Yeah. I didn't inquire.
11 Q So how, then, were you able to use whatever
12 information you got back from the BATF to assist you in
13 the criminal investigation?
14 A In that particular instance I wasn't able to use
15 the information for my case at all.
16 Q Have there been other instances where you've
17 sought trace information from the BATF to assist you in
18 criminal investigation?
19 A I'm sure there have been others similar to the
20 one that I've described, but I don't ever recall ATF being
21 able to identify a purchaser for me.
22 Q Taking you back to the first example you just
23 described, hypothetically if the BATF did come back to you
24 with the identification of the first lawful retail
25 purchaser of that firearm -- and let's say hypothetically

000029

1 it was identified as Joe Jones in Phoenix, Arizona -- what
2 would your intent have been to -- how would you have used
3 that information in your criminal investigation?
4 MR. GOLDSTEIN: Objection; speculation.
5 You can answer.
6 THE WITNESS: The intent would have been to contact
7 the original owner to find out if, in fact, he still did
8 own the firearm and try to trace the firearm through what
9 that purchaser had done with the firearm and try to trace
10 it forward to see if, in fact, I came up with a victim of
11 some other crime that I might be able to link my suspect
12 to.
13 BY MR. VOGTS:
14 Q When you say "trace the firearm," from that
15 fictional Joe Jones in Phoenix down to the person who was
16 arrested, you're not talking about using the BATF to
17 trace, you're talking about actually doing a law
18 enforcement investigation; correct?
19 A That's correct.
20 Q And what kind of investigative methods would you
21 use under that hypothetical situation to learn how the gun
22 got from Mr. Jones to the arrestee?
23 A Personally contacting Mr. Jones and finding out
24 if he owns the firearm or if he sold the firearm or if it
25 had been reported stolen or some other information and

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1 obtain the necessary reports that might be associated with
2 that.

3 Q And potentially follow up on those reports and
4 whatever Mr. Jones had to tell you?
5 A That's correct.
6 Q You might need to interview additional witnesses?
7 A That's correct. With each phase it would
8 replicate itself.
9 Q There might be a need to do undercover work
10 perhaps to understand fully the chain from Mr. Jones to
11 the arrestee?
12 A Possibly.
13 Q Surveillance work possibly?
14 A Possibly.
15 Q The full range of investigative tools that you
16 have at your disposal possibly?
17 A That is correct.
18 Q I believe Commander Brazile described those as
19 tools in the box. Have you ever heard that phrase before?
20 A Yes, I have.
21 Q From him?
22 A Actually, no.
23 Q Again, in this hypothetical, we have this
24 fictional Joe Jones in Phoenix, Arizona, who lawfully
25 purchased a gun at the retail level who the BATF

000031

1 identified to you as the lawful purchaser of the gun.
2 Would that information standing alone be sufficient for
3 you to suspect that Mr. Jones had committed any illegal
4 act?
5 MR. GOLDSTEIN: Objection; calls for speculation. I'm
6 going to lodge a continuing objection as to anything that
7 involves a hypothetical.
8 But you can answer.
9 THE WITNESS: No.
10 BY MR. VOGTS:
11 Q Why not?
12 A My experience has been that there's too many good
13 explanations for why a firearm would fall in the hands of
14 somebody other than the original purchaser.
15 Q What are some of those explanations?
16 A Victims of crimes.
17 Q Such as a theft or burglary?
18 A That's correct. A lost firearm, legitimate sales
19 to either person known or unknown.
20 Q From Mr. Jones to somebody else?
21 A That's correct.
22 Q The BATF has stated that the mere fact that a
23 retail -- licensed retail dealer of a firearm and a first
24 lawful purchaser of a firearm may show up in response to a
25 trace request in no way suggests any illegal activity by

000032

1 the retail dealer or the first lawful retail purchaser.
2 Is that a statement you agree with?
3 MR. GOLDSTEIN: I'm going object unless he can have
4 the document in front of him. I'd just ask that he be
5 able look at the statement.
6 MR. VOGTS: He's welcome to do so. I'm just lazy.
7 I'm marking as Exhibit 4 the face page of the ATF
8 Youth Crime Gun Interdiction Initiative, dated February
9 '99, more commonly known as the 27 Communities Study.
10 And attached to that is page 17 of that report.
11 (Defendants' Exhibit 4 was
12 marked for identification.)
13 BY MR. VOGTS:

14 Q And I'm going to ask you to read the italicized
15 language that appears in the box in the left-hand column.
16 A Do you want me to read it to myself?
17 Q To yourself, yes.
18 A All right.
19 Q Do you agree with that statement?
20 A I do.
21 Q Okay. So, in reality, information that you get
22 in response to a trace request is really just a starting
23 point from which the more detailed law enforcement
24 investigation can or may proceed? Is that fair to say?
25 A That is a fair statement.

000033

1 Q I'm going to show you Exhibit 5,
2 Lieutenant Costa, a document entitled Gun Tracing Program
3 Fact Sheet. It's been Bates numbered COLA 2297 through
4 2298. I'll just ask you to take a look at that and
5 familiarize yourself with it. Take all the time you
6 need.

7 A (Witness complies.)
8 (Defendants' Exhibit 5 was
9 marked for identification.)
10 MR. GOLDSTEIN: Do you have an extra copy, Jim?
11 MR. VOGTS: No.
12 Q Lieutenant Costa, are you generally familiar with
13 efforts made within the Los Angeles County Sheriff's
14 Department to get funding for a gun tracing unit or a
15 firearms investigation unit of some type that would
16 utilize trace information in order to potentially conduct
17 follow-up investigations on gun acquisition and
18 trafficking activities in the County?

19 A No, I am not aware of it.
20 Q Okay. Referring you to the second page of that
21 document under paragraph 6 -- strike that.
22 Have you ever seen this before today -- this
23 document before today?

24 A No, I have not.
25 Q Do you have any idea who authored this document?

000034

1 A It -- it looks like it's a part of minutes from
2 the board of supervisors, but I don't know.

3 Q Under paragraph 6 on the second page of the
4 document, there is a statement that "The tracing data will
5 be sent to DOJ and then forwarded to ATF for tracing, but
6 we still need to conduct follow-up investigations or the
7 data will be worthless."

8 How do you interpret that statement by the
9 author?

10 A Well, it appears as though the intent of the
11 author was --

12 MR. GOLDSTEIN: Objection; calls for speculation.
13 He's asking for your interpretation of the
14 statement --

15 THE WITNESS: My interpretation would be --

16 MR. GOLDSTEIN: -- whether you agree with it, disagree
17 with it. What are your thoughts on that statement?

18 THE WITNESS: Well, it looks like -- it appears as
19 though we will be investigating or following up trace
20 information provided from the ATF on firearms.

21 BY MR. VOGTS:

22 Q would you agree that one interpretation of this
23 statement is largely consistent with what we've just been
24 discussing, that merely identifying Joe Jones in Phoenix,

25 Arizona as having been a lawful purchaser of the firearm
000035

1 is essentially worthless information from a law
2 enforcement perspective without follow-up investigation to
3 see what happened with that gun from Joe Jones to the
4 point of its recovery on the streets in the County?

5 A That's correct.

6 Q And the author of this felt it necessary to
7 actually italicize the word worthless in that statement,
8 did he not?

9 MR. GOLDSTEIN: Objection; calls for speculation.

10 THE WITNESS: The word is italicized.

11 BY MR. VOGTS:

12 Q Do you share the interpretation of this, the
13 statement that I just articulated in my question?

14 A Yes, I would.

15 Q And you know nothing about efforts to get this
16 kind of unit funded within the Sheriffs' Department?

17 A No, I do not.

18 MR. VOGTS: Okay. I'm going to mark as
19 Exhibit 6 another document that's also titled Gun Tracing
20 Program Fact Sheet, Bates numbered COLA 22899.

21 (Defendants' Exhibit 6 was
22 marked for identification.)

23 BY MR. VOGTS:

24 Q And I'll ask you to just generally familiarize
25 yourself with that.

000036

1 A (Witness complies.)

2 Q Have you seen that document before today?

3 A No, I have not.

4 Q I assume, then, you don't know its author?

5 A I do not.

6 Q You don't know the purpose for which this
7 document was prepared?

8 A No, I don't.

9 Q The third bullet-pointed item in the document
10 indicates the Century Station pilot program, which I
11 assume is the FATE program, traced several thousand guns
12 seized over a four-year time period. The ATF provided
13 clerical staffing to actually trace the firearms. Only
14 four cases were identified that warranted additional
15 investigation, and they were referred to ATF as they there
16 possible federal violations.

17 Do you have any ability to comment on the
18 accuracy of that number, that there were only four cases
19 identified that warranted additional investigation?

20 A I don't have any ability to comment on the
21 accuracy of that.

22 Q Can you tell me -- again, this is going to have
23 to be based upon your interpretation. I understand it's
24 just that -- what the writer may have meant by four cases
25 that were identified that warranted additional

000037

1 investigation?

2 MR. GOLDSTEIN: Calls for speculation.

3 THE WITNESS: I interpret that as meaning that, after
4 looking at all the firearms, there were four cases that
5 warranted investigation beyond the initial tracing.

6 BY MR. VOGTS:

7 Q Now, in a document produced to the defendants for
8 the first time yesterday, Sergeant Lally's memorandum in
9 front of you, Exhibit 3, Sergeant Lally indicates in the

EXHIBIT "11"

FILED UNDER SEAL

Police Incident Report - Burglary

FILED UNDER SEAL

Police Incident Report - Burglary

EXHIBIT "11"

12

EXHIBIT "12"

FILED UNDER SEAL

Police Incident Report - Robbery

FILED UNDER SEAL

Police Incident Report - Robbery

EXHIBIT "12"

13

EXHIBIT "13"

FILED UNDER SEAL

Police Incident Report - Assault/Family/Gun

FILED UNDER SEAL

Police Incident Report - Assault/Family/Gun

EXHIBIT "13"

14

EXHIBIT "14"

EXHIBIT "14"

In The Matter Of:

*PEOPLE OF THE STATE OF CALIFORNIA et al v.
ARCADIA MACHINE & TOOL et al*

*JOSEPH J. VINCE, JR
November 15, 2002*

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Word Index included with this Min-U-Script®

[5] A: I —
[6] (The reporter read the record as [7] requested.)
[8] BY MR. DORR:
[9] Q: Would be required in theory?
[10] MR. GOLDSTEIN: Objection; vague [11] and ambiguous.
[12] BY MR. DORR:
[13] Q: Is that a fair statement?
[14] A: No, that's not at all. The reason [15] is that the resources at the tracing center [16] and the amount of agents that we had to [17] investigate, it was based on that.
[18] Q: Is it a fair statement that given [19] the limitations within the tracing system in [20] terms of the age of firearms traced, that [21] the data within the database would be biased [22] toward newer firearms?

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[1] MR. GOLDSTEIN: Objection; calls [2] for speculation, vague and ambiguous, (3) compound.
[4] THE WITNESS: What I found is that [5] as we did more of the comprehensive tracing, [6] it really was biased to dealers who were [7] high risk dealers because in essence we were [8] undercutting how high risk they were.
[9] We started doing everything, it [10] just rose their risk up much higher than it [11] was previous to that.
[12] MR. DORR: I move to strike that [13] as not being responsive.
[14] BY MR. DORR:
[15] Q: Is it fair to say, sir, that given [16] the age limitations which existed within the [17] tracing system and its emphasis on newer [18] weapons, that the data in the tracing system [19] would be biased toward newer weapons in [20] terms of the age?
[21] MR. GOLDSTEIN: Same objections.
[22] THE WITNESS: You know, I think it

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[1] has to do with sampling, that's where I [2] disagree with you, Mr. Dorr. That is not [3] and I was being responsive to your question. [4] I can't help it if you don't like my [5] response, but that's what the data shows.
[6] It's not that it's to newer [7] weapons or somebody is picking out a [8] particular type of weapon, we are basing it [9] on resources, so there are older firearms in [10] there, but the fact of the matter is that [11] it's not looking at the firearm, we are [12] looking at crime and what resources we can [13] bear on on impacting on crime. This is a [14] crime issue, a public safety issue. It has [15] nothing to do with the guns.
[16] BY MR. DORR:

[17] Q: Are you saying it would be fair to [18] make, draw conclusions based on age of [19] firearms in an unbiased fashion based on the [20] data that's in the system, despite the [21] limitations and input of data in to the [22] system based on a bias toward newer guns?

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[1] MR. GOLDSTEIN: Objection; vague [2] and ambiguous, compound.
[3] THE WITNESS: I think you bring up [4] a good point there and that's why I had some [5] expert academic people assisting us in this [6] and everyone was of the agreement that it [7] was not, that this was — that time to crime [8] and the studies and what we were showing was [9] extremely very accurate.
[10] BY MR. DORR:
[11] Q: Well, time to crime you were [12] showing as a potential indicator of [13] trafficking, were you not?
[14] A: Yes, sir, that is correct.
[15] Q: That was the purpose of developing [16] the idea of, quote, time to crime?
[17] A: Yes, sir, that is correct.
[18] Q: That, again because of your [19] resources, was designed as a method of [20] looking at the data to see whether you could [21] possibly develop some areas of leads for [22] criminal investigations; was that the

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[1] purpose of developing that?
[2] A: Yes, yes, sir, for doing focused [3] enforcement, yes.
[4] Q: Right. Okay.
[5] MR. GOLDSTEIN: I'm just going to [6] ask that both of you wait until the other [7] ask the question, finish speaking before you [8] jump in.
[9] BY MR. DORR:
[10] Q: What was QMF?

[11] A: Yes. Gary Kirchoff was a [12] compliance, or inspector, regulatory [13] inspector. QMF was a query that they did [14] within the licensing system and I can't [15] recall exactly what you've got from that, [16] Mr. Dorr. I don't recall. But there was —

[17] Q: There's something in here later [18] that talks about that.
[19] A: Okay.
[20] Q: Further on down here it quotes [21] some people who attended the seminar saying, [22] "it's fantastic. I don't think that most

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[1] ATF agents know what this program is and [2] what it can do for them"; would you agree [3] with that statement by

Herbert Adair of the [4] Memphis Police Department, at that time? I [5] realize things progressed.

[6] MR. GOLDSTEIN: Objection; [7] compound.

[8] THE WITNESS: Mr. Dorr, what is [9] your question again? I see this, I read the [10] statement.

[11] BY MR. DORR:

[12] Q: Do you agree with the statement [13] that's quoted there by Lieutenant Herbert [14] Adair of the Memphis Police Department, "I [15] don't think that most ATF agents know what [16] this program is and what it can do for [17] them"; do you agree with that statement?

[18] A: No, I, I don't agree with that [19] statement. I don't know what context he's [20] putting it in. I think this is pretty [21] vague, you know, what does he mean by that.

[22] Q: Do you think most ATF agents at

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[1] this particular time in, whenever this [2] seminar was held, November of 1997, knew [3] what Project LEAD and the QMF system was and [4] what it could do for them?

[5] A: Well, I think it does bring up a [6] point that I made before, I think the agents [7] knew of Project LEAD, but because we didn't [8] have the computer capacity and capability to [9] give it to each agent, it was restricted to [10] the field division and the analysts and [11] their intelligence part of it, so maybe he [12] means that.

[13] Q: This whole concept of using the [14] data for a more comprehensive look, if you [15] will, to try to generate investigative leads [16] and determine where there may be criminal [17] activity was a pretty new and innovative [18] concept at this time, in November, December [19] of 1997, was it not?

[20] MR. GOLDSTEIN: Objection; calls [21] for speculation. Vague and ambiguous.

[22] THE WITNESS: We started looking

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[1] at these concepts in the mid-90s, so you're [2] absolutely right.

[3] BY MR. DORR:

[4] Q: There's another quote here in the [5] next paragraph from Mike Lazzarini of the [6] Salinas California Police Department who [7] says, gives a lengthy quote, the last [8] sentence of which, and I'll ask whether you [9] agree with it, "The system can't work unless [10] people are doing what they're supposed to on [11] the local level"; do you agree with that [12] statement?

[13] MR. GOLDSTEIN: Just going to [14] object to the statement as vague and [15]

illegal [3] conduct?

[4] A: No, I wasn't asked to look at it [5] for that reason, sir.

[6] Q: The only use to which you're [7] putting Mr. Nunziato's spreadsheets is to [8] testify generally that these are the kinds [9] of things that could be looked at to monitor [10] others in the distribution chain?

[11] A: Yes, sir.

[12] Q: You have not drawn any conclusions [13] from any specific results in either the [14] multiple sales or time to crime or total [15] number of trace columns?

[16] A: As to what, sir?

[17] Q: As to anything other than the fact [18] that these types of numbers could be used to [19] monitor people in the distribution chain?

[20] MR. GOLDSTEIN: Objection; vague [21] and ambiguous.

[22] THE WITNESS: Yes, sir, that's all

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[1] I was asked to look at.

[2] BY MR. DORR:

[3] Q: So, for example, under the time to [4] crime column, you're not going to say that X [5] percent of guns with a short time to crime [6] is evidence of wrongful conduct by a [7] particular FFL with that time to crime [8] reflected; is that correct?

[9] MR. GOLDSTEIN: Objection; vague [10] and ambiguous.

[11] THE WITNESS: I'm going to say it [12] can be an indicator of that and it should be [13] examined.

[14] BY MR. DORR:

[15] Q: Right. Right, okay. But you're [16] not going to say that, just as an example, [17] that if 50 percent of the guns recovered [18] have a time to crime of less than three and [19] a half years for a particular retail dealer, [20] that that is evidence that that retail [21] dealer has engaged in wrongful conduct as [22] opposed to an indicator of potential

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[1] wrongful conduct?

[2] MR. GOLDSTEIN: Same objection, [3] vague and ambiguous as to wrongful conduct.

[4] THE WITNESS: I'm going to say [5] that they are engaged in either poor [6] business practices or wrongful conduct and [7] it should be examined.

[8] BY MR. DORR:

[9] Q: One or the other?

[10] A: Whatever is occurring, and that [11] being the crime guns are moving from the [12] legal to the illegal market,

whatever can be [13] done to stop that. If there is something [14] that can be done at that level, then it [15] should be.

[16] Q: What do you mean by if there's [17] something that can be done?

[18] A: Well, obviously if it's examined [19] and what was done, all the business [20] practices were done but somewhere down the [21] line years later the gun subsequently became [22] a crime gun, then it's not related to this,

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[1] but that needs to be examined.

[2] It would be very unusual that you [3] would see someone who had a great deal of [4] crime guns and they were used in crimes in [5] this location and all of a sudden there's 40 [6] other dealers here, they never have all [7] these crime guns, but just this person does. [8] So, why is that.

[9] Q: Does the data itself in [10] Mr. Nunziato's spreadsheets tell you why [11] that is?

[12] A: No, they are indicators.

[13] Q: The data, itself, does not tell [14] you what, if any, wrongful or improper [15] practices may have occurred; is that [16] correct?

[17] MR. GOLDSTEIN: Vague and [18] ambiguous.

[19] THE WITNESS: No, sir, it does [20] not. They are indicators and it's different [21] than criminal investigative information. [22] These are indicators that can be used to

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[1] monitor.

[2] BY MR. DORR:

[3] Q: But the data, itself, does not [4] tell you what, if anything, improper or [5] wrongful occurred?

[6] MR. GOLDSTEIN: Same objection.

[7] THE WITNESS: They are only [8] indicators.

[9] BY MR. DORR:

[10] Q: Can you determine from the data, [11] let's say from the total number of traces [12] which a retail dealer may have had whether [13] the firearm — whether any specific firearm [14] that was sold was lawfully sold to a lawful [15] purchaser?

[16] A: No, the data would not give you [17] that information in that format, no, sir.

[18] Q: It would not give you information [19] as to whether any specific firearm included [20] in that total for a particular retailer was [21] straw purchased?

[22] A: No, sir, it would not give you

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[1] that specific information.

[2] Q: It would not give you any [3] information as to whether any specific [4] firearm was sold at a gun show?

[5] A: No, sir, it would not.

[6] Q: It would not give you any [7] information as to whether the particular [8] firearm was knowingly sold by a particular [9] FFL in a wrongful purchase?

[10] MR. GOLDSTEIN: Objection; vague.

[11] BY MR. DORR:

[12] Q: In a straw purchase, I'm sorry.

[13] MR. GOLDSTEIN: Vague and [14] ambiguous as to specific.

[15] BY MR. DORR:

[16] Q: Is that correct?

[17] A: No, it would not, sir. It's only [18] an indicator.

[19] Q: Do you have any factual [20] information at all that any firearm, any [21] specific firearm manufactured by any of the [22] defendants in this case was straw purchased?

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[1] A: No, sir, I do not.

[2] Q: Do you have any factual [3] information at all which indicates whether [4] any specific firearm manufactured or sold by [5] a defendant in this case was illegally sold [6] by a retail seller?

[7] A: No, I do not have any information [8] to that effect.

[9] Q: Do you have any factual [10] information which indicates whether any [11] specific firearm manufactured or sold by a [12] defendant in this case was knowingly sold to [13] a straw purchaser?

[14] A: No, sir, I do not have any [15] information to that effect.

[16] Q: Do you have any specific factual [17] information which indicates whether a [18] specific firearm manufactured or sold by a [19] defendant in this case was unknowingly sold [20] to a straw purchaser?

[21] MR. GOLDSTEIN: Objection; vague [22] and ambiguous.

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[1] THE WITNESS: No, sir, the data [2] only gives you indicators of activity that [3] is occurring.

[4] BY MR. DORR:

[5] Q: Okay, do you have any factual [6] information which indicates whether any [7] firearm manufactured or sold by a defendant [8] in this case was sold at a gun show?

[9] A: That was sold at a gun show?

[10] Q: Uh-huh.

[11] A: No, sir, I do not.

[12] Q: Do you have any information [13] whether, any factual information which

[14] indicates whether a specific firearm
[15] manufactured or sold by a defendant
in this [16] case was illegally sold at a gun
show?

[17] A: No, sir, I do not.

[18] Q: Do you have any factual [19] in-
formation which indicates whether a [20]
firearm manufactured or sold by a def-
endant [21] in this case was stolen from a
retail [22] business premises?

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[1] A: No, sir, that is data that I think [2] is
important, but I do not have it.

[3] Q: Do you have any factual [4] in-
formation which indicates whether a [5]
firearm manufactured by or sold by a [6]
defendant in this case was illegally sold
as [7] part of a multiple sale?

[8] A: No, sir, I do not.

[9] Q: Do you have any information as to
[10] which of the firearms listed in [11] Mr.
Nunziato's spreadsheets were lawfully
[12] sold to persons lawfully entitled to
possess [13] them?

[14] MR. GOLDSTEIN: I'm sorry, could [15]
you read that back, please.

[16] (The reporter read the record as [17]
requested.)

[18] MR. GOLDSTEIN: Objection. [19] As-
sumes facts not in evidence.

[20] Go ahead.

[21] THE WITNESS: There are no [22]
specific firearms in that data by make,

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[1] model and serial number.

[2] BY MR. DORR:

[3] Q: Do you have any information in [4]
anything you're relying on in this case, [5]
whether it be his spreadsheets or
otherwise, [6] as to which of the firearms
that you're [7] intending to talk about
were lawfully sold [8] to a person lawfully
entitled to possess [9] them?

[10] MR. GOLDSTEIN: Same objections.
[11] Go ahead, sir.

[12] THE WITNESS: The data that I [13]
looked at did not describe particular [14]
firearms, did not give me descriptions of
[15] particular firearms.

[16] BY MR. DORR:

[17] Q: Do you intend to look at any data
[18] to indicate, to determine whether
any of the [19] firearms contained within
Mr. Nunziato's [20] spreadsheets were
lawfully sold to a person [21] lawfully
entitled to possess them?

[22] MR. GOLDSTEIN: Are you referring

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[1] to other than data contained in the [2]
spreadsheets?

[3] MR. DORR: Can you repeat the [4]

question, please.

[5] (The reporter read the record as [6]
requested.)

[7] THE WITNESS: I have not been [8]
asked to do that, sir, and on the data that
[9] I looked at, you could not do that.

[10] BY MR. DORR:

[11] Q: You can't tell one way or another;
[12] is that correct?

[13] MR. GOLDSTEIN: Objection; vague
[14] and ambiguous.

[15] THE WITNESS: There are no [16] fire-
arms listed by make, model and serial [17]
number to go to a specific firearm, it [18]
doesn't do that.

[19] BY MR. DORR:

[20] Q: There are numbers, for example,
[21] Accu-Tec shows 20 traced firearms?

[22] MR. GOLDSTEIN: Object. The

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[1] witness does not have a document in
front of [2] him.

[3] BY MR. DORR:

[4] Q: I show you what has been marked
as [5] Exhibit 5H.

[6] Is that one of Mr. Nunziato's [7]
spreadsheets?

[8] A: Yes, sir, it is.

[9] Q: 5H to Fox's deposition.

[10] A: It appears to be Mr. Nunziato's [11]
spreadsheet that I'm aware of.

[12] Q: That's one of the spreadsheets [13]
you've looked at in connection with
your [14] opinions in this matter?

[15] A: Yes, sir.

[16] Q: As to Accu-Tec, which is the top
[17] listed company there, shows 20
traced guns; [18] is that correct?

[19] A: Yes, in the California combined [20]
database for the period 1/3/95 [21] to
12/31/2001, that's correct.

[22] Q: Do you have any information as to

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[1] whether any of those traced firearms
to [2] Accu-Tec and the California com-
bined, or [3] manufactured by Accu-Tec
that are contained [4] in the California
combined database were [5] illegally sold
by an FFL?

[6] A: No, sir, I do not.

[7] Q: The data doesn't tell you that, [8]
right?

[9] A: No, sir, it does not.

[10] Q: The firearms that are, the 20 [11]
firearms that are listed there, for all the
[12] data tells you, may well have been
lawfully [13] sold to a lawful purchaser
who was lawfully [14] entitled to possess
them at the time they [15] were sold; is
that correct?

[16] MR. GOLDSTEIN: Objection; asked
[17] and answered, vague and ambiguous.

[18] THE WITNESS: This data doesn't [19]
tell you one way or the other.

[20] BY MR. DORR:

[21] Q: It may well have been or it may [22]
not have been; is that correct?

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[1] MR. GOLDSTEIN: Asked and [2] an-
swered.

[3] THE WITNESS: It's unknown.

[4] BY MR. DORR:

[5] Q: You can't tell that from the data?

[6] MR. GOLDSTEIN: Same objection.

[7] THE WITNESS: That is correct.

[8] BY MR. DORR:

[9] Q: Do you have any information from
[10] any other source as to whether any of
the [11] firearms listed on Exhibit 5H or
contained [12] in the numbers on Exhibit
5H were anything [13] other than lawfully
sold to a person [14] lawfully entitled to
purchase them and [15] possess them?

[16] MR. GOLDSTEIN: Objection; vague
[17] and ambiguous, compound, lacks
foundation.

[18] Go ahead.

[19] THE WITNESS: I have no other [20]
information to rely on but these, the data
[21] sheets such as this.

[22] BY MR. DORR:

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[1] Q: You have no information which [2]
would indicate that any of the firearms [3]
represented by the numbers contained
on [4] Exhibit 5H were sold in any fashion
other [5] than a lawful sale to a lawful
purchaser [6] entitled to possess the
firearm?

[7] MR. GOLDSTEIN: Same objections as
[8] the last question. It's been asked and [9]
answered about six times now.

[10] BY MR. DORR:

[11] Q: Is that correct?

[12] A: I don't know. By this I can't [13] tell
whether it was or it was not.

[14] Q: You have no information one way
or [15] the other?

[16] MR. GOLDSTEIN: Don't answer that,
[17] enough. Next question. It's been
asked [18] seven times.

[19] MR. DORR: Could you re-read the [20]
last question?

[21] (The reporter read the record as [22]
requested.)

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[1] MR. HALL: That's a yes, no, [2] ques-
tion. He can explain it, if he wants.

[3] MR. GOLDSTEIN: I'm objecting. [4]
The same question, whether it be

[9] BY MR. DORR:

[10] Q: What time to crime numbers?

[11] A: Okay, we are showing 182 that were [12] less than 3.5 years. We are showing 77 [13] under R, for less than 1.5 years. We are [14] also showing suspect codes of 62.

[15] Q: What does that tell you?

[16] A: I think that gives you very good [17] indicators that something is going on here [18] where this would be either a corrupt or a [19] high risk dealer.

[20] Q: What do you mean by high risk [21] dealer?

[22] A: A high risk dealer would be that

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[1] you're not saying exactly they are corrupt, [2] but their business practices are such that [3] guns are getting out when they shouldn't be.

[4] Q: Or?

[5] A: Or what?

[6] Q: Or what happens is Trader Sports [7] is also a distributor as well as a dealer?

[8] A: Even if that was the case, even if [9] that was the case, and there are some people [10] that are distributors and retail dealers, [11] that they do both, what steps are they [12] taking to reduce those numbers, why isn't [13] the manufacturer looking at that.

[14] Isn't it the responsibility of [15] every manufacturer to look at what is [16] happening with their product? Why should [17] they keep their head in the sand and say I'm [18] just going to let any product go and sell [19] it? That's not responsible.

[20] MR. DORR: I move to strike the [21] speech.

[22] MR. GOLDSTEIN: Objection;

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[1] argumentative.

[2] MR. DORR: Well, I move to strike [3] the speech.

[4] MR. GOLDSTEIN: Same objection [5] from me.

[6] BY MR. DORR:

[7] Q: Is it possible that these numbers [8] reflect, in part, that Trader Sports, as an [9] example, is a distributor as well as a [10] dealer?

[11] MR. SIEBEL: I'm sorry, I didn't [12] hear the question.

[13] (The reporter read the record as [14] requested.)

[15] THE WITNESS: Even distributors [16] should be responsible, as well as the retail [17] dealers.

[18] MR. GOLDSTEIN: Listen to the [19] question, if you would, just listen to the [20] question, just answer the specific

question.

[21] Go ahead and read it back.

[22] (The reporter read the record as

Page 410

[1] requested.)

[2] THE WITNESS: I don't know if [3] Trader is a distributor or a retailer or [4] both.

[5] BY MR. DORR:

[6] Q: Which of the firearms listed in [7] line 23 dealing with Trader Sports was not [8] lawfully sold to someone lawfully entitled [9] to purchase and possess it?

[10] MR. GOLDSTEIN: Objection; vague [11] and ambiguous.

[12] THE WITNESS: Again, what I said [13] is that these are indications that there is [14] activity ongoing and as I said in my [15] statement here, that it's expected to draw [16] conclusions whether this, you could use this [17] data to identify high risk distributors and [18] dealers associated with crime guns where [19] defendants should have been aware that the [20] problems with the distribution system [21] contributed to gun trafficking.

[22] MR. DORR: Would you repeat the

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[1] question, please.

[2] I move to strike.

[3] (The reporter read the record as [4] requested.)

[5] MR. GOLDSTEIN: Same objections.

[6] THE WITNESS: By these numbers, it [7] is possible that they all could be that way.

[8] BY MR. DORR:

[9] Q: It's possible they all could be [10] that way, right?

[11] MR. GOLDSTEIN: Same objections.

[12] BY MR. DORR:

[13] Q: They either all could be lawfully [14] sold or they might not all be lawfully sold [15] or some combination in between, right?

[16] MR. GOLDSTEIN: Objection; [17] compound.

[18] THE WITNESS: It shows that they [19] are either corrupt or high risk. These are [20] very good indications of that or absolutely [21] terrible business practices.

[22] MR. BECKMAN: Move to strike,

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[1] that's not responsive.

[2] BY MR. DORR:

[3] Q: What other examples can you [4] provide us?

[5] A: Well again, if you'd like to pick [6] any of these out and we can go down line

by [7] line, if you'd like.

[8] Q: I'd like you to provide me with [9] other examples of outrageous high risk or [10] corrupt dealers?

[11] A: Well again, if you start to [12] look —

[13] MR. GOLDSTEIN: Hold on. If you [14] can't do that just with this data set, then [15] tell Mr. Dorr that and we'll get the other [16] data set for you.

[17] THE WITNESS: Yes, if you want to [18] get all the other data sets and we'll go [19] through them, we can do that.

[20] MR. BUMANN: Objection; coaching.

[21] MR. GOLDSTEIN: It's my [22] understanding — Mr. Bumann, is he

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[1] participating in the deposition now?

[2] MR. BECKMAN: He's got a client, [3] clients that are defendants in this case.

[4] BY MR. DORR:

[5] Q: Are there any other examples on [6] the data that's in front of you?

[7] MR. GOLDSTEIN: On the data that's [8] in front of you, if you can give examples [9] referring solely to Exhibit 5F.

[10] THE WITNESS: When you're looking [11] at the spreadsheets here and you're looking [12] at the columns that say the numbers of [13] traces, it's significant that there is one [14] trace that comes back to dealers when so few [15] traces, crime guns are traced from so few [16] dealers.

[17] So even having one is significant [18] and that should be an alarm for a [19] manufacturer to want to know why his product [20] ended up in a crime gun.

[21] BY MR. DORR:

[22] Q: So, even one trace to a dealer can

Page 414

[1] indicate a high risk dealer or a corrupt [2] dealer; is that your testimony?

[3] A: It should be an alarm for a [4] responsible manufacturer, absolutely.

[5] Q: So every dealer listed on the [6] spreadsheets here that have traces are high [7] risk dealers?

[8] MR. GOLDSTEIN: Objection.

[9] BY MR. DORR:

[10] Q: Or corrupt dealers; is that [11] correct?

[12] MR. GOLDSTEIN: Objection; [13] misstates testimony.

[14] THE WITNESS: If you remember, [15] Mr. Dorr, when I explained how I thought [16] this should work, obviously you're going to [17] have people who have a great deal of crime [18] guns traced back to them.

[19] You're going to have some that [20] have very high amounts of short time to [21] crime firearms. You're going to have

some [22] that have a large number of multiple sales

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[1] and some that have a large number of suspect [2] gun codes that come back to them.

[3] You're going to have people that [4] progressively go down in that to where you [5] have down to one.

[6] BY MR. DORR:

[7] Q: Even one should alert a [8] manufacturer that the dealer may be high [9] risk or corrupt?

[10] A: When over 86 percent of all the [11] dealers never have a crime gun come back to [12] them, yes.

[13] Q: What study are you relying on for [14] that statement that 86 percent of the [15] dealers never have a crime gun come back to [16] them?

[17] A: I believe you will find that in [18] Following The Gun.

[19] Q: Okay.

[20] A: But all the studies that I'm [21] referring to have shown that, including [22] Dr. Pierce's, the YCGII, so forth.

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[1] Q: Should manufacturers and [2] distributors then sell only to dealers who [3] have never had a trace?

[4] A: What I said was that they should [5] monitor and then find out how they can [6] improve what's happening and then take [7] whatever action is necessary to insure that [8] their product is sold in the safest manner [9] that it can be, as humanly possible.

[10] Q: Should manufacturers or [11] distributors sell only to FFLs who have not [12] had a trace?

[13] MR. GOLDSTEIN: Objection; asked [14] and answered.

[15] THE WITNESS: They should sell [16] firearms to people who are going to [17] cooperate with them and insure that they do [18] everything they can that they don't have a [19] crime gun come back to them.

[20] MR. DORR: Move to strike.

[21] MR. BECKMAN: Move to strike.

[22] BY MR. DORR:

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[1] Q: Should manufacturers sell only to [2] FFLs who have never had a trace?

[3] MR. GOLDSTEIN: Same objection.

[4] THE WITNESS: Again, I am not [5] saying they should cut them off, I'm saying [6] that they should do training, they should [7] provide training for them, they should make [8] sure that all their dealers and clerks are [9] certified to do

that and that they are [10] willing to examine their business practices [11] and willing to improve their business [12] practices.

[13] If they look into the traces that [14] come back to that dealer, in this case as [15] you said, one, and they examine that and [16] they find that that has a reasonable [17] explanation for that and that they are doing [18] everything they can, then there's no reason [19] for them not to sell firearms.

[20] BY MR. DORR:

[21] Q: So it's okay for manufacturers and [22] distributors to sell to FFLs who have had

Page 418

[1] traces?

[2] MR. GOLDSTEIN: Objection; [3] misstates testimony, mischaracterizes [4] testimony.

[5] THE WITNESS: What's the proper [6] thing for a manufacturers to do is not look [7] at their distribution practices — or the [8] practices of their distributors and dealers, [9] but to absolutely look at it and insure that [10] it's happening.

[11] BY MR. DORR:

[12] Q: Do you know whether Trader Sports [13] has been looked at by ATF as to whether its [14] sales practices are either illegal or [15] corrupt?

[16] A: No, sir, I do not.

[17] Q: While you were at ATF, did you [18] ever advise a manufacturer or a distributor [19] when an FFL had been indicted?

[20] A: Did I personally, no, sir.

[21] Q: Did ATF do that as a matter of [22] procedure?

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[1] A: Not that I'm aware of, sir.

[2] Q: Did ATF ever advise manufacturers [3] or a distributor not to sell to FFLs who had [4] either a certain number or type of traces?

[5] MR. GOLDSTEIN: Objection; calls [6] for speculation, but you can offer your [7] knowledge.

[8] THE WITNESS: What ATF would do if [9] someone was manufacturing — or excuse me, [10] indicted, would be to send that dealer a [11] letter advising them that instead of using [12] their FFL, that they would use this letter [13] so that if they were getting guns from the [14] distributor or the manufacturer, that they [15] would provide this letter to them informing [16] them that they were operating under [17] indictment, so that letter would be what the [18] dealer could use to acquire the firearms.

[19] MR. DORR: I move to strike as not [20]

responsive.

[21] Could you re-read the question to [22] the witness, please.

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[1] MR. BECKMAN: Move to strike.

[2] (The reporter read the record as [3] requested.)

[4] MR. GOLDSTEIN: I lodge my same [5] objections.

[6] THE WITNESS: No, sir, not that [7] I'm aware of.

[8] MR. DORR: That's all the [9] questions I have.

[10] EXAMINATION BY COUNSEL FOR DEFENDANT COLT

[11] MANUFACTURING

[12] BY MR. HALL:

[13] Q: Mr. Vince, my name is Mark Hall. [14] I represent Colt Manufacturing. I'll try to [15] go through my notes here, there may be some [16] pauses, I'm going to try to eliminate things [17] that have already been asked so I don't [18] cover things again.

[19] Do you agree that the fact of a [20] trace does not, of itself, mean that any FFL [21] or purchaser of the firearm has engaged in [22] wrongdoing?

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[1] MR. GOLDSTEIN: Objection; vague [2] and ambiguous.

[3] THE WITNESS: A trace in and of [4] itself does not mean that a dealer has done [5] anything wrong.

[6] BY MR. HALL:

[7] Q: Are you familiar with completion [8] codes in the trace database?

[9] A: Yes, sir.

[10] Q: Are you familiar with a completion [11] code, and I'm going by memory here, I think [12] it may be designated B, like in boy, 2, but [13] I might not be right about that.

[14] We can check to see if I've got [15] the right designation, but it's a completion [16] code where if the local law enforcement [17] agency submits the firearm for tracing and [18] then ATF checks with the manufacturer and [19] the manufacturer says there's something [20] wrong with this serial number, we did not [21] manufacture a firearm with that serial [22] number, then ATF sends the trace back to the

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[1] local law enforcement agency to have them [2] check the serial number; are you familiar [3] with that completion code?

[4] A: Yes, sir.

[5] Q: Okay, and when that happens, [6] that's recorded, there's a certain [7]

15

EXHIBIT "15"

EXHIBIT "15"

In The Matter Of:

*PEOPLE OF THE STATE OF CALIFORNIA et al v.
ARCADIA MACHINE & TOOL et al*

*GERALD A. NUNZIATO
Vol. 1, November 8, 2002*

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Information Act (21) data that ATF sells to the general public.

(22) Q: Any other work?

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(1) A: Explaining to them what the data (2) means and questions on the data, etc.

(3) Q: Anything else?

(4) A: It would all relate to something (5) what the data is and my experience at ATF.

(6) Q: Anything else?

(7) A: There's probably more but —

(8) Q: Sorry, go ahead.

(9) A: If you have any questions about (10) other areas, but to my memory it was (11) basically on the tracing process and the (12) data —

(13) Q: Again, you understand we are (14) here —

(15) A: And what I did at the tracing (16) center.

(17) Q: Anything else?

(18) MR. DOWD: Asked and answered.

(19) THE WITNESS: I just can't (20) remember anything else.

(21) BY MR. DORR:

(22) Q: What have you considered or relied

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(1) upon in connection with formulating your (2) opinions in this case?

(3) A: My experience as an ATF agent, (4) Alcohol Tobacco and Firearms, and my review (5) of the data provided to the plaintiffs in (6) the FOIA data.

(7) Q: Anything else?

(8) A: It would probably fall in those (9) general categories. Oh, and documents I (10) reviewed and read — there's a whole list — (11) to refresh my memory.

(12) Q: Are those the documents that were (13) provided to us by plaintiffs' counsel in (14) their correspondence to us?

(15) A: I'll look at it real quick.

(16) MR. DORR: I show you a letter (17) dated October 18 from Brian Siebel to James (18) Vogts. We can mark it.

(19) (Group Deposition Exhibit No. 4 (20) was marked for identification.)

(21) MR. DORR: A letter dated (22) November 4 from Mr. Siebel to Mr. Vogts,

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(1) that will be marked as 5.

(2) (Group Deposition Exhibit No. 5 (3) was marked for identification.)

(4) THE WITNESS: On exhibit 4, some (5) of the documents are just referred to by (6) numbers and I don't have a recollection

(7) exactly what documents those numbers (8) represent.

(9) BY MR. DORR:

(10) Q: Okay.

(11) A: But these are the documents I (12) would have reviewed and read.

(13) Q: Have you reviewed or read anything (14) else that's not listed there obviously (15) subject to the fact there are a few (16) documents with numbers listed?

(17) A: Just in my normal course of (18) existence, this is something I have been (19) doing all my life, all my adult life. I (20) read a lot of newspaper articles and (21) magazine articles and listen to the news (22) about guns.

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(1) Q: Anything else?

(2) A: That would probably — that and (3) just discussing gun issues with my partners (4) and law enforcement, some of the clients.

(5) Q: Anything else?

(6) A: There's probably more, I just (7) can't remember everything I have read and (8) looked at.

(9) Q: Do you intend to offer any (10) defendant-specific opinions in this case as (11) to individual defendants?

(12) MR. DOWD: Objection, vague and (13) ambiguous.

(14) THE WITNESS: I haven't been asked (15) to at the moment.

(16) BY MR. DORR:

(17) Q: Have you discussed that issue with (18) anyone you have dealt with in this case?

(19) A: My partners, just looking at the (20) data, we may have made comments among each (21) other about specific gun dealers.

(22) Q: Your partner who?

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(1) A: It would be Joe Vince or Ron (2) Schuman.

(3) Q: Are you intending yourself to (4) offer any defendant-specific opinions in (5) this case?

(6) MR. DOWD: Objection, vague.

(7) MR. DORR: Either as to (8) manufacturer or distributor or retailer (9) defendant in this case.

(10) MR. DOWD: Objection, vague. When (11) you ask that, some of the databases and (12) things have defendant-specific information. (13) Are you including that or excluding that?

(14) MR. DORR: I'm just asking the (15) witness for what opinions he expects to be (16) offering in this case.

(17) THE WITNESS: It would be based on (18) the documents I provided.

(19) BY MR. DORR:

(20) Q: What opinions do you intend to (21) offer on a defendant-specific basis?

(22) A: It would be the opinions that I

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(1) put on the spreadsheets in the databases, (2) the data.

(3) Q: Without referring to those at this point, what opinions are those?

(4) A: The opinions would be that there (5) was data available for the defendants to (6) review to make similar assumptions — (7) similar spreadsheets, excuse me, similar (8) spreadsheets that I made.

(9) Q: Did you draw any conclusions from (10) the spreadsheets you made other than the (11) fact that there is data available from which (12) to do similar spreadsheets?

(13) MR. DOWD: Objection, vague.

(14) THE WITNESS: I made some.

(15) BY MR. DORR:

(16) Q: What conclusions did you draw?

(17) A: That there are some gun dealers, (18) quite obviously they are selling a lot of (19) crime guns.

(20) Q: Which ones?

(21) A: I would have to look at the data.

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(1) Q: Does the fact that a gun dealer may sell "a lot of crime guns" necessarily (2) indicate that the gun dealer is doing anything wrong?

(3) MR. DOWD: Objection, vague.

(4) THE WITNESS: It indicates they are selling a lot of crime guns. The data wouldn't allow me to make a decision based (5) on that.

(6) BY MR. DORR:

(7) Q: One way or another, is that correct?

(8) A: Correct. It would just cause me to want to look at the data.

(9) Q: That would be something that might (10) warrant investigation, is that correct?

(11) A: Correct.

(12) Q: Do you know whether Mr. Vince intends to offer any defendant-specific (13) opinions other than those you have just (14) expressed here?

(15) A: You would have to talk to

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(1) Mr. Vince.

(2) Q: Well, you have talked to him and I'm trying to find out whether he is intending to offer different opinions from (3) those of the type you have just

investigation.

[11] Q: They also had access to state and [12] local firearm databases such as California's [13] database to help in connection with an [14] investigation?

[15] MR. DOWD: Objection, vague as to [16] time.

[17] THE WITNESS: Our local agents [18] did. The tracing center did not.

[19] BY MR. DORR:

[20] Q: I am talking local agents through [21] Project Lead had access to your entire [22] database as well as all these other systems.

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[1] correct?

[2] A: Yes.

[3] Q: Did you help prepare the Guide to [4] Illegal Trafficking Investigations which ATF [5] promulgated in 1997? Did you have any input [6] into that?

[7] A: I assisted when it came to the [8] tracing aspect of it.

[9] Q: You assisted in the tracing [10] aspects of that?

[11] A: Yes.

[12] Q: Part of that guide talked about [13] all the various resources that were [14] available to ATF agents in conducting [15] trafficking investigations, did it not?

[16] A: Yes.

[17] Q: Among those resources were some of [18] the ones we have already talked about?

[19] A: I don't remember them all, but [20] they were broad enough that they would be [21] included.

[22] Q: State and local police records

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[1] would also be accessible to them in that [2] context?

[3] A: Yes.

[4] Q: They could go to insurance [5] companies, for example, to review reports of [6] claims that FFLs may have made if there were [7] theft investigations?

[8] A: I would have to check with legal [9] on that, whether we would have to do it [10] through legal means of getting subpoenas, [11] but I assume it was available.

[12] Q: But law enforcement —

[13] A: We had authority to through proper [14] channels to do that.

[15] Q: Also authority to do eavesdropping [16] through proper channels?

[17] MR. DOWD: Objection, vague and [18] ambiguous.

[19] THE WITNESS: I would have to [20] check the law to see if they had authority [21] to do that. ATF had the authority to do

it [22] on some investigations.

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[1] BY MR. DORR:

[2] Q: Use tracking devices to go with [3] objects like guns if they did an undercover [4] operation and had guns sold and they wanted [5] to track the guns, they could do that?

[6] A: Yes, sir.

[7] MR. DOWD: Objection, vague.

[8] THE WITNESS: Yes.

[9] BY MR. DORR:

[10] Q: Look into telephone records of [11] past telephone calls to connect individuals [12] if they think there's some conspiracy going [13] on between let's say an FFL retailer and a [14] particular trafficker, if they are [15] investigating that?

[16] MR. DOWD: Objection, calls for [17] legal conclusion.

[18] THE WITNESS: It was available to [19] them.

[20] BY MR. DORR:

[21] Q: They had available to them also [22] all of the information from regulatory

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[1] enforcement and compliance inspections, all [2] the information that that aspect of ATF had [3] within its resources?

[4] MR. DOWD: Objection, vague.

[5] THE WITNESS: Yes.

[6] BY MR. DORR:

[7] Q: They could also ask regulatory [8] enforcement to conduct inspections of FFLs [9] in order to assist in their further [10] investigation of whether there was some [11] improper activity being conducted by a [12] particular FFL, wouldn't they?

[13] A: Yes.

[14] Q: In addition, obviously undercover [15] investigations were something available to [16] ATF agents investigating whether an FFL is [17] doing something improper?

[18] A: Yes.

[19] Q: Sting operations are available to [20] agents investigating whether an FFL is doing [21] something improper?

[22] A: Yes.

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[1] Q: Using a confidential informant is [2] a well-known law enforcement technique [3] available for trying to determine whether [4] there has been improper practices on the [5] part of a particular FFL?

[6] A: Yes.

[7] Q: Now none of those techniques we [8] have just been talking about are available [9] to a manufacturer or distributor for [10] purposes of trying to ascertain whether [11] there has been some improper conduct on the [12] part of an FFL, is there?

[13] MR. DOWD: Objection, vague and [14] ambiguous, overbroad.

[15] THE WITNESS: That's a law [16] enforcement function to investigate criminal [17] activity.

[18] BY MR. DORR:

[19] Q: It requires that kind of resources [20] and techniques in order to be able to [21] determine whether some pattern that you [22] might detect through looking just at raw

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[1] trace data really represents wrongdoing on [2] someone's part or whether it's due to other [3] factors?

[4] MR. DOWD: Objection, vague and [5] ambiguous, compound and overbroad.

[6] THE WITNESS: Law enforcement would use trace data to look and conduct — [8] as part of their conducting a criminal [9] investigation, the tracing database could be [10] used by them, yes

[11] BY MR. DORR:

[12] Q: But let's say you used the trace [13] database, Project Lead, an agent, that some [14] FFL, some retail dealer someplace has had a [15] large number of traces, to use your terms [16] earlier, then that agent has all the [17] resources we have talked about and others [18] that I'm sure we haven't talked about [19] available to him to conduct the [20] investigation to determine whether there is [21] anything really wrong there, isn't that [22] correct?

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[1] MR. DOWD: Objection, vague and [2] ambiguous, calls for speculation.

[3] THE WITNESS: Again, the ATF [4] agents could look at the trace data through [5] Project Lead to make conclusions on what [6] investigations they should conduct.

[7] BY MR. DORR:

[8] Q: But just looking at the trace [9] data, you can't make a conclusion that a [10] particular FFL has done something wrong?

[11] A: Correct.

[12] Q: In order to reach that conclusion [13] it requires, as we talked about [14] earlier, the kind of intensive, varied [15] investigation using the methods we discussed [16] in order to really make a determination as [17] to whether a dealer is doing something wrong [18] or there may be something else going on? [19] Isn't

16

EXHIBIT "16"

EXHIBIT "16"

EXPERT WITNESS REPORT – GERALD A. NUNZIATO

I have been asked to offer my opinions as an expert witness on behalf of plaintiff National Association for the Advancement of Colored People (NAACP). I am prepared to testify about the following subjects based on my experience and background, as well as review of various documents and materials.

Background and Experience

I served as a law enforcement agent (special agent) for the United States Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms (ATF) from July 1970 to January 1999. From 1970 to 1979, I was an ATF Special Agent stationed in Detroit, Michigan. My duties included working with local law enforcement agencies to stop the diversion and possession of firearms to criminals, inspecting firearm dealers and manufacturers, conducting, and assisting in various law enforcement investigations.

From 1979 to 1984, I was an ATF Special Agent stationed in Youngstown, Ohio from 1979 to 1984. My duties included working with local law enforcement agencies, assisting in criminal investigations. I was selected to represent ATF on the Vice President's Task Force in Southern Florida to combat violent crime where I was assigned to the firearms trafficking squad and was responsible for investigating individuals suspected of trafficking firearms to Northern states or to South America. I was also assigned to a violent crime task force. I was promoted and transferred to ATF District Office in Cleveland, Ohio where I worked from 1984 to 1985. My duties then included supervising a group of special agents, acting as an operations officer working directly with for an ATF manager and reviewing requests from agents for authorization to investigate firearm dealers or to attend gun shows.

In 1985, I was promoted and transferred to ATF headquarters in Washington, DC and was assigned to the Tactical Operations Unit until 1990. My duties included monitoring and supplying ATF agents nationwide with electronic surveillance equipment and reviewing all crime gun seizures made by ATF to determine if any of the seized firearms could be used for issued weapons or for undercover props.

I was again promoted in 1990 and transferred to the Firearms Enforcement Branch at ATF headquarters as the Firearms Interdiction Coordinator. My duties included monitoring all firearms stolen from interstate commerce and reviewing requests for authorization to conduct investigations of FFLs or gun shows.

I was promoted 1991 to the Special Agent in Charge of the National Tracing Center (NTC) and my duties included managing a government workforce of 55 individuals and a contracted workforce of 200 individuals. In this position I

oversaw all aspects of the National Tracing Center and the ATF's firearms tracing system and implementation of ATF's policies. I was involved in developing, maintaining and using the Firearms Tracing System. I met with firearm industry representatives to discuss the tracing process and the impact it had on their industry. I had the responsibility for acquiring and maintaining firearm acquisition and disposition records of firearm dealers that discontinued business and the authority to meet with law enforcement agencies and set policies and procedures for tracing firearms. I lead a national effort to contact and order the over 300,000 firearm dealers that discontinued business and failed to send their firearm acquisition and disposition records to the NTC to comply with Federal regulations and submit their records. The manual searching of out-of-business firearm dealer records and the fact that a majority of the dealers did not send in their records when they discontinued business hindered tracing. I was involved in efforts to have Congress to mandate that all dealers send their records to ATF when they discontinued business because ATF would not enforce this regulation. Under my authority the ATF automated the out-of-business records, and computerized over 100,000,000 serial numbers of firearms sold by out of business dealers.

I retired from the ATF on January 2, 1999. Presently, I am a partner of Crime Gun Solutions LLC, a company devoted to the collection, access, management, analysis and dissemination of crime-gun information.

I am very familiar with how the ATF has regulated the firearms industry as well as how it has proceeded with the investigation and prosecution of Federal Firearms License holders who have violated governing law. I am prepared to talk about the methods and means by which the ATF regulates the firearms industry as well as the internal and external limitations placed on the ATF's ability to function effectively. Additionally, I am also very familiar with how the firearms tracing system functions, the type of information kept in the trace database and the potential use of such information.

The ATF's Firearms Tracing System Contains Useful Information on the Flow of Guns to Prohibited Persons

Among its other responsibilities, ATF is charged with 'tracing' or providing a title history of guns recovered by law enforcement entities. Briefly, the ATF's Firearms Tracing System (FTS) is comprised of information obtained through the process of tracing guns. A trace is initiated through a request from a law enforcement agency that recovers a gun that was used in or is suspected to have been used in a crime. The purpose of a trace request is to identify the last lawful owner or possessor of a firearm. The process requires ATF to contact all Federal Firearms Licensees (FFLs) that were involved in the sale of the particular firearm traced from the manufacturer or importer to the retail dealer so that each entity can identify the entity or person who last purchased the firearm from them. All firearm manufacturers, distributors, and retail dealers maintain sales records of firearms unless they cease business operations. Only when an FFL discontinues business is it required to forward firearm sale records to ATF's Out-

Business-Section (OBR) at the NTC. Therefore, the NTC must physically contact the manufacturer, distributor and retail dealer in order to complete a trace. The only exception is when record of the retail sale is found within the NTC's OBR. When trace information is received it is placed in a computer database at the NTC for storage, retrieval and analysis. This database is called the Firearms Tracing System (FTS). I am prepared to discuss the construction of the FTS database should that be necessary.

In 1991, the National Tracing Center (NTC) traced approximately 40,000 guns a year that were involved in criminal activity. The entire trace process was manual and time consuming. In 1994, the NTC database, the Firearms Trace System (FTS) was enhanced and the tracing process became fully automated.

As the number of traces yearly increased to approximately 200,000 requests, the FTS database was developed to analyze the crime gun data. Although the automation of the trace process led to hundreds of "referrals" or possible investigative leads of suspected violations, I was advised by Regulatory at ATF HQ to stop sending these referrals because Regulatory did not have the resources to respond. In 1996, ATF began a comprehensive national program to examine and trace all guns that were recovered by local law enforcement agencies in selected cities. Consistently, every year's analysis has found and reported that the primary source of crime-guns to criminals is from retail dealers.

Although I recognized the value of analyzing crime gun data and developed a program and training course to encourage law enforcement at all levels to trace all crime-guns recovered in their jurisdiction and explain the importance of using crime gun data to investigate all criminal activity, the prospect of such important uses for this data was not shared by some industry insiders. Although ATF validated the information's use and in fact uses the FTS database to further its regulatory and law enforcement goals, this is not the full extent of the database's usefulness.

The development and use of the FTS has made it clear that there are many changes that each manufacturer and distributor could implement that would lessen considerably the number of guns that enter the criminal and juvenile market. For example, a manufacturer who produced a traced gun or a distributor who sold a traced gun to a retail dealer receive information that the gun traced was recovered in connection with a crime and they have access to the identity of the person or entity to which they sold the firearm and can assess based upon the number of traces received in connection with that retail dealer whether they will continue to sell to that dealer or whether they would like to place restrictions on future sales. This allows the manufacturers or distributors to identify customers who are responsible for a large number of traces and to identify other trends relating to the entry of the guns they sell into the criminal market. The manufacturers and distributors could then make changes such as those outlined in the March 17, 2000 Agreement between certain governmental entities and Smith & Wesson: they could sell only to authorized or certified distributors and dealers who agree to implement safeguards designed to prevent

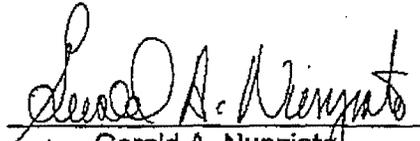
gun trafficking. These safeguards could include, among other things, requiring accountable training to distributors and dealers as well as their own sales personnel, monitoring and supervising distributors and dealers to detect problems, requiring dealers to curb multiple sales, and taking remedial action – up to and including terminating sales – against distributors and dealers that provide a significant source of guns traced to crime. This is not an exhaustive list of the safeguards gun manufacturers could implement to reduce gun trafficking and the diversion of guns into the criminal and juvenile market.

The ATF has conducted and made public various analyses of the firearms industry which make it clear that corrupt retail dealers are a primary source for crime guns. See, for example, "Operation Snapshot, An Analysis of the Retail Regulated Firearms Industry" (1999). Although it was determined, and made public, that a small number of firearm dealers were responsible for a majority of crime guns, ATF was unable to effectively make use of this information to police the industry. Analyses such as Operation Snapshot further make it clear that ATF cannot and has not investigated or prosecuted the worst retail dealers, making the responsible conduct and "shared responsibility" of the members of the industry crucial in order to keep guns from reaching prohibited persons.

The Firearms Industry Has failed to Make Use of the Trace Data Base or To Effectively Monitor Their Sales Practices to Diminish or Prevent the Flow of Guns to Criminals and Juveniles

Although the trace database and the information contained therein has been made available to members of the firearms industry (see my March, 2002 Affidavit in this action), to my knowledge no manufacturer or distributor has taken advantage of the opportunity to review the database and to make changes in its distribution practices. I understand that some manufacturers and distributors claim that review of the FTS would pose a threat to ongoing investigations or to undercover law enforcement agents. These concerns are unfounded in my experience. Because each trace works its way through the FFLs who obtained and then transferred the traced firearm, and has done so as a regular procedure for some years, the FFLs themselves routinely receive notice of traces and thus this information does not pose a threat to ongoing investigations or to undercover officers. Furthermore, built into the FTS and ATF procedures are systems to prevent premature disclosure of any sensitive law enforcement information including investigations of distributors and dealers, so arguments that making use of the valuable information contained in FTS are unpersuasive. These safeguards include the Administrative Record Table and the "Do Not Contact Dealer" Table which prevent a trace from revealing or negatively impacting an ongoing investigation. ATF can further refuse to enter a particularly sensitive trace into the FTS and can in other ways maintain the secrecy of such sensitive traces. Thus, merely allowing firearms manufacturers and distributors access to the trace database would not compromise law enforcement operations and the industry's failure to use this valuable resource cannot be supported on that basis.

My firm has offered our services to members of the industry to assist them in analyzing the information they receive on a daily basis regarding the destinations of the guns they make, import and sell. We have the expertise to provide various services to the members of the industry should they care to take advantage of it. The analysis of this information is critical to the operation of a viable business operated as a responsible partner in a system of 'shared responsibility'.


Gerald A. Nunziato

Gerald Nunziato's Document List

Access 2000 Industry Set Up Guide

Access 2000 Manual

Affidavit of Gerald A. Nunziato, NAACP v. American Arms/Accu-Sport

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Declaration of Gerald A. Nunziato, City of Chicago v United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, Third Supplemental, February 4, 2001

Crime Gun Information Referral/Request Form (ATF 3312.1)

Gun Owners Protection Act

Department of Justice, Gun Violence Reduction: National Integrated Firearms Violence Reduction Strategy, 2001.

FFL Newsletters, 1991, 1992, 1994, 9-1995, 8-1996, 2-1999, 5-2001

Federal Firearms Licensing; Hearing Before the Subcommittee on Crime and Criminal Justice of the House Judiciary Committee, 103rd Congress 1993

Federal Firearms Regulations Reference Guide 2000, ATF P 5300.4

Glenn L. Pierce, et al., The Identification of Patterns in Firearms Trafficking: Implications for Focused Enforcement Strategies, Northeastern University

Gun Control Act of 1968

Julius Wachtel, Sources of Crime Guns in Los Angeles, 1998

Letter, undated, from Joseph J. Vince Jr., Crime Guns Solutions, to Kurt Hindle, Smith and Wesson

Letter from Forrest Webb, Special Agent in Charge, National Tracing Center Bureau of Alcohol, Tobacco and Firearms, to Simon H. Bloom, Taurus International, March 23, 2000

Letter, from Forrest Webb, Special Agent in Charge, National Tracing Center, Bureau of Alcohol, Tobacco and Firearms, to Stephen L. Sanetti, Sturm Ruger and Company, March 3, 2000

Letter from Simon H. Bloom, Taurus International, to Forrest Webb, Special Agent in Charge, National Tracing Center, Bureau of Alcohol, Tobacco and Firearms, April 11, 2000

Letter from Simon H. Bloom, Taurus International, to Colleen Davis, National Tracing Center Bureau of Alcohol, Tobacco and Firearms, January 28, 2000

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Letter from Simon H. Bloom, Taurus International, to Gerald A. Nunziato, Crime Guns Solutions, January 28, 2000

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Letter from Stephen L. Sanetti, Sturm Ruger and Company, to Bradley Buckles, Director, Bureau of Alcohol, Tobacco and Firearms, February 14, 2000

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17

EXHIBIT "17"

EXHIBIT "17"

1
2 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

3 IN AND FOR THE COUNTY OF SAN DIEGO

4 --oOo--

5	Coordination Proceeding Special Title,)	
	(Rule 1550(b)))	
6)
	Firearm Case)	
7	Including actions:)	Judicial Council
		)Coordination
8	People, et al. v. Arcadia Machine & )	)Proceeding
	Tool, Inc., et al. )	)No. 4095
9)
	People, et al. v. Arcadia Machine &)	
10	Tool, Inc., et al.)	
)
11	People, at al. v. Arcadia Machine &)	
	Tool, Inc., et al.)	
12)

13 DEPOSITION OF
14 WILLIAM E. WECKER

CONFIDENTIAL

15
16 Friday, December 6, 2002
17 Volume I (Pages 1 - 210)

18 C O N F I D E N T I A L

19
20
21 REPORTED BY: CYNTHIA A. PACINI, CSR #6117 (03-325862)
22 RMR, CRR
23
24
25

1 Q. Sure.
 2 A. I think it's a serious problem and makes
 3 problematic any work that one would do with a database
 4 of this kind, but I don't think you can rule out that
 5 somehow you could get lucky and somehow the mistakes
 6 don't matter to something.
 7 So I don't think I can be categorical, that
 8 there's absolutely nothing could be done ever with this
 9 database. But I've seen nothing that plaintiffs are
 10 trying to do that fits into that category that gets a
 11 free pass. Everything they're trying to do would be
 12 seriously undermined by the kinds of problems I'm
 13 seeing.
 14 Q. Okay. Let's move on then to 5.9, which I
 15 assume is just a continuation of 5.8?
 16 A. Correct.
 17 Q. And 5.10 through 5.12 or 5.11, which as I
 18 understand, is the summary for the different trace
 19 number dealer FFL, which is spit out in 5.8 and 5.9; is
 20 that correct?
 21 A. Right.
 22 Q. Okay. And essentially what you are doing here
 23 is you're looking in the database saying where is there
 24 a trace which has the same trace number, same dealer FFL
 25 and appears more than once?

1 A. The details of the four observations being
 2 counted here to get the four show that they come in
 3 pairs where the pairs have identical trace numbers and
 4 identical dealer numbers and, importantly, identical ATF
 5 sequence numbers.
 6 Q. Okay.
 7 A. That has to be nothing but a plain vanilla
 8 duplication.
 9 Q. Okay.
 10 A. There is -- I can see no other explanation for
 11 that level of duplication.
 12 Q. This is the same type of duplication that we
 13 were looking at in the last exhibit, was it not, in 5.1?
 14 A. It's the same kind, but I'm looking at more
 15 information here to understand it a little better and
 16 I've called your attention to the sequence number which
 17 is a number that I'll circle on the exhibit. On page
 18 5.13 --
 19 Q. Um-hum.
 20 A. -- those sequence numbers would be unique in a
 21 given trace and so that tells me that I don't have a
 22 situation here possibly where I have begun at this FFL,
 23 I sell it to another FFL and he sells it back to me and
 24 then I sell it to some third party. I think the
 25 duplication on the sequence numbers are going to rule

1 A. Right.
 2 Q. Okay. Moving onto 5.12, could you explain to
 3 me what you did here?
 4 A. Oh, yes. Just a moment. Here's some more
 5 duplicates. I'm finding them in a different technique.
 6 I'm printing out in 5.12 an FFL called Tower of Sports.
 7 And toward the right of page 5.12, you'll see the number
 8 four for number of traced guns of a particular kind.
 9 Q. Correct.
 10 A. This is just a printout of the Nunziato
 11 worksheet named at the bottom. I haven't done any work
 12 here. I just printed it.
 13 Q. Okay.
 14 A. And there's a four on the right and that's
 15 wrong. It should be a two.
 16 Q. Okay. Which four are you referring to?
 17 There's two of them.
 18 A. They should -- they're both wrong. They should
 19 both be two.
 20 Q. Okay.
 21 A. And the next page.
 22 Q. Let me ask you, how did you determine that they
 23 both should be two?
 24 A. By what I did on the next page.
 25 Q. Okay.

1 that out.
 2 Q. And besides the traces reflected in 5.13, were
 3 there other traces which you found were duplicates by
 4 virtue of having an identical sequence number as you
 5 discussed?
 6 A. I didn't make an exhaustive search of that. I
 7 was just drilling down into the data to get a real life
 8 FFL example of what I had looked at in the aggregate
 9 fashion in the previous pages.
 10 Q. Referring back then to 5.9 through 5.11a, I
 11 take it you didn't conduct any investigation to see
 12 whether or not the traces reflected in those exhibits
 13 are the result of a dealer selling it to another dealer
 14 and then having the gun sold back to that same dealer,
 15 correct?
 16 A. I did not, correct.
 17 Q. Okay. Let's move on then. Well, let me ask
 18 you. Other than what we've discussed with 5.13, is
 19 there anything else in this exhibit that you're going to
 20 use to support your opinions in this case?
 21 A. I think I should add something, and that is
 22 that after the page 5.13 comes some real detail -- very
 23 detailed level printout at 5.14, 5.15, 5.16 and 5.17
 24 that does not make a new point. It's just that I'm
 25 printing out the mass of information that I have

1 that the dealer Excel is essentially the same as the
 2 manufacturer Accu-Tek.
 3 A. Yes.
 4 Q. Is that correct? And that, as a result,
 5 that -- that Excel Industries should not be appearing in
 6 the dealer database, correct?
 7 A. Not if you wanted to exclude manufacturers.
 8 Q. Okay. Do you have any understanding as to
 9 whether or not -- well, strike that. Okay. Fair
 10 enough.
 11 Anything else on this page that you'll use to
 12 support your opinions?
 13 A. No.
 14 Q. Moving to the next one, 5.22, could you tell me
 15 what you're computing here, sir?
 16 A. I'm displaying some time-to-crime numbers.
 17 These are Nunziato calculations. I'm doing the printing
 18 but not the calculating.
 19 Q. Okay.
 20 A. And pointing out in this page that he has a
 21 number of negative time-to-crime results.
 22 Q. And is that essentially you conclude that from
 23 looking at, say -- let's say trace 20010212520, that the
 24 involved date is three days later than the date that the
 25 weapon was recovered? And that, as a result, there's a

1 complete listing of all negative time-to-crime traces in
 2 the California combined database?
 3 A. Correct.
 4 Q. Okay. 5.23, let me ask you, is this a list of
 5 the FFL names which are cited by plaintiffs in the
 6 interrogatories reflected in column B on 5.23?
 7 A. Actually, this -- just a moment.
 8 Q. Sure.
 9 A. This list I have replaced as not being the list
 10 of validation of FFLs and the replacement appears in
 11 Tab 8, page 0. So if you want a list of the validation
 12 of FFLs, you go to Tab 8.
 13 Q. What is the difference between this and Tab 8?
 14 Is there some reason it was replaced? I'm just
 15 asking. I want to just eliminate having to look at it
 16 if I need to at all.
 17 A. I know there's only 34 validation FFLs, so
 18 there's -- oh, yes, these on 5.23 were at an earlier
 19 stage and I only use a validation FFL if I can get an
 20 FFL number for them.
 21 Q. Okay.
 22 A. And so this really -- I leave it here because I
 23 put it here, but I shouldn't have put it here because it
 24 was an intermediate product.
 25 Q. Did you use this list of FFLs to conduct any of

1 negative three-day time to crime?
 2 A. I'd put it in the other order.
 3 Q. Sure.
 4 A. I notice a negative time to crime and I can
 5 come to understand how he arrived at that knowing how he
 6 does arithmetic as being in line with what you suggested
 7 in the question. But unless pointing out here how he
 8 does things, then I am pointing out what he ended up
 9 with.
 10 Q. Okay.
 11 A. Because these negative time to crimes are being
 12 used when he calculates time-to-crime measures -- when
 13 either Nunziato or Fox calculates concentrations and
 14 they're being used by them. And I think it's nonsense
 15 to have a negative time to crime.
 16 Q. Okay. Have you attempted to try and quantify
 17 the degree to which the use of the traces with negative
 18 time to crime have affected Fox's analysis?
 19 A. No, I haven't tried that. But I reiterate my
 20 earlier statement, that this kind of mistake, combined
 21 with the other mistakes and duplicates and so on, raises
 22 great concern about the reliability of the whole
 23 process.
 24 Q. Let me ask, is this a complete -- this is not a
 25 sample of the negative time to crime? This is a

1 your analyses where you had a validation FFL?
 2 A. This list being which page?
 3 Q. This list being 5.23.
 4 A. No, I used 8.0.
 5 Q. So this list was not used in any of your
 6 calculations; it's just essentially an early list that
 7 we don't even need to look at?
 8 A. That's what I say. I've put an X in the --
 9 Q. I'm going to do the same. Okay. We've been
 10 going about an hour and ten minutes, so let me know when
 11 you'd like a break.
 12 A. We can take a short break. I'm learning to
 13 like these breaks.
 14 MR. GOLDSTEIN: Let's do that.
 15 (Recess taken from 2:31 to 2:44 p.m.)
 16 MR. GOLDSTEIN: Q. Back on the record. I
 17 believe we're on to 5.24.
 18 A. I can answer now that question that I couldn't
 19 answer earlier about 5.20.
 20 Q. Okay.
 21 A. That last number, which is a seven in the
 22 right-most column, should be a six.
 23 Q. Okay. So that was a mistake that you made in
 24 creating that column in terms of putting 1997 instead of
 25 1996, correct?

18

EXHIBIT "18"

EXHIBIT "18"

In The Matter Of:

*PEOPLE OF THE STATE OF CALIFORNIA et al v.
ARCADIA MACHINE & TOOL et al*

*JAMES A. FOX
Vol. 1, October 21, 2002*

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[9] Q: And in your opinion are those [10] estimates accurate and reliable?

[11] A: They are reasonable estimates and [12] they — making various assumptions, they [13] reasonable estimates.

[14] Q: Do you believe those estimates can [15] be relied upon to draw conclusions as to the [16] extent to which guns sold or imported into [17] the United States make their way into [18] criminal activity?

[19] MR. SIEBEL: Objection, vague and [20] ambiguous.

[21] BY MR. FENNEL:

[22] Q: You may answer.

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[1] A: Not precisely but they give — [2] they do give estimates. There are several [3] measures provided in Task 1 and all the [4] estimates give some indication based on [5] those measures the extent to which guns sold [6] in the United States are used in criminal [7] activity but they are different estimates [8] using different measures.

[9] Q: I understand that but can we rely [10] on them as giving reliable indications of [11] the extent to which guns sold or imported [12] into the United States make their way into [13] criminal activity not?

[14] MR. SIEBEL: Objection.

[15] BY MR. FENNEL:

[16] Q: You can always answer unless he [17] instructs you not to.

[18] A: I don't think I can answer the [19] question as simply as you stated it.

[20] Q: I don't know how more simply I can [21] say it. Either we can rely on those [22] estimates or we can't. You're the one who

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[1] is the statistician here, Professor, so you [2] tell me can we rely on those estimates or [3] can we not rely on those estimates?

[4] MR. SIEBEL: Same objection.

[5] THE WITNESS: The estimates make [6] certain assumptions and are constructed in [7] different ways and they are reliable to the [8] extent to which the methods allow. May I [9] give an example?

[10] BY MR. FENNEL:

[11] Q: No. You are familiar with the [12] methods?

[13] A: Yes, I am.

[14] Q: You're familiar with the [15] assumptions?

[16] A: Yes.

[17] Q: You made all those assumptions, [18] Professor, correct? In doing your estimates [19] you made certain assumptions?

[20] A: Yes.

[21] Q: Yet you have produced a work [22] product in Task 1 for some purpose; that is,

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[1] I assume in order to estimate the extent to [2] which guns sold in the United States and [3] imported into the United States make their [4] way into criminal activity. You put that on [5] the table for that purpose, correct?

[6] A: Yes.

[7] Q: Given all of those assumptions [8] you've made, can we rely on those estimates [9] in Task 1 for that purpose?

[10] MR. SIEBEL: Objection, vague and [11] ambiguous.

[12] THE WITNESS: We can rely on them [13] to characterize — we can rely on them — [14] strike that. We can rely on them to give [15] some indication of the extent to which guns [16] manufactured or imported, handguns [17] manufactured or imported, result in criminal [18] activity.

[19] Q: What about in Task 2? You stated [20] that one of your opinions is to opine on the [21] extent to which concentration is [22] identifiable in the California database,

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[1] correct?

[2] MR. SIEBEL: Objection, his [3] testimony speaks for itself.

[4] THE WITNESS: I believe that's [5] what I said.

[6] BY MR. FENNEL:

[7] Q: Is your calculation of those [8] concentration coefficients reliable to do [9] that, that is, to give us an indication of [10] concentration in the California database?

[11] MR. SIEBEL: Objection, vague and [12] ambiguous. assumes facts not in evidence.

[13] THE WITNESS: Assuming that the [14] trace data used for the calculations I feel [15] that the calculations are reliable.

[16] BY MR. FENNEL:

[17] Q: You're making an assumption and I [18] want to know what that assumption is, [19] whether we can rely on this? What is the [20] assumption?

[21] A: The assumption is that the data [22] provided to me by Jerry Nunziato is

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[1] accurate.

[2] Q: And if it is accurate then your [3] concentration coefficients in your view are [4] reliable for the purpose for which you're [5] going to express this opinion, correct?

[6] A: Yes.

[7] MR. SIEBEL: Same objection.

[8] BY MR. FENNEL:

[9] Q: The third opinion that you said [10] you were going to offer was to impute [11] redacted data. I see that as a statistical [12] function, not necessarily an opinion?

[13] A: Right.

[14] Q: Is there any opinion you're going [15] to express other than the numbers themselves [16] in the estimation?

[17] A: Only that such a procedure can be [18] done and used if desired.

[19] Q: Have you used that estimation [20] procedure for any other purpose in [21] connection with this case?

[22] A: Not that I recall.

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[1] Q: Professor, is it your opinion that [2] any of the work product that you have [3] generated in tasks 1, 2 and 3 allow for the [4] identification of what I'll call bad [5] dealers, that is, dealers who are engaging [6] in improper or illegal practices?

[7] A: Not necessarily.

[8] MR. SIEBEL: Objection, compound, [9] vague.

[10] MR. FENNEL:

[11] Q: When you say not necessarily [12] explain what you mean by that.

[13] A: Referring to Task 2, the [14] concentration numbers, those measures can [15] help to identify FFL where they — high [16] number of traces. It does not conclude [17] whether the volume of traces reflects — and [18] I forget to word you used.

[19] Q: Bad practices.

[20] A: Bad practices.

[21] Q: I take it, Professor, you agree [22] with the notion that a high number of traces

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[1] does not necessarily mean that there has [2] been any illegal or improper conduct by that [3] FFL, correct?

[4] A: Yes, that's what I said.

[5] MR. SIEBEL: I'm objecting to the [6] vague and ambiguous question.

[7] MR. BUMANN: Brian, I can never [8] hear anything you say.

[9] MR. SIEBEL: Well, you're 40 feet [10] down at the end of the table.

[11] MR. JOYCE: We can hear the [12] witness and the court reporter.

[13] BY MR. FENNEL:

[14] Q: Professor, why don't we go to Task [15] 2 since we're on that issue and if you would [16] turn to Exhibits 4 and 4A. The worksheet, [17] exhibit 4A, do you see that?

it's — it gives (5) you an indication of where you might look (6) first, manageability. It doesn't (7) necessarily say that the reasons that caused (8) it or that it's good or bad.

(9) Q: Let's explore that. I was really (10) trying to find out if there was anything we (11) could derive of meaning from these (12) percentages?

(13) A: Yes, there is.

(14) Q: If I understand correctly you can (15) have a high percent that could be bad or it (16) could be good. Depends, correct?

(17) MR. SIEBEL: Objection, vague and (18) ambiguous. Go ahead.

(19) THE WITNESS: What do you mean, (20) good or — good or bad in terms of what?

(21) BY MR. FENNELL:

(22) Q: It could indicate you have a

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(1) problem downstream in your distribution (2) system or not?

(3) A: Right, yeah, right.

(4) MR. SIEBEL: Objection.

(5) BY MR. FENNELL:

(6) Q: You could have a low percent and (7) it could indicate that you have despite the (8) low percent either a good distribution (9) system downstream or a bad one, correct?

(10) MR. SIEBEL: Objection, vague and (11) ambiguous.

(12) THE WITNESS: You — the last (13) question you said problem. This time you (14) said good distribution stream and you're (15) changing the words you're using.

(16) BY MR. FENNELL:

(17) Q: You can have a high percentage, (18) high concentration coefficient, that may (19) indicate that you have a problem downstream (20) or it may not indicate that there was a (21) problem downstream. It doesn't indicate one (22) way or the other, correct?

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(1) MR. SIEBEL: Objection, vague and (2) ambiguous.

(3) THE WITNESS: It does not allow (4) you to conclude you have a problem.

(5) BY MR. FENNELL:

(6) Q: Same with a low percentage, that (7) doesn't mean you have no problem downstream, (8) correct?

(9) MR. SIEBEL: Same objection.

(10) THE WITNESS: You cannot conclude (11) that you don't have a problem.

(12) BY MR. FENNELL:

(13) Q: So whether it's zero percent, 10

(14) percent, or 100 percent we can't draw any (15) conclusion about whether you have from that (16) percentage a problem downstream?

(17) MR. SIEBEL: Objection, vague and (18) ambiguous.

(19) BY MR. FENNELL:

(20) Q: Correct? Is that correct?

(21) A: That in and of itself, no.

(22) Q: And as you suggest, and use my

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(1) hypothetical, you could have every one of (2) your dealers, Accu-Tek, if you take a look (3) at Exhibit 4, if every one of the dealers (4) listed for Accu-Tek 2 through 30 had —

(5) A: Excuse me. Are there more pages (6) to Accu-Tek — more rows to Accu-Tek?

(7) Q: No, this is it for Accu-Tek.

(8) A: Yes, you're right. I can tell (9) from the bottom.

(10) Q: If every dealer listed in column D (11) for Accu-Tek, and go over to column I, (12) instead of having the counts indicated in (13) column I all of them had 100 your (14) concentration coefficient would be zero, (15) correct?

(16) MR. SIEBEL: Objection, incomplete (17) hypothetical.

(18) BY MR. FENNELL:

(19) Q: Correct?

(20) A: If all these ones had 100 yes, the (21) statistic would be zero.

(22) Q: They could all have 1,000, each

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(1) one of them 1,000. That would be a (2) concentration coefficient of zero, correct?

(3) A: Yes.

(4) MR. SIEBEL: Same objection.

(5) BY MR. FENNELL:

(6) Q: Professor, if every one of the (7) dealers for Accu-Tek had the same rate of (8) trace, say, 1 percent trace rate —

(9) A: Define "rate."

(10) Q: Rate being number of traces over a (11) sales volume, so that if in fact there were (12) 100 sales and they sold 100 and one trace so (13) they had a 1 percent trace rate, assume that (14) every one of these dealers had the same rate (15) of trace but different sales volumes. You (16) would find, would you not, a different (17) number of traces in column I depending on (18) the sales volume, correct?

(19) MR. SIEBEL: Objection, incomplete (20) hypothetical.

(21) BY MR. FENNELL:

(22) Q: Correct?

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(1) A: Yes.

(2) Q: And indeed if you did your (3) concentration coefficient you would have (4) some percentage for that concentration (5) coefficient, correct?

(6) MR. SIEBEL: Same objection.

(7) THE WITNESS: Some nonzero (8) percentages?

(9) BY MR. FENNELL:

(10) Q: Some nonzero percentage?

(11) A: Yes.

(12) Q: Indeed, looking at Exhibit 4, if (13) the dealers in rows 2 through 24 had a 1- (14) percent rate, each sold 100 Accu-Tek (15) firearms, they would all have a trace count (16) of 1 as indicated here, correct?

(17) MR. SIEBEL: Objection, incomplete (18) hypothetical.

(19) THE WITNESS: Other than the (20) last — it's not indicated here.

(21) BY MR. FENNELL:

(22) Q: They would have a trace count of

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(1) 1, correct?

(2) A: Yes.

(3) MR. SIEBEL: Same objection.

(4) BY MR. FENNELL:

(5) Q: If you look at rows 25 and 26 (6) where they have a count of 2 it is possible (7) that they have a sales volume of 200, each (8) of those dealers, and the same rate, 1 (9) percent, correct?

(10) MR. SIEBEL: Same objection.

(11) THE WITNESS: Right.

(12) BY MR. FENNELL:

(13) Q: I'm having trouble hearing you (14) with the objection. Did you say right? I (15) didn't hear your answer, Professor?

(16) A: Let me make sure. You said if (17) each — may I short circuit this a little (18) bit?

(19) MR. SIEBEL: I just think the (20) problem is I'm just trying to get the (21) objection in between your question and his (22) answer and so occasionally I overspeak

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(1) Mr. Fox or you and I apologize. I'm just (2) trying to get it balanced out.

(3) THE WITNESS: Why don't you ask it (4) again?

(5) BY MR. FENNELL:

(6) Q: And I think you're headed the same (7) way I am. Maybe we can short-circuit this. (8) The differences in the numbers in column I (9) could be explained by the differences in (10) sales volumes, could they not?

(11) MR. SIEBEL: Same objection.

[12] THE WITNESS: Part of the [13] differences could be explained by sales [14] volume.

[15] BY MR. FENNELL:

[16] Q: Theoretically all of the [17] differences could be explained by sales [18] volume, correct?

[19] MR. SIEBEL: Same objection.

[20] THE WITNESS: In theory they could [21] call.

[22] BY MR. FENNELL:

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[1] Q: Have you done anything, Professor [2] Fox, to determine whether the differences [3] for any of the manufacturers on your Task 2 [4] the differences in their dealers are [5] explainable by differences in their sales [6] volumes?

[7] MR. SIEBEL: Same objection.

[8] THE WITNESS: Not having sales [9] volume, I could not have done that.

[10] BY MR. FENNELL:

[11] Q: Pull out Exhibit 10. It's in the [12] large stack of materials to your left.

[13] A: What's the title.

[14] Q: "Comprehensive Firearms Tracing: [15] Strategic Tracing on Firearm Markets."

[16] A: Tab 10 or Exhibit 10?

[17] Q: Exhibit 10. Unfortunately the [18] tabs don't correspond with the exhibits. Is [19] this one of the documents you were relying [20] on in connection with this case?

[21] MR. SIEBEL: Objection, vague and [22] ambiguous.

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[1] THE WITNESS: It is one that I [2] read and found helpful.

[3] BY MR. FENNELL:

[4] Q: If you will turn to a page 301 in [5] that article, Exhibit 10, at the bottom, [6] last paragraph beginning, "The concerns," do [7] you see that?

[8] A: Yes.

[9] Q: Would you read just the first two [10] sentences into the record?

[11] A: Sure. "The concerns about using [12] trace data to implicate FFLs begin with the [13] possibility that the concentration of trace [14] data may simply reflect the concentration of [15] sales. If the FFLs sales volume tends to be [16] proportionate to the number of traces then [17] it would be unfair or at least inefficient [18] to use trace data as a basis for singling [19] out certain FFLs."

[20] Q: And do you agree with that [21] statement?

[22] MR. SIEBEL: Objection.

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[1] THE WITNESS: Well, there's lots [2] of "if's" here.

[3] BY MR. FENNELL:

[4] Q: I understand. Do you agree with [5] the statement?

[6] A: Yes, if their presumptions are — [7] to the extent the "if's" in the hypotheticals [8] are valid, yes.

[9] Q: What you're saying is you don't [10] know what the sales volume is so you don't [11] know whether it's proportional, correct?

[12] MR. SIEBEL: Objection, compound, [13] vague and ambiguous.

[14] BY MR. FENNELL:

[15] Q: Correct?

[16] A: I cannot testify if the trace [17] volumes that I identified are at all [18] proportionate.

[19] Q: You didn't identify any trace [20] volumes?

[21] A: Trace volumes?

[22] Q: Oh, trace volumes. I'm talking

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[1] about sales volumes. With the caveat that [2] you don't know what the sales volumes are do [3] you agree with the statement set forth in [4] page 301 of the article by Cook and Braga?

[5] MR. SIEBEL: Objection, vague.

[6] THE WITNESS: Which sentence?

[7] BY MR. FENNELL:

[8] Q: The two sentences you read into [9] the record.

[10] MR. SIEBEL: Same objection.

[11] THE WITNESS: I — well, if I'm [12] not — having read other materials and other [13] studies I find the presumption that sales [14] volumes being proportion to the number of [15] traces may not be a valid assumption.

[16] BY MR. FENNELL:

[17] Q: That may be true but the statement [18] says if. Do you agree with the statement as [19] made?

[20] A: If it's proportion — well, I'm [21] not sure what "unfair" means. I'm not going [22] to characterize fair and unfair. I wouldn't

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[1] use the word "unfair" but it does — can I [2] paraphrase what I would say from this or — [3] maybe I won't. I'll just say that given the [4] rigid assumption they make in this sentence [5] that it would — that it may be unfair — I [6] wouldn't say would be but may be unfair to [7] single out certain FFLs.

[8] Q: If you would turn to Exhibit 71.

[9] A: Shall I keep this out?

[10] Q: Yes, I think we may go back to [11] that. Exhibit 71 may not be in that stack. [12] It was the one you gave me today of the [13] material.

[14] MR. FENNELL: Let's go ahead and [15] take the break and we'll find 71 for you.

[16] (Recess)

[17] BY MR. FENNELL:

[18] Q: Professor Fox, we've located [19] Exhibit 71. I think you've previously [20] described that your assistant had prepared [21] the summary of Cook and Bragga's article. [22] Is that correct?

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[1] A: Yes.

[2] Q: And you reviewed that, correct?

[3] A: I read this, yes.

[4] Q: If you go to the second to the [5] last page, in her summary under trace data [6] as an investigative tool she has set forth [7] here, has she not, in the second paragraph [8] the exact same statement you just read from [9] Braga, correct?

[10] A: It appears that way.

[11] Q: Professor Fox, when you said in [12] qualifying that statement that appears in [13] the Braga article that instead of saying [14] that it would be unfair that it may be [15] unfair is that dependent on knowing what the [16] sales volumes are in order to conclude [17] whether it's unfair?

[18] MR. SIEBEL: Objection, undefined [19] terms, vague and ambiguous, assumes facts [20] not in evidence.

[21] THE WITNESS: I'm not in a [22] position to say what is fair or unfair and

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[1] therefore I can't endorse their statement [2] about fairness.

[3] BY MR. FENNELL:

[4] Q: At least without seeing sales [5] volumes?

[6] MR. SIEBEL: Same objection.

[7] THE WITNESS: Even with sales [8] volumes I may not be able to say that so I'm [9] not going to say fair or unfair.

[10] BY MR. FENNELL:

[11] Q: Is it your opinion that it is fair [12] to make the kinds of comparisons that you [13] have and to draw the conclusions that you [14] have from, like, the worksheet defendant [15] manufacturer in comparing those dealers [16] without know what the sales volumes are for [17] those dealers listed in column B?

[18] MR. SIEBEL: Same objection.

[19] THE WITNESS: I don't see it as [20] unfair. I'm only talking about trace [21] concentrations, not sales concentrations.

[22] BY MR. FENNELL:

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ARCADIA MACHINE & TOOL et al*

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they [10] want to do business with. You can't in this [11] hypothetical say what the numbers will come [12] out to be.

[13] BY MR. FENNEL:

[14] Q: I'm assuming the numbers will be [15] are just as they are in Exhibit 4?

[16] A: I can't assume that, not if you [17] all of a sudden change their business [18] structure. They're not going to necessarily [19] come out the way you want it to be.

[20] Q: I'm assuming two hypotheticals, [21] Professor. It seems pretty obvious to me [22] but we'll wait and do it another time?

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[1] A: Those two hypotheticals I have no [2] difficulty with but then you want to bring [3] Accu-Tek and their active decision-making as [4] to how to pattern their business and say [5] well, if I'm smart, I think you said or [6] something like that, then maybe I should be [7] better off doing this as opposed to that. [8] But you don't have — they don't have the [9] hypotheticals under their control. They [10] have — what distributors they use is under [11] their control but not how the trace counts [12] will come out.

[13] Q: And they certainly have, as you [14] said, the discretion to choose the number of [15] distributors they use, correct?

[16] A: I would assume so.

[17] Q: Yesterday we talked with Task 2, [18] same exhibit, Professor, about the fact that [19] there may be certain missing data. And the [20] one area I forgot to ask you in the area of [21] missing data relates to counts of traces for [22] the identified dealers that are outside of

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[1] California. If you look at column I by [2] definition the counts of traces in column I [3] are only trace counts for dealers that [4] appear in the California database, correct?

[5] A: Correct.

[6] Q: And we talked about yesterday [7] other traces in California but what about [8] other traces for these dealers outside of [9] California? Would it be appropriate to [10] include them? Do you need an example or do [11] you understand?

[12] A: No, I understand. It would be a [13] nice — it would be desirable to do a [14] concentration analysis nationally though the [15] redacted data make that difficult. This is [16] a concentration analysis for California.

[17] Q: Or for some part of California?

[18] A: Yeah.

[19] Q: My question, though, is whether if [20] you're going to really attempt to find out [21] how your dealers stack up in

terms of traces [22] and whether that's an indication of some

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[1] issue of their conduct wouldn't you want to [2] see all traces for that dealer, not just [3] those limited to certain cities in [4] California?

[5] A: I'm not — this analysis is not a [6] road map for specifically identifying moves [7] that might be made. This is a model, an [8] example, an illustration of what can be [9] done. And should a manufacturer decide to [10] do this kind of analysis for all of its [11] dealers and distributors and obtain data not [12] just in California and not just for [13] California traces but traces nationally that [14] would be highly recommended for them to do [15] and they can do it. Given the data [16] availability and redacted nature of the ATF [17] all I can focus on here is concentration in [18] the records in column I.

[19] Q: I just want to understand, [20] Professor. So you would not recommend [21] Accu-Tek move against these last five or six [22] dealers based on the data available to you

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[1] in this analysis, correct?

[2] A: I would recommend them doing on [3] analysis like this and expand the data if [4] they can. And if they can't, if this were [5] all that's available, then I still would — [6] as we talked about yesterday, nothing better [7] were available it would not be misleading to [8] look here first.

[9] Q: And how would you know whether it [10] was misleading until you considered all of [11] the missing data?

[12] MR. SIEBEL: Objection, this was [13] covered at length yesterday.

[14] MR. FENNEL: No, this is missing [15] data we didn't talk about yesterday.

[16] BY MR. FENNEL:

[17] Q: How do you know whether this was [18] misleading to Accu-Tek without having all of [19] the missing data or accounting for all the [20] missing data in some way?

[21] A: This analysis doesn't say why the [22] trace numbers are high for these FFLs. It

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[1] doesn't conclude that there is wrongdoing. [2] It leads, not misleads, it leads Accu-Tek [3] into a potential area where they may decide [4] to monitor what is happening and why are [5] these high — why is this high volume of [6] tracing occurring.

[7] It's not misleading them. It's [8] pointing out a potential concern. It's [9] pointing out an area where they may

examine [10] further. If they had national data there [11] may be other places they could look, perhaps [12] even FFLs that don't do much business in [13] California.

[14] Q: Maybe these FFLs wouldn't stand [15] out if you looked at the national data?

[16] A: Don't know.

[17] Q: Some have referred to it as the [18] scientific method, and you may refer to it [19] differently and I don't want to be hung up [20] on terminology, to look at differences in [21] counts like what you have in Exhibit 4, say, [22] for example, row 24, Weatherby, and row 25,

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[1] Ellett Brothers. You have one count for [2] Weatherby and if I'm reading correctly two [3] counts for Ellett Brothers. Do you see [4] that?

[5] A: Yes.

[6] Q: Isn't the first step in the [7] inquiry to determine whether that is a true [8] difference as opposed to a difference by [9] reason of chance? That's step one?

[10] A: No, you don't necessarily examine [11] every single piece of data. You look at the [12] overall picture which is what this is doing. [13] It recognizes that these counts can mean, as [14] we discussed, different things but what [15] we're looking at is an overall pattern, not [16] a comparison of one row versus another row.

[17] Q: Would you agree that the [18] difference between Weatherby and Ellett [19] Brothers for this period of time in column [20] could be due to chance, that it may in the [21] next period of time be just the opposite?

[22] A: Yes.

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[1] Q: So we don't know whether the [2] difference between 1 and 2 between these two [3] dealers is real or just part of the random [4] nature of the world, correct?

[5] A: That's why we look at more than [6] just two cases.

[7] Q: But that's true for these?

[8] A: It's true for virtually everything [9] in research that any two observations it's a [10] certain role that chance plays. I mean, it [11] could be that there's still criminal [12] activity. It could be that there's criminal [13] activity that's not being uncovered and they [14] might swap positions and I think I talked [15] about that yesterday and I pointed out — we [16] focused on the 3 and the 4, remember that? [17] And you said what happens if it's 4 and 3 [18] and I said the concentration would stay [19] unchanged because it just happened to be [20] that they swapped places but in the

overall (21) analysis you're looking for a general (22) pattern and there is a clear general

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(1) pattern, not just in this — among Accu-Tek (2) but among the other manufacturers.

(3) Q: Professor, the second step, isn't (4) it that you decided that there's a real (5) difference between, say, Weatherby and (6) Ellert Brothers or between Hawthorne, which (7) is row 28, and Nancy & Kathryn, row 30, (8) which is 7? Isn't the second step to (9) investigate what may explain those (10) differences and to rule out those factors (11) that are not of interest?

(12) MR. SIEBEL: Objection, (13) mischaracterizes his testimony.

(14) MR. FENNEL: He's testified on (15) this.

(16) MR. SIEBEL: He didn't agree what (17) the first step was.

(18) BY MR. FENNEL:

(19) Q: Isn't the second step if you see a (20) real difference to investigate what that (21) difference is and try to determine the (22) causes of those differences?

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(1) A: We discussed that yesterday and we (2) talked about sales volume could be one and (3) that this gives — this analysis or another (4) analysis like it using more data would give (5) an indication of where a manufacturer might (6) look in order to determine the reasons. I'm (7) not concluding here what the reasons are. (8) I'm only describing the extent of (9) concentration.

(10) Q: So your view was it was not your (11) job as the statistician to identify what the (12) potential causes or reasons were and to (13) eliminate those that may have nothing to do (14) with wrongdoing? Is that correct?

(15) MR. SIEBEL: Objection, covered (16) yesterday at length.

(17) BY MR. FENNEL:

(18) Q: Is that correct?

(19) A: My job is to identify (20) concentration. I cannot discern from these (21) data, and it wasn't my job to do it or my (22) objective to do it, to ascribe it to

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(1) wrongdoing or not wrongdoing.

(2) Q: Or to ascribe any reasons to (3) explain any of the differences?

(4) A: We discussed some yesterday.

(5) Q: What was your job, to try to (6) explain the differences between the numbers (7) you saw when you did these

calculations?

(8) A: No.

(9) Q: Your job, however, as I recall it, (10) as you just said, was to ascertain if there (11) was a trace concentration in the California (12) database? That was your job?

(13) MR. SIEBEL: Objection. Again, (14) we've covered this.

(15) BY MR. FENNEL:

(16) Q: I think that's what you just said?

(17) A: Not quite. My objective — let's (18) use the word "objective" rather than "job." (19) My objective is to determine — is to — (20) using these data to discern whether there is (21) concentration hoping to illustrate the kind (22) of analysis that can be performed by any —

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(1) well, by myself or others using these data (2) or similar data in order to provide a — (3) some guidance on where you might — on where (4) you'd find high trace volume dealers but not (5) to conclude the reasons for those high trace (6) volumes.

(7) Q: You did not testify that it was (8) your objective in Task 2 to ascertain if (9) there was trace concentration in the (10) California database?

(11) A: In this database, yes.

(12) Q: That was your objective?

(13) A: Part of the objective but then to (14) as to illustrate what can be done. I think (15) we talked about that yesterday as well. I'm (16) not saying this is the absolutely positively (17) definitively extent of the concentration in (18) criminal activity linked to FFLs. It's the (19) concentration of these traces.

(20) Q: In this database whatever data you (21) have, correct?

(22) A: Correct, that's part of the

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(1) objective, the other part being to (2) illustrate what can be done with other (3) databases.

(4) Q: I think you concluded based on (5) your analysis that there was concentration (6) in the California database?

(7) A: In the California combined (8) database.

(9) Q: Professor, I think you did (10) conclude based on your work in Task 2 that (11) indeed there was a concentration of traces (12) in the California database, correct?

(13) A: Yes.

(14) Q: If in fact on your Exhibit 4A (15) under the column "Concentration" every one (16) of those had been zero percent would your (17) conclusion have been that there is no trace (18) con-

centration in the California database?

(19) MR. SIEBEL: Objection, you went (20) over this at length yesterday.

(21) THE WITNESS: If these all were (22) zero I would then say that in this database

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(1) there was no concentration in trace volume.

(2) BY MR. FENNEL:

(3) Q: Say they were all 10 percent. (4) What would your conclusion be then? Is (5) there a concentration in the California (6) trace database?

(7) MR. SIEBEL: Objection, what do (8) you mean, 10 percent? You're saying 10 (9) percent is the concentration number?

(10) BY MR. FENNEL:

(11) Q: Do you understand the question, (12) Professor?

(13) A: Yes. I'll ask you back are you (14) saying if all those numbers are 10 percent (15) in the far right column?

(16) Q: Yes, in the concentration column?

(17) A: Then I would say that they are (18) relatively minimal amount of concentration.

(19) Q: How about 20 percent, are we (20) concentrated now?

(21) A: As I said — as we discussed (22) yesterday when you wanted to pin me down to

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(1) a 25 percent number is I can't give you a (2) standard for what would be a high-level (3) concentration, medium-level. We know zero (4) is no concentration, virtually almost (5) impossible to achieve because of randomness, (6) that I would be also unlikely. If you only (7) have one dealer and that was all the traces (8) you'd get one but in between there are just (9) varying degrees of concentration and I (10) cannot prescribe to you a standard without (11) discerning the number of dealers you're (12) talking about so I could then say something (13) about the extent of randomness and what you (14) could expect based on randomness.

(15) Q: Yesterday I think you testified, (16) Professor, that you adapted this (17) concentration coefficient calculation from (18) the index that's used in economics?

(19) A: A similar concept. I said that.

(20) Q: But the originator of developing (21) it or adapting it for use outside the field (22) of economics, right?

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(1) A: Yes.

(2) Q: And you were the first to apply it (3) outside the field of economics?

19

EXHIBIT "19"

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12
13
14 SUPERIOR COURT OF CALIFORNIA
15 COUNTY OF SAN DIEGO

16 Coordination Proceeding Special Title (Rule 1550(b))) JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4095
17 FIREARM CASE) San Francisco Superior Court No. 303753
18 Including actions:) Los Angeles Superior Court No. BC210894
19 *People, et al. v. Arcadia Machine & Tool, Inc., et al.*) Los Angeles Superior Court No. BC214794
20 *People, et al. v. Arcadia Machine & Tool, Inc., et al.*) DECLARATION OF GERALD A. NUNZIATO IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT MANUFACTURERS' MOTION FOR SUMMARY JUDGMENT
21 *People, et al. v. Arcadia Machine & Tool, Inc., et al.*) Date: March 7, 2003
22) Time: 8:30 a.m.
23) Dept: 65

Hon. Vincent P. DiFiglia

24
25
26
27 **REDACTED VERSION OF DOCUMENT ORIGINALLY FILED UNDER SEAL**
28

1 I, Gerald A. Nunziato, declare as follows:

2 1. I have firsthand knowledge of the facts set forth in this declaration and, if called upon
3 to do so, could and would competently testify truthfully with respect to these facts.

4 2. I served as a law enforcement agent (special agent) for the United States Department
5 of Treasury, Bureau of Alcohol, Tobacco and Firearms (ATF) from July 1970 to January 1999.
6 During my tenure, I worked to reduce crime, including by using a firearms tracing system to locate
7 the sources of guns used in crime.

8 3. I was an ATF Special Agent field criminal investigator from 1970 to 1984, stationed
9 in Detroit, Michigan; Youngstown, Ohio and Miami, Florida. During this period, I used the results
10 of hundreds of crime gun traces in criminal investigations to trace crime guns to their sellers and
11 purchasers. My duties included working with local law enforcement agencies, assisting in criminal
12 investigations. I was selected to represent ATF on the Vice President's Task Force in Southern
13 Florida to combat violent crime where I was assigned to the firearms trafficking squad and was
14 responsible for investigating individuals suspected of trafficking firearms to Northern states or to
15 South America. I was also assigned to a violent crime task force. I was promoted and transferred
16 to ATF District Office in Cleveland, Ohio where I worked from 1984 to 1985. My duties then
17 included supervising a group of special agents, acting as an operations officer working directly with
18 for an ATF manager and reviewing requests from agents for authorization to investigate firearm
19 dealers or to attend gun shows.

20 4. In 1985, I was promoted and transferred to ATF headquarters in Washington, D.C.
21 and was appointed ATF's Senior Tactical Operations Officer, specializing in testing and maintaining
22 ATF surveillance equipment. In 1990, I was again promoted to Program Manager for Firearms
23 Interdiction and was responsible for monitoring the ATF program of tracing firearms recovered in
24 foreign countries. Based on my experience in the field and using trace data, I developed ATF's first
25 national computerized system for recording firearms trafficking data and compiled this data in a
26 usable format to be sent to our field offices for use in their investigations.

27 5. In October 1991, I was appointed head of ATF's National Tracing Center (NTC). My
28 duties included managing a government workforce of 55 individuals and a contracted workforce of

1 200 individuals. In this position I oversaw all aspects of the National Tracing Center and the ATF's
2 firearms tracing system and implementation of ATF's policies. I was involved in developing,
3 maintaining and using the Firearms Tracing System, including responding to requests for trace data
4 from ATF field agents and the law enforcement community. I met with firearm industry
5 representatives to discuss the tracing process and the impact it had on their industry. I had the
6 responsibility for acquiring and maintaining firearm acquisition and disposition records of firearm
7 dealers that discontinued business and the authority to meet with law enforcement agencies and set
8 policies and procedures for tracing firearms.

9 6. Based on my experience as an ATF agent heavily involved in developing ATF trace
10 data, I knew that crime gun trace data could prove highly useful in initiating and solving criminal
11 investigations. Thus, I used my authority to change policies I believed limited the effectiveness of
12 crime gun trace data to law enforcement. I changed the enforcement perspective from one of merely
13 tracing crime guns to support a single local investigation to comprehensive tracing that could be
14 analyzed to identify national crime gun trafficking patterns. As a result of this change in policy, the
15 number of crime gun trace requests processed by ATF increased dramatically during my tenure.
16 During my last year at the NTC, over 200,000 trace requests were processed.

17 7. I retired from the ATF on January 2, 1999. I am currently Vice President of Crime
18 Gun Solutions, LLC, a company devoted to assisting law enforcement in the collection,
19 management, analysis, and dissemination of crime gun information. My curriculum vitae is attached
20 to the Notice of Lodgment filed herewith ("NOL") as Ex. 14.

21 8. This declaration contains my analyses and conclusions as they relate to defendants'
22 motions for summary judgment. Should these actions go to trial, I may supplement these analyses
23 and conclusions.

24 THE TRACING PROCESS

25 9. The purpose of firearms tracing is to obtain as much information about recovered
26 crime guns as possible, including their distribution and sale. State or local law enforcement uses the
27 tracing process to learn more about the origins of guns recovered at crime scenes and to help solve
28 crimes. Tracing is also used by law enforcement to identify sources of illegal diversion of guns to

1 the underground criminal market, by tracking sales patterns of traced guns and using time-tested
2 indicators of gun trafficking and diversion. ATF only traces crime guns, which are defined as any
3 firearm that is illegally possessed, used in a crime, or suspected of being used in a crime.

4 10. When a gun is traced, law enforcement provides ATF with information about the gun
5 in question, including its make, model, and serial number, which is the only information required
6 and necessary to trace a firearm. Law enforcement also provides information about the dates and
7 circumstances of recovery, the address or location where the gun was recovered, who it was
8 recovered from, including the ages and addresses of possessors and/or associates, an initial
9 assessment of the crime(s) the gun is associated with, and the law enforcement agencies and officers
10 involved. Law enforcement is also instructed to submit the same information on firearms with
11 obliterated serial numbers. Armed with this information, ATF conducts the trace by first checking
12 its out-of-business and multiple sale records to see if a retail purchaser of the gun can be identified.
13 In most cases, this data is not sufficient to complete the trace. For the vast majority of traces, ATF
14 must contact the manufacturer or importer of the gun to determine when and to whom the firearm
15 was sold. (In recent years, ATF has been able to do this electronically, through a computer system
16 it set up with many manufacturers and distributors called Access 2000. Each industry member that
17 uses Access 2000 can also quickly learn which of its firearms ATF has traced.) ATF then contacts
18 each federally licensed distributor or dealer, in turn, who acquired the firearm to determine when
19 and to whom they sold it until this process identifies the first non-licensed retail purchaser or
20 otherwise reaches a dead end. Because information concerning the sale of a gun from a
21 manufacturer to a distributor, dealer and retail purchaser is in the possession of the entities in the
22 distribution chain, ATF must contact the manufacturer, distributor and dealer of a crime gun to
23 obtain this information when conducting a trace.

24 11. As ATF acquires information regarding the commercial distribution path of the traced
25 gun, it enters this data, along with the data received from the requesting law enforcement agency,
26 into a National Trace Database. In addition to the fields described above, ATF enters information
27 regarding the sales history of the firearm, including the dates of sale, the address and license number
28 of the parties who received and/or sold the gun, and a completion code which provides additional

1 information about the trace. (Occasionally, the same dealer will be involved more than once with
2 the commercial distribution path of the same firearm, if they sold it between outlets, for example,
3 or reacquired it.) Upon completion of the trace, the trace information is returned to the law
4 enforcement agency which initiated the trace, and that agency is urged to correct any errors they may
5 find in the data and forward those corrections to the NTC.

6 12. The distribution chain uncovered by a trace is sometimes incomplete. Traces can be
7 incomplete if a police department sends the NTC incomplete information, such as a missing or
8 incorrect serial number. NTC would then follow up to obtain corrected information. Traces may
9 also be incomplete if a firearms dealer has not maintained required records listing to whom it
10 transferred the gun. Additionally, records of firearm sales end once a consumer purchases the gun,
11 so any future sales are not recorded and thus cannot be traced by law enforcement through ATF's
12 tracing system. Nonetheless, even incomplete ATF tracing data can be used, and was used by ATF,
13 to analyze how guns are being diverted into the underground market.

14 I. THE VALUE OF ATF TRACES

15 13. The value of ATF traces is enormous. First, it is important to remember that every
16 gun that is traced is part of a criminal investigation and is referred to by ATF as a crime gun. This
17 fact is well known by gun manufacturers, distributors and dealers. ATF frequently sends bulletins
18 that inform dealers, including manufacturers, that traced guns are involved in crimes. ATF National
19 Tracing Center (NTC) employees who visited major manufacturers and distributors to discuss the
20 tracing process and to cultivate cooperation during the 1990s would reiterate this fact. Also, as a
21 part of every crime-gun trace, ATF advises manufacturers directly that the gun being traced is
22 involved in a criminal investigation. {

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24 }

25 14. Second, traces can be analyzed to show tracing patterns and gun trafficking indicators
26 associated with FFLs. For example, in *Commerce in Firearms* (NOL, Ex. 49), ATF spelled out a
27 number of trafficking indicators: "multiple crime guns traced to an FFL or first retail purchaser;
28 short time-to-crime for crime guns traced to an FFL or first retail purchaser; incomplete trace results,

1 due to an unresponsive FFL or other causes; significant or frequently reported firearms losses or
2 theft by an FFL; frequent multiple sales of handguns by an FFL or multiple purchases of firearms
3 by a non-licensee, combined with crime gun traces; [and] recovery of firearms with obliterated serial
4 numbers." *Id.* at 22. Each of these indicators can be discerned by looking at various ATF tracing
5 or multiple sales data.

6 15. When I served as head of the NTC in the 1990s, I analyzed tracing data and observed
7 a trend in the results of tracing queries showing that a small group of Federal firearms licensees
8 appeared to be associated with most of the crime gun traces. Based on my experience and analysis
9 of tracing data, it was clear to me that the tracing of even two crime guns to a single Federal firearms
10 dealer was a significant indicator of gun trafficking. My conclusions were later validated by
11 research studies conducted on the tracing data. For example, in 1993, ATF solicited the U.S.
12 Military to assist on several projects to determine the feasibility of using military civilian personnel
13 to analyze crime related information. Navy researcher Dr. Walter R. Nunn, an expert in smuggling
14 and economics, reviewed the tracing data and reached conclusions similar to mine. As a result of
15 Dr. Nunn's comments, I sought other researchers to analyze the tracing data. Through grants
16 provided by ATF and the U.S. Justice Department's National Institute of Justice, several papers were
17 written on the benefits of crime gun trace data. One such report, known as "Northeastern University
18 One," confirmed that only a small number of federally licensed dealers were responsible for a
19 majority of the crime guns sold in the United States. See Glenn L. Pierce, *The Identification of*
20 *Patterns in Firearms Trafficking: Implications for Focused Enforcement Strategies* (Northeastern
21 University). NOL, Ex. 75. ATF has published numerous other reports and studies showing how the
22 patterns of crime gun traces are linked to the problems of gun trafficking and the diversion of
23 firearms from FFLs into the underground market. See Vince Declaration, Appendix A.

24 16. The analytical use of tracing data expanded tremendously during the 1990s as ATF
25 began to convince more and more law enforcement jurisdictions of the value of comprehensive
26 crime gun tracing. In 1996, ATF established the Youth Crime Gun Interdiction Initiative (YCGII)
27 to use comprehensive ATF tracing to "follow the gun" for *every gun* used in crime in major U.S.
28 cities. So far, at least fifty cities across the country have agreed to participate in this program with

1 the goal of tracing all crime guns recovered in these cities, with more cities expected to join in the
2 future. See Bureau of Alcohol, Tobacco and Firearms, *Youth Crime Gun Interdiction Initiative,*
3 *Crime Gun Trace Reports (2000)*. NOL, Ex. 56. In turn, ATF publishes yearly reports analyzing
4 the data received from these cities to identify national and city-specific trends involving crime-guns
5 to help these cities combat firearms trafficking and firearm-related violent crimes. Several cities in
6 California have participated in the program over the years, including Anaheim/Long Beach/Santa
7 Ana, Inglewood, Los Angeles, Oakland, Salinas, San Jose, and Stockton. See NOL, Exs. 40, 47,
8 48, 52, 56 (1997-2000 YCGII reports).

9 17. In the early 1990s, I oversaw the creation and development of a software program
10 called Project LEAD, and its later version Online LEAD, that would enable ATF agents to view
11 regional crime gun trace data on personal computers across the country to develop leads for
12 trafficking investigations. The law enforcement community throughout the United States was also
13 trained during the 1990s in how to utilize crime gun tracing. At my direction and using lesson plans
14 approved by me, a team of NTC employees visited over 50 cities to conduct seminars for federal,
15 state and local law enforcement agencies on the value of comprehensive crime gun tracing. Over
16 6,000 police officers attended these seminars.

17 18. At the same time, it was necessary to solicit the cooperation of the Federal firearms
18 dealers because the new NTC policies increased their workload. I represented both ATF and the
19 NTC at three major firearms trade shows or industry meetings a year to explain why the number of
20 requests for firearm disposition information would be increasing to assure them that the trace
21 requests were to support criminal investigations. The meetings were held at the annual S.H.O.T
22 (Shooting, Hunting, Outdoors, and Target) Show sponsored by the National Shooting Sports
23 Foundation (NSSF), at the annual firearm manufacturers' trade show in Tampa, Florida, and at
24 seminars at ATF Headquarters sponsored by ATF for major manufacturers, distributors and large
25 retail dealers. My presentations described how ATF works with local police agencies to trace crime
26 guns and works to stop the diversion of firearms to criminals and the underground firearms market.
27 In addition, I conducted seminars for law enforcement officers with the International Association
28 of Chiefs of Police (IACP) as well as members of the firearms industry to discuss the value of crime

1 gun tracing. The industry was invited to help develop greater cooperation between industry and
2 ATF in efforts to reduce firearm diversions to the underground market.

3 19. One of the key areas of cooperation that ATF, the United States Department of
4 Treasury, and the United States Department of Justice, sought from the firearm industry was
5 industry use of the ATF tracing data to self-police their distribution systems. The federal agencies
6 made it clear to gun industry members that firearms tracing information may be obtained and used
7 by gun manufacturers and distributors to identify the sources of firearms traced to crime. The
8 agencies also urged gun manufacturers and distributors to modify their business practices
9 accordingly to reduce the number of guns being trafficked into the illegal firearms market. For
10 example, in a February 4, 2000 ATF Press Release concerning ATF's report *Commerce in Firearms*
11 *in the United States* (NOL, Ex. 55), Treasury Secretary Lawrence H. Summers stated that ATF will
12 be "[p]roviding the firearms manufacturers and importers, upon request, a list by serial number of
13 the firearms they sold that were traced as crime-guns during the previous year. This will enable the
14 manufacturers and importers to police the distribution of the firearms they sell." A Department of
15 Justice report also urged the firearm industry to take active steps to police its own distribution chain
16 to reduce the illegal supply of guns. See Department of Justice, *Gun Violence Reduction: National*
17 *Integrated Firearms Violence Reduction Strategy* at 6-7, 34. NOL, Ex. 54. While I was head of the
18 NTC throughout the 1990s, I offered to make available to FFLs, including manufacturers, complete
19 trace data for all of the guns they had sold that had ever been traced by law enforcement – including
20 dealer and distributor names that are now withheld from the public – for the purpose of having them
21 take action to reduce the number of guns traced to crime. Some FFLs asked me for such trace
22 information and I did in fact provide trace data to them.

23 20. Gun manufacturers and distributors do not need to depend on ATF's willingness to
24 share information to curb the diversion of firearms from their distribution networks, however. Aside
25 from using tracing data that ATF has agreed to share with the gun industry, or is publicly available
26 through FOIA, gun manufacturers and distributors could obtain significant trace information from
27 within their own distribution networks, by simply requiring partners who sold their guns to
28 periodically report trace information back up the chain of sale. Information could include, for

1 example, the number of trace requests received, a calculation of the time between sale and the
2 receipt of a trace request (*i.e.*, the time to crime), the number of traced guns the FFL could not
3 provide disposition information for to ATF, data on gun thefts from the FFL, and whether any
4 enforcement actions had been instituted by any government or law enforcement agencies. Such data
5 would in many ways be more complete than the data, described below, that ATF provided various
6 plaintiff California jurisdictions.

7 21. More importantly, if defendants were to gather and analyze this data, they could use
8 it to impose a simple standard upon the companies that sell their guns: "*If you want to be a seller*
9 *of our handguns, you cannot be linked to significant indicators of gun trafficking or diversion.*"
10 Had defendants implemented such a standard of doing business, it would have significantly reduced
11 the supply of new handguns into the underground market in California.

12 II. THE DATABASES

13 22. I obtained from plaintiffs a number of ATF databases to analyze patterns of crime
14 gun diversion into California.⁴ I will describe the databases first, then the profiles and other
15 spreadsheets I prepared from the data, and finally some conclusions I can draw from the profiles.

16 ATF FOIA National Trace Database

17 23. ATF traces are recorded in a National Trace Database maintained by ATF. This
18 database contains records for approximately 1.5 million firearms traced since between 1988 and
19 2001. Roughly two thirds of these traces were conducted in the last five years (1997-2001), yet
20 critical information regarding FFLs is redacted during this period. Overall, approximately 76% of
21 all national traces are handgun traces, for a total of more than 1.1 million handgun traces between
22 1988 and 2001.

23 24. Throughout the 1990s, ATF traced more and more firearms each year, in the
24 following approximate amounts:

- 25 ○ 1988 – 54 traces
- 26 ○ 1989 – 10,566 traces
- 27 ○ 1990 – 37,179 traces
- 28 ○ 1991 – 42,316 traces
- 1992 – 45,047 traces
- 1993 – 54,672 traces
- 1994 – 82,992 traces

1 from 1995 through the present. ATF provided some of these jurisdictions with certain information
2 pursuant to the Gun Control Act of 1968. The data provided is unredacted for the crime gun traces
3 that are included, but the data does not provide information on all of the crime guns recovered in
4 California and traced by ATF during the time period in question. Instead, it includes data on 35,108
5 firearms recovered in crime in California and traced between January 1995 and December 2001.
6 For purposes of identification, I will call this the "Combined California Trace Database."

7 29. I have prepared a chart, included as NOL, Ex. 15, to explain the data that ATF
8 provided to California jurisdictions versus the data that was not provided. The chart was prepared
9 by comparing guns known to have been recovered in California and traced in the ATF FOIA
10 National Trace Database against guns included in the Combined California Trace Database. Given
11 the different time periods involved in the two databases, 1988-2000 for the National FOIA data, and
12 1995-2001 for the Combined California data, I identified four different totals.

- 13 o 80,293 = National FOIA 1988-2000 total California traces
- 14 o 71,197 = National FOIA 1995-2000 total California traces
- 15 o 25,203 = Combined California traces 1995-2000
- 16 o 35,108 = Combined California traces 1995-2001

17 30. Accordingly, during the time period 1995-2000, ATF provided the California
18 jurisdictions only 25,203 out of 71,197 ATF crime gun traces of guns recovered in crime in
19 California. In addition, a significant number of recovered crime guns may have been traced by
20 California law enforcement using only California sales data maintained by the California
21 Department of Justice, without the trace being sent to ATF. These numbers would not appear at all
22 in my chart. Thus the trace counts associated with manufacturers, distributors, and dealers in the
23 profiles described below are a significant undercount of the real problems associated with these
24 FFLs.

25 31. Had defendant manufacturers and distributors gathered trace information from within
26 their own distribution systems, that data would in many ways be more complete than the Combined
27 California Trace Database, as it would include the real trace counts associated with each FFL linked
28 to the defendants in these actions.

1 **Multiple Sales and the Multiple Sale Database**

2 32. ATF also maintains a separate Multiple Sale Database of handguns sold as part of
3 multiple sales. Multiple sales are defined as transactions involving the sale of more than one
4 handgun to a single retail purchaser in a five-day period. *See* 18 U.S.C. § 923(g)(3)(A). Since 1976,
5 all federally licensed firearms dealers were required to begin recording all multiple sales on a form
6 provided by ATF. The dealer retains this form and a copy of this form must be forwarded to ATF
7 on the day of the multiple sale. An additional copy must be forwarded to local law enforcement, but
8 this copy must be destroyed within 20 days of receipt by local law enforcement. *See* 18 U.S.C. §
9 923 (g)(3)(B); 18 C.F.R. 178.126a; ATF Form 3310.4.

10 33. ATF requires FFLs to immediately notify ATF of multiple sales because it considers
11 them to be inherently high-risk sales. The California Legislature also considers them inherently
12 high-risk and therefore banned them in the state starting in January 2000. Guns sold in multiple
13 sales outside of California, however, continue to be a source for the underground market in that
14 state. Additionally, guns sold in multiple sales tend to be recovered by law enforcement with their
15 serial numbers obliterated, preventing ATF from completing traces on these guns. *See Crime Gun*
16 *Trace Reports (1999) National Report* at 40. NOL, Ex. 52.

17 34. In 1995, under my direction, ATF created a Multiple Sale Database to supplement
18 the National Trace Database. The Multiple Sale Database includes the gun manufacturer, dealer
19 listed by FFL number, firearms sales date and a complete description of the number and description
20 of the handguns sold. It is available from ATF through FOIA. Thus defendants could obtain and
21 analyze this database.

22 35. Multiple sale data provides a significant indicator of gun trafficking or diversion of
23 firearms by FFLs. However, it has the perverse effect of lowering the number of multiple sale guns
24 that appear in the National Trace Database. This stems from the fact that multiple sale reports issued
25 by ATF to local field offices already provide the retail history of the multiple sale firearms recovered
26 in crime, and therefore ATF would not need to separately trace the gun. The Multiple Sale Database
27 also likely undercounts the number of multiple sales because dealers have an incentive to
28 underreport multiple sales to avoid greater scrutiny by ATF. Still, the database is a useful tool for

1 both law enforcement and firearms manufacturers and distributors in identifying and preventing
2 multiple sales, which have a high likelihood of being involved in gun trafficking.

3 36. I have reviewed a copy of this database. It comprises multiple sales made nationally
4 from 1995 to 1999.

5 37. Most FFLs have not engaged in any reported multiple sales transactions reflected in
6 the Multiple Sale Database.

7 **Preparation of Profiles and Other Spreadsheets**

8 38. I have prepared a series of profiles from the data described above. In doing so, I had
9 to undertake a series of steps to weed out duplicate traces so that the numbers reflected in my
10 profiles would accurately reflect trace counts in the data I had as it related to specific FFLs. I can
11 also explain, if necessary, why some seemingly duplicate trace information remained in the profiles.
12 In addition, after setting up the queries necessary to obtain the counts contained in my profiles, I did
13 extensive hand checking of individual data results to ensure accuracy. Should the Court require
14 additional validation of the precise methods I used to sort and count the data, I would be able to
15 supply that information.

16 39. The analyses that I prepared in these profiles are exactly the sorts of analyses that I
17 would conduct while at NTC and provide to ATF field agents in order to identify and investigate
18 FFLs associated with crime gun diversions. It is the same kind of analyses that defendants could
19 conduct of the FFLs through which they sell firearms in order to curb gun trafficking and the
20 diversion of new guns into the underground market.

21 40. Each of the profiles combines data from the ATF FOIA National Trace Database, the
22 Combined California Trace Database, and the Multiple Sale Database, where appropriate. To aid
23 the Court's review of this data, it has all been provided in electronic form. NOL, Ex. 16. In
24 addition, in order that certain data in the rows regarding each FFL can be printed on a single 11" x
25 14" sheet of paper in landscape format for review by the Court, I have compressed the data by
26 concealing or narrowing certain columns that appear in the electronic version. There are six main
27 profiles, plus some additional charts, that I will explain in turn.

28

1 41. **Defendant Manufacturer Profile** (NOL, Ex. 17). The purpose of this profile is to
2 give a snapshot of each defendant manufacturer's crime gun tracing totals, including in California
3 and nationally. The totals in the profile lead me to conclude that each defendant is contributing
4 significantly to gun crime in California. For each defendant manufacturer, this profile provides the
5 following information:

- 6 ○ The number of the manufacturer's guns traced in the Combined California Trace
7 Database from 1995-2001
- 8 ○ The subset and percentage of those guns for which "time-to-crime" could be
9 calculated¹
- 10 ○ The number and percentage of those guns with time to crime of 3.5 years or less, and
11 1.5 years or less²
- 12 ○ The number and percentage of the manufacturer's guns in the Combined California
13 Trace Database with an obliterated serial number³
- 14 ○ The number of the manufacturer's guns traced in the National Trace Database from
15 1988-2000
- 16 ○ The subset and percentage of those guns for which "time-to-crime" could be
17 calculated⁴
- 18 ○ The number and percentage of those guns with time to crime of 3.5 years or less, and
19 1.5 years or less
- 20 ○ The number and percentage of the manufacturer's guns in the National Trace
21 Database with an obliterated serial number from 1997-2000

22 ¹ Sufficient data is not always included to calculate a "time to crime" of a traced gun. For
23 purposes of this profile and the others I prepared, I calculated the time to crime between the last date
24 of sale by an FFL and time of recovery by law enforcement. If no final sale was recorded by an
25 FFL, I used the date of last acquisition by an FFL, or the date of sale by the manufacturer, whichever
26 date was later. Similarly, if no date of recovery by law enforcement was provided, I used the date
27 the gun was traced. The use of dates in this order provides conservative estimates of time to crime.
28 If no dates were available, time to crime could not be calculated.

² Sufficient data is not always included to calculate a "time to crime" of a traced gun. For
 purposes of this profile and the others I prepared, I calculated the time to crime between the last date
 of sale by an FFL and time of recovery by law enforcement. If no final sale was recorded by an
 FFL, I used the date of last acquisition by an FFL, or the date of sale by the manufacturer, whichever
 date was later. Similarly, if no date of recovery by law enforcement was provided, I used the date
 the gun was traced. The use of dates in this order provides conservative estimates of time to crime.
 If no dates were available, time to crime could not be calculated.

³ Obliterated serial number information was gathered beginning in 1997, so I added a column
 of total traces in the California data during this more limited time frame in order to calculate the
 ratio of obliterated serial numbers to traces.

⁴ *See supra* note 1.

1 42. The California traces in this profile are a significant undercount of the total number
2 of guns recovered in crime in California that are associated with each defendant manufacturer. *See*
3 *supra*, ¶¶28-30.

4 43. **Defendant Distributor and Dealer Profile** (NOL, Ex. 18). The purpose of this
5 profile is to give a snapshot of each defendant distributor's and dealer's crime gun tracing totals,
6 including in California and nationally. The totals in the profile lead me to conclude that each of
7 these defendants is contributing significantly to gun crime in California. For each defendant
8 distributor and dealer, this profile provides the following information:

- 9 ○ The numerous federal firearms licenses associated with each of these defendants,
10 their license name and business name, business city, and whether the license was
 active as of 2002⁵
- 11 ○ The number of the guns sold by the FFL and traced in the Combined California
12 Trace Database from 1995-2001⁶
- 13 ○ The subset and percentage of those guns for which "time-to-crime" could be
 calculated
- 14 ○ The number and percentage of those guns with time to crime of 3.5 years or less, and
15 1.5 years or less
- 16 ○ The number of the guns sold by the FFL and traced in the National Trace Database
 from 1988-1996
- 17 ○ The subset and percentage of those guns for which "time-to-crime" could be
18 calculated
- 19 ○ The number and percentage of those guns with time to crime of 3.5 years or less, and
20 1.5 years or less
- 21 ○ The number of multiple sales transactions and guns sold as part of such transactions
 as recorded in the multiple sale database from 1995-1999

22
23
24
25 ⁵ Many dealers obtain multiple federal firearms licenses over time, often for the same location.
26 This is sometimes done in an attempt to evade ATF attention or to continue to operate the same
27 business under a new licensee's name where the first licensee has been prosecuted or had his license
28 revoked. All of the FFLs listed were associated with a California crime gun trace completed
between 1995 and 2001. The fact that many of these FFLs associated with significant trace counts
are now out of business further indicts the lax sales practices of defendant gun manufacturers and
distributors.

⁶ Dealer identities have been redacted from the FOIA National Trace Database after 1996.

1 ○ The count of suspect completion codes associated with each FFL license number in
2 the National Trace Database⁷

3 44. The California traces in this profile are a significant undercount of the total number
4 of guns recovered in crime in California that are associated with each defendant distributor and
5 dealer. *See supra*, ¶¶28-30. In addition, the national traces in this profile are a significant
6 undercount of the number of guns recovered in crime nationally that are associated with each
7 defendant distributor and dealer due to the redacted nature of this data. *See supra*, ¶¶23-24.

8 45. **California Dealer Profile** (NOL, Ex. 19). This profiles each FFL associated with
9 a crime gun trace included in the Combined California Trace Database. The purpose of this profile
10 is to identify gun trafficking indicators associated with each FFL listed. Defendants could also
11 gather this data. For each one of the 6,788 FFLs included,⁸ this profile provides the following
12 information:

- 13 ○ The federal firearms license number, license name and business name, business city,
14 and whether the license was active as of 2002.
- 15 ○ The number of the guns sold by the FFL and traced in the Combined California
16 Trace Database from 1995-2001.
- 17 ○ The subset and percentage of those guns for which "time-to-crime" could be
18 calculated
- 19 ○ The number and percentage of those guns with time to crime of 3.5 years or less, and
20 1.5 years or less
- 21 ○ The number of the guns sold by the FFL and traced in the National Trace Database
22 from 1988-1996⁹
- 23 ○ The subset and percentage of those guns for which "time-to-crime" could be
24 calculated

23 ⁷ I have separately included a listing of the completion codes included by ATF in its database
24 that from my experience with ATF were seen as a significant indicator that the FFL is either engaged
25 in sales to gun traffickers or whose poor business practices have facilitated the diversion of guns into
26 the underground market. *See* NOL, Ex. 25 (Suspect Completion Code Table). In this column I have
27 provided a count of the number of times ATF has entered such a completion code in relation to a
28 traced crime gun associated with that FFL.

27 ⁸ Note that many retail gun licensees have used multiple federal firearms license numbers over
28 the years, which are included in different rows in this and other profiles. To get a more accurate
29 picture of the conduct of each FFL, multiple rows may need to be aggregated.

28 ⁹ Dealer identities have been redacted from the FOIA National Trace Database after 1996.

- 1 ○ The number and percentage of those guns with time to crime of 3.5 years or less, and
2 1.5 years or less
- 3 ○ The number of multiple sales transactions and guns sold as part of such transactions
4 as recorded in the multiple sale database from 1995-1999
- 5 ○ The count of suspect completion codes associated with each FFL license number in
6 the National Trace Database

7 46. The California traces in this profile and those following are a significant undercount
8 of the total number of guns recovered in crime in California that are associated with each FFL. *See*
9 *supra*, ¶¶29-30. In addition, the national traces in this profile and those following are a significant
10 undercount of the number of guns recovered in crime nationally that are associated with each FFL
11 profiled due to the redacted nature of this data. *See supra*, ¶¶23-24.

12 47. **California Dealer Final Sale Profile** (NOL, Ex. 20). This profile provides
13 additional information regarding each one of the 6,788 FFLs profiled in the California Dealer
14 Profile. Defendants could also gather this data. The additional information includes:

- 15 ○ The number of the guns sold by the FFL and traced in the Combined California
16 Trace Database from 1995-2001¹⁰
- 17 ○ The number of guns sold by the dealer as a final sale and reported in the Combined
18 California Trace Database from 1995-2001, as well as a breakdown of these final
19 sales into two subcategories: 1) sales where a non-licensed purchaser was identified,
20 and 2) where the FFL was the last in the tracing line and no further disposition of the
21 firearm was recorded¹¹
- 22 ○ The number of guns sold by the dealer as a final sale and reported in the National
23 Trace Database from 1988-1996, as well as a breakdown of these final sales into two
24 subcategories: 1) sales where a non-licensed purchaser was identified, and 2) where
25 the FFL was the last in the tracing line and no further disposition of the firearm was
26 recorded
- 27 ○ The count of suspect completion codes associated with final sale traces at each FFL
28 license number in the National Trace Database

48. **Defendant Manufacturer-to-Dealer Profile** (NOL, Ex. 21). This profile identifies
the FFLs associated with each defendant manufacturer's crime gun traces included in the Combined
California Trace Database. For each of these FFLs, it imports data from the California Dealer
Profile. The purpose of this profile is to show the gun trafficking indicators associated with FFLs

¹⁰ This column is imported directly from the California Dealer Profile.

¹¹ If an FFL sold a traced gun to another FFL, it would not appear in these final sale counts.

1 through which defendant manufacturer's guns that have been recovered in crime in California and
2 traced have been sold. The profile includes the following information:

- 3 ○ The manufacturer's ATF manufacturing code and name.
- 4 ○ For each manufacturer's crime gun traces included in the Combined California Trace
5 Database, the FFLs associated with those traces, including the federal firearms
6 license number, license name and business name, business city and state, and
7 whether the license was active as of 2002. If the FFLs are defendants, that is noted
8 in an additional column.
- 9 ○ The number of each manufacturer's crime gun traces in the Combined California
10 Trace Database from 1995-2001 associated with that FFL
- 11 ○ The following information is then imported from the California Dealer Profile
- 12 a. The number of the guns sold by the FFL and traced in the Combined
13 California Trace Database from 1995-2001
- 14 b. The subset and percentage of those guns for which "time-to-crime" could be
15 calculated
- 16 c. The number and percentage of those guns with time to crime of 3.5 years or
17 less, and 1.5 years or less
- 18 ○ The number of each manufacturer's crime gun traces in the National Trace Database
19 from 1988-1996 associated with that FFL
- 20 ○ The following information is then imported from the California Dealer Profile
- 21 a. The number of the guns sold by the FFL and traced in the National Trace
22 Database from 1988-1996¹²
- 23 b. The subset and percentage of those guns for which "time-to-crime" could be
24 calculated
- 25 c. The number and percentage of those guns with time to crime of 3.5 years or
26 less, and 1.5 years or less
- 27 d. The number of multiple sales transactions and guns sold as part of such
28 transactions as recorded in the multiple sale database from 1995-1999
- 29 e. The count of suspect completion codes associated with each FFL license
30 number in the National Trace Database

49. **Defendant Distributor-to-Dealer Profile** (NOL, Ex. 22). This profile identifies the
FFLs associated with each defendant distributor's crime gun traces included in the Combined
California Trace Database. For each of these FFLs, it imports data from the California Dealer
Profile. The purpose of this profile is to show the gun trafficking indicators associated with FFLs

¹² Dealer identities have been redacted from the FOIA National Trace Database after 1996.

1 through which defendant distributor's guns that have been recovered in crime in California and
2 traced have been sold. The profile includes the following information:

- 3 ○ The distributor's name, grouped to include all of the FFL numbers used by the
4 distributor.
- 5 ○ For each distributor's crime gun traces included in the Combined California Trace
6 Database, the FFLs associated with those traces, including the federal firearms
7 license number, license name and business name, business city and state, and
8 whether the license was active as of 2002. If the FFLs are defendants, that is noted
9 in an additional column.
- 10 ○ The number of each distributor's crime gun traces in the Combined California Trace
11 Database from 1995-2001 associated with that FFL
- 12 ○ The following information is then imported from the California Dealer Profile
 - 13 a. The number of the guns sold by the FFL and traced in the Combined
14 California Trace Database from 1995-2001
 - 15 b. The subset and percentage of those guns for which "time-to-crime" could be
16 calculated
 - 17 c. The number and percentage of those guns with time to crime of 3.5 years or
18 less, and 1.5 years or less
- 19 ○ The number of each distributor's crime gun traces in the National Trace Database
20 from 1988-1996 associated with that FFL
- 21 ○ The following information is then imported from the California Dealer Profile
 - 22 a. The number of the guns sold by the FFL and traced in the National Trace
23 Database from 1988-1996
 - 24 b. The subset and percentage of those guns for which "time-to-crime" could be
25 calculated
 - 26 c. The number and percentage of those guns with time to crime of 3.5 years or
27 less, and 1.5 years or less
 - 28 d. The number of multiple sales transactions and guns sold as part of such
transactions as recorded in the multiple sale database from 1995-1999
 - e. The count of suspect completion codes associated with each FFL license
number in the National Trace Database

50. **Crime Code Table (NOL, Ex. 23).** To illustrate the fact that the firearms recovered
and traced in California are crime guns, I prepared a table listing the crime codes associated the
35,108 firearms included in the Combined California Trace Database, and their relative percentages
in the data. Crime codes can represent either the general category of crime in which the firearm was

1 used/recovered or the subsequent investigation that was initiated as a result of the recovery of a
2 crime gun.

3 51. Duplicates Table (NOL, Ex. 24). In addition, to identify the duplication in the
4 Combined California Trace Database and the National Trace Database, as it applied to FFLs
5 included in the Defendant Manufacturer-to-Dealer Profile and Defendant Distributor-to-Dealer
6 Profile, I prepared a table itemizing that duplication. As can be seen from the table, the level of
7 duplication is not significant.

8 52. Suspect Completion Code Table (NOL, Ex. 25). I have also prepared a table listing
9 each of the individual ATF completion codes that, from my experience at NTC, ATF considered
10 "suspect." Each code is listed along with its description as provided by ATF. In many of the
11 profiles itemized above, I provided a count of the number of such codes included in traces associated
12 with particular FFLs.

13 III. CONCLUSIONS

14 53. ~~My analysis of the data~~ based on my experience analyzing similar data at the NTC,
15 leads me to conclude that each of the defendant manufacturers, distributors and dealers has sold
16 significant numbers of firearms recovered in crime in California and traced. This is reflected in data
17 found in the Defendant Manufacturer Profile and the Defendant Distributor and Dealer Profile.

18 54. Further, these traced crime guns have, for each of the defendant manufacturers and
19 distributors, been sold through numerous high-risk dealers that are associated with significant
20 indicators of gun trafficking or diversion of guns into the underground market. This can be seen
21 from data in the Defendant Manufacturer-to-Dealer Profile and the Defendant Distributor-to-Dealer
22 Profile, as well as the California Dealer Profile and California Dealer Final Sale Profile.

23 55. In addition, each of the defendants could have gathered not only the data presented
24 in the profiles, which are an undercount of the total number of crime gun traces associated with
25 particular FFLs both in California and nationally, but more complete data from the FFLs they do
26 business with. This additional data would have identified the high-risk dealers utilized by
27 defendants even more clearly.

28

1 56. Had the defendants cared to gather this data, as ATF and the Departments of Treasury
2 and Justice asked them to do, they could have utilized it to self-police their distribution partners by
3 setting a simple standard upon the companies that sell their guns: "*If you want to be a seller of our*
4 *handguns, you cannot be linked to significant indicators of gun trafficking or diversion.*" Had
5 defendants implemented such a standard of doing business, it would have significantly reduced the
6 supply of new handguns into the underground market in California.

7 I declare under penalty of perjury under the laws of the State of California that the foregoing
8 is true and correct. Executed this 31st day of January, 2003, at Frederick, MD.

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/s/ Gerald A. Nunziato

Gerald A. Nunziato

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DECLARATION OF SERVICE VIA JUSTICELINK

In re Firearm Case
No. JCCP 4095

(People, et al. v. Arcadia Machine & Tool, Inc., et al.)
San Francisco Superior Court No. 303753
Los Angeles Superior Court No. BC210894
Los Angeles Superior Court No. BC214794

I, Kathy Scoville, declare:

1. That I am and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested in the within action; that my business address is 401 B Street, Suite 1700, San Diego, California 92101.

2. That on February 13, 2003, I served the redacted version of the DECLARATION OF GERALD A. NUNZIATO IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT MANUFACTURERS' MOTION FOR SUMMARY JUDGMENT (originally filed on February 3, 2003) by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of February, 2003, at San Diego, California.

/s/ Kathy Scoville
Kathy Scoville

20

EXHIBIT "20"

EXHIBIT "20"

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12
 13
 14 SUPERIOR COURT OF CALIFORNIA
 15 COUNTY OF SAN DIEGO

16	Coordination Proceeding Special Title (Rule 1550(b)))	JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4095
17	FIREARM CASE	)	San Francisco Superior Court No. 303753
18	Including actions:	)	Los Angeles Superior Court No. BC210894
19	<i>People, et al. v. Arcadia Machine & Tool, Inc., et al.</i>	)	Los Angeles Superior Court No. BC214794
20	<i>People, et al. v. Arcadia Machine & Tool, Inc., et al.</i>	)	DECLARATION OF JOSEPH J. VINCE JR. IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT
21	<i>People, et al. v. Arcadia Machine & Tool, Inc., et al.</i>	)	MANUFACTURERS' MOTION FOR SUMMARY JUDGMENT
22	<i>People, et al. v. Arcadia Machine & Tool, Inc., et al.</i>	)	Date: March 7, 2003
23		)	Time: 8:30 a.m.
		)	Dept: 65

24 Hon. Vincent P. DiFiglia

25
 26
 27 **REDACTED VERSION OF DOCUMENT ORIGINALLY FILED UNDER SEAL**
 28

1 I, Joseph J. Vince, Jr., declare as follows:

2 **Background and Credentials**

3 1. I have firsthand knowledge of the facts set forth in this declaration and, if called upon
4 to do so, could and would competently testify truthfully with respect thereto.

5 2. I am currently President of Crime Gun Solutions ("CGS"), a company devoted to
6 assisting law enforcement in the collection, access, management, analysis, and dissemination of
7 crime gun information. I also serve on the Firearms Committee of the International Association of
8 Chiefs of Police, and have served as a facilitator/instructor for that organization.

9 3. I received an M.A. in Criminal Justice from the University of Detroit in 1979 and a
10 B.A., with a major in Criminal Justice, from Youngstown State University in Youngstown, Ohio in
11 1970.

12 4. I have received or been strongly considered for several awards, including being a
13 finalist in 1997 for an Innovations in Government award presented by the Ford Foundation and the
14 John F. Kennedy School of Government at Harvard University for my work on the project
15 "Disarming the Criminal." In 1996, I received the Vice Presidential Hammer Award for innovations
16 in Federal Firearms Enforcement. Upon retirement, I received the Treasury Department's highest
17 award for distinguished government service, The Albert Galatin Award. I have also authored
18 numerous publications, including Crime Gun Analysis Branch Reports on the Illegal Youth Firearms
19 Market. I have given numerous lectures, speeches, and presentations training law enforcement
20 groups in the U.S. and abroad.

21 5. Before becoming President of CGS in 1999, I served for almost thirty years as a law
22 enforcement agent within the United States Bureau of Alcohol, Tobacco and Firearms ("ATF"). My
23 tenure began in May 1971 as a Special Agent in the Detroit, Michigan Division Office, where I was
24 a finalist for "Special Agent of the Year." I also received ATF's Gold Star Award for wounds
25 received in the line of duty. I worked as a Special Agent in Flint, Michigan and as a Resident Agent
26 in Charge in Omaha, Nebraska. In 1983, I moved to ATF headquarters in Washington, D.C., first
27 as an Operations Officer in the Firearms Division, then as Special Agent In Charge of the Firearms
28 Tracing Branch, and then as Special Agent In Charge of the Intelligence Branch. By July 1995, I

1 became Chief of the Firearms Enforcement Division at ATF headquarters. During my tenure in the
2 Firearms Division, I instituted the Youth Crime Gun Interdiction Initiative, which was adopted as
3 a national Presidential Initiative. From July 1997 through January 1999, I created and managed the
4 Crime Gun Analysis Branch at ATF's offices in Falling Waters, West Virginia, where ATF keeps
5 its crime gun tracing information. During my tenure, in cooperation with law enforcement
6 throughout the United States, I worked to reduce gun crime and used crime gun tracing to assist in
7 those efforts. My curriculum vitae is found in Notice of Lodgment filed herewith ("NOL") as Ex.
8 27.

9 6. This declaration contains my analyses and conclusions regarding the distribution
10 practices of the gun industry in general and the defendants in these consolidated California actions
11 as they relate to defendants' motions for summary judgment. Should these actions go to trial, I may
12 supplement these analyses and conclusions.

13 **Federal and State Controls on Retail Firearm Sales Are Not Sufficient, by Themselves, to**
14 **Curb the Supply of New Guns to the Underground Market in California**

15 7. Many of the defendant gun manufacturers utilize multi-tiered distribution systems.
16 The additional layers of federally-licensed middlemen that gun manufacturers have placed between
17 themselves and the gun-buying public are not required by federal law. Based on my experience, it
18 is my opinion that defendants have the ability to require safeguards to be implemented at the retail
19 level to prevent firearms from being trafficked into an underground market. Moreover, given the
20 risks posed by guns diverted to criminals, juveniles, and other prohibited possessors, defendants
21 should have required such safeguards.

22 8. Gun manufacturers distribute firearms through a very large network of distributors
23 and dealers. In 1995, for example, there were hundreds of firearms wholesalers and more than
24 168,000 retail dealers and pawnbrokers federally licensed to sell firearms in the United States
25 (hereinafter referred to as "federal firearms licensees" or "FFLs"). Bureau of Alcohol, Tobacco and
26 Firearms, *Firearms Commerce in the United States 2001/2002*, at Ex. 12. NOL, Ex. 55. In 1992,
27 the number of FFLs reached their peak at approximately 284,000. *Id.*. Given this staggering number
28 of FFLs, it was very difficult for ATF to monitor or oversee their distribution practices. Upon

1 passage of the Brady Law in 1993, which changed the requirements for obtaining a federal firearms
2 license, the number of FFLs began to sharply decline to where in 2001 there were approximately
3 102,000 FFLs. *Id.* Even with these lower numbers, ATF cannot prevent gun trafficking from
4 occurring at these dealerships without responsible behavior by gun manufacturers, including
5 defendants.

6 9. The federal government imposes only very limited controls on commerce in firearms
7 in the United States. Manufacturers are required to keep acquisition and disposition records
8 indicating when they have acquired or manufactured a firearm, and when and to whom they have
9 sold it. Firearms distributors are required to keep similar records. Retail licensees are required to
10 record from whom they have purchased firearms. When the firearm is sold to a member of the
11 public, an instant background check is required under the Brady Law, and the dealer and buyer must
12 each fill out an ATF Form 4473 "Firearms Transaction Record" for each firearm sold. If a member
13 of the public purchases two or more handguns from the same dealer within a period of five business
14 days, this is considered a "multiple sale" and the dealer must also fill out a "multiple sale form"
15 (ATF F 3410.4) and forward a copy to ATF as well as local law enforcement. ATF records these
16 sales in a national multiple sale database. Local law enforcement, however, is required to destroy
17 these forms within 20 days. 18 U.S.C. §923(g)(3)(B). Additional sales and recordkeeping
18 requirements placed on manufacturers, distributors and dealers are found in 18 U.S.C. §922 et seq.
19 and 27 C.F.R. pts. 178, 179.

20 10. Certain states, such as California, have imposed additional requirements on firearms
21 purchasers. *See, e.g.*, Cal. Penal Code §12000 et seq. Coupled with a federal prohibition on
22 purchasing handguns other than from a dealer in the state of one's residency, the California firearms
23 statutes and regulations are intended to prevent dangerous individuals from gaining access to
24 firearms. Even so, a significant percentage of the handguns traced to crime in California have been
25 purchased outside California, in states with weaker firearms laws. *See, e.g.*, App. A, ¶¶k, m, q, s,
26 aa, dd (identifying percentages of in-state and out-of-state sales for crime guns traced in California).

27 11. The important lesson to be drawn from this information is what restrictions are *not*
28 found in federal or California law. For example, there are no federal limits on how many guns can

1 be purchased at any one time. The multiple-sale reporting requirement, as with all paperwork
2 requirements imposed on FFLs, must be complied with, but violations of these statutes are only
3 misdemeanors. *See* 18 U.S.C. §924(a)(3). As of January 1, 2000, California prohibited multiple
4 handgun sales in the state, but it is my understanding that the time period at issue in these actions
5 predates that statute. Further, the Form 4473 Firearm Transaction Record stays with the FFL, not
6 ATF, and can be "lost" or missing when ATF later tries to trace the firearm in connection with a
7 criminal investigation. A background check needs to be completed on the person whose name
8 appears on the Form 4473, but if the FBI is unable to complete the check within 3 business days,
9 federal law allows the FFL to sell the firearm, even if the person is shown to be a disqualified buyer
10 after a more thorough check. Law enforcement must then try to track the person down to confiscate
11 the gun. Many records that should be checked are not computerized or not entered into the
12 background check system in a timely manner, preventing law enforcement agencies from completing
13 the check within 3 business days. In many instances, felons and other prohibited purchasers have
14 been able to obtain guns via this "delayed denial" problem. California law requires a 10-day waiting
15 period, but this restriction does not help with handguns trafficked into California from out of state.
16 Defendants have not implemented a policy requiring dealers to wait until background checks are
17 completed. Further, if a buyer is a "straw purchaser" obtaining the gun for transfer to a prohibited
18 person, even if the dealer is aware of this fact, it is extraordinarily difficult for law enforcement to
19 prove a crime has been committed because the transaction is between private parties, all of whom
20 have an incentive to conceal the truth.

21 12. Accordingly, the limited controls in federal law, and even the more stringent controls
22 imposed by California, can easily be circumvented if FFLs are not given the incentive to be diligent
23 in preventing gun trafficking. At the present time, gun manufacturers have established distribution
24 systems where all the incentives favor selling guns to gun traffickers or others who funnel the guns
25 into an illegal secondary market because of the added profit of increased gun sales. This is
26 dramatically illustrated by videotaped undercover "sting" operations done by Chicago, Illinois,
27 Wayne County, Michigan, and Gary, Indiana. The video of the sting conducted by Wayne County
28 provides an excellent example. NOL, Ex. 104. Several dealers in the Detroit area were approached

1 by two undercover officers, one of whom indicated openly to the dealer he was either a convicted
2 felon or a juvenile. The prohibited buyer proceeded to pick out and pay for the firearm, but the
3 paperwork was filled out by his companion, a "straw purchaser." According to the video, in 9 out
4 of 10 instances, the dealer confronted with this open, yet illegal, straw purchase situation went ahead
5 and made the sale. The sting operations in Chicago and Gary obtained similar results. This straw
6 purchasing scenario occurs on a widespread and regular basis at FFLs throughout the United States,
7 including in California.

8 **Defendants' Continued Supply of New Firearms Through Distribution Systems Without**
9 **Proper Controls Provides the Primary Source of Guns for the Underground Market**

10 13. As I wrote in CGAB Shots (an ATF newsletter on gun trafficking) in October 1998,
11 "[i]t still appears that acquisition of firearms by false declarations and straw purchasers are still the
12 method preferred by traffickers, both small and large." Joseph J. Vince, Jr., *Memo from the Chief re:*
13 *Firearms Outside the Retail Chain*, CGAB Shots, Vol. II, Issue 8, at 2 (1998). NOL, Ex. 42.
14 Moreover, the most important "single source of firearms for the illegal market is still illegal
15 traffickers who are acquiring firearms from retail outlets." *Id.*

16 14. According to ATF, "[v]irtually all new firearms used in crime first pass through th[is]
17 legitimate distribution system of federally licensed firearms dealers." Bureau of Alcohol, Tobacco
18 and Firearms, *A Progress Report: Gun Dealer Licensing and Illegal Gun Trafficking* at BOS 106214
19 (1997) (App. A, ¶n). Only a small percentage of firearms in the underground market have been
20 stolen. *See, e.g.*, App. A, ¶¶k, q.

21 15. To my knowledge, firearms manufacturers and distributors, including defendants, have
22 not altered the incentives identified above by training, monitoring, auditing or disciplining FFLs who
23 engage in irresponsible sales practices because they profit when guns are sold into the underground
24 market.

25 16. The result is that convicted criminals, juveniles, and other prohibited purchasers, as
26 well as those with criminal purposes, have ready access to handguns and other firearms through
27 defendants' distribution systems. The specific methods of diversion into this underground market are
28 discussed more fully below.

1 **Published Studies Detail Problems of Widespread Gun Trafficking from Licensed Dealers**

2 17. Publicly available federal reports and studies have long highlighted how the
3 underground market in firearms is supplied by a massive diversion of firearms from the licensed
4 dealers that gun manufacturers and distributors, including defendants, utilize. Many of these reports
5 were disseminated directly to gun manufacturers, distributors, and dealers. ATF also meets regularly
6 with major gun manufacturers or their trade associations and informs them about gun trafficking
7 problems. While at ATF, I personally met with industry representatives on several occasions to
8 discuss these issues. In or about 1985, I also personally initiated and disseminated to firearm
9 manufacturers, large wholesalers and large retail dealers a quarterly publication entitled "Significant
10 Trace Reports." The objective of this report was to inform FFLs of the results of completed traces
11 in which criminals were identified and arrested and how traces were worth the expenditure of their
12 resources in furtherance of public safety. To the best of my recollection, this report was continued
13 until 1989.

14 18. Appendix A includes more than 25 major published reports demonstrating crucial
15 information about gun trafficking from licensed dealers of which gun manufacturers and distributors
16 should have been aware. Not only do these documents inform gun makers and sellers of widespread
17 diversion of their firearms into the underground market, but also they provide extensive guidance,
18 sometimes explicitly, regarding steps that defendants could take to prevent this diversion. Among
19 the key conclusions supported by the reports are the following:

- 20
- 21 a. FFLs sell firearms to gun traffickers (*i.e.*, persons who sell guns into the underground
22 market) on a massive scale. A significant volume of these diversions is concentrated
in a small percentage of FFLs, who account for the majority of firearms successfully
traced in the United States.
 - 23 b. Corrupt FFLs are a very serious problem. Even a few corrupt dealers can funnel
24 thousands of firearms very quickly into the underground market.
 - 25 c. ATF has identified a large percentage of FFLs with violations of reporting
26 requirements or other provisions of the gun control laws, but restrictions in federal
law make it very difficult to prosecute these companies or revoke their license to
conduct business.
 - 27 d. Straw purchasing from FFLs has occurred for decades and is one of the major means
28 by which gun traffickers obtain guns for the underground market.

- 1 e. Multiple sales are an ideal means by which illegal gun traffickers can obtain firearms
2 from FFLs.
- 3 f. Many crime handguns recovered in states, such as California, that have enacted
4 stronger gun control laws have been purchased in states with weaker laws and
5 trafficked illegally into the stronger-law state.
- 6 g. Gun theft from FFLs and common carriers is also a means by which gun traffickers
7 obtain guns.
- 8 h. An analysis of crime gun traces, using key indicators explained by ATF, can identify
9 FFLs that, more likely than not, either engaged in sales to gun traffickers or whose
10 high-risk business practices have facilitated the diversion of guns into the
11 underground market.
- 12 i. Gun manufacturers could and should take steps to self-police their distribution
13 systems to prevent the diversion of firearms into the underground market. Law
14 enforcement lacks sufficient resources and tools to eliminate this problem without gun
15 manufacturers, distributors and dealers acting responsibly.
- 16 j. All of these conclusions apply to guns recovered in crime in California.

17 **ATF Traces Provide Specific Notice to Defendants**

18 19. Through the ATF's National Tracing Center, ATF traces thousands of firearms seized
19 in connection with crimes each year. Trace requests originate with federal, state and local law
20 enforcement agencies. In recent years, more and more law enforcement departments are
21 comprehensively tracing all firearms recovered in crime. To trace a firearm, in most cases ATF
22 reports a gun's serial number, make and model to the gun's manufacturer, who then provides ATF
23 with the date and name of the firearms distributor or dealer to whom the manufacturer sold the gun.
(A small fraction of traces can be completed based on multiple sale or out-of-business records in
ATF's possession, in which case the manufacturer is not directly contacted.) ATF traces the gun from
the manufacturer to each licensed distributor and/or dealer who may have owned the gun until a sale
to an unlicensed individual purchaser is recorded. Through the tracing process, manufacturers are
put on notice that their firearms have been traced in connection with a crime. {

24 **REDACTED**

25 }

26 20. In recent years, many manufacturers have electronically stored their acquisition and
27 disposition records and allowed ATF to access those records on-line in a program entitled Access
28 2000. This system, however, keeps control of the information in the hands of manufacturers, who

1 can determine the makes, models, serial numbers, and disposition information for their guns traced
2 by ATF.

3 21. Through the ATF's tracing process, which began to be collected in a national database
4 in 1989, gun manufacturers receive thousands of ATF trace requests each year. From 1989 to the
5 present, local law enforcement and ATF have engaged in more comprehensive tracing, increasing
6 the number of traces nationally from 10,566 in 1989 to 76,794 in 1995, to approximately 200,000 per
7 year since 1997. *See* Fox Task 1 Tables (identifying year-by-year breakdown of number of national
8 ATF traces). NOL, Ex. 4. A chart prepared by my colleague at Crime Gun Solutions, Gerald A.
9 Nunziato, identifies the number of traces each defendant manufacturer received between 1989 and
10 the end of 2000. NOL, Ex. 17. (Defendant Manufacturer Profile). Although there have likely been
11 many more traces, on average, in recent years, some of the defendant manufacturers have had huge
12 numbers of traced guns even when averaged over the 3000 workdays during this entire 12-year
13 period. For example, Smith & Wesson has averaged more than 45 guns traced per workday over 12
14 years, Sturm Ruger has averaged more than 28 guns traced, Colts' has averaged more than 23 guns
15 traced, Taurus has averaged more than 14 guns traced, Bryco and Davis Industries have each
16 averaged more than 13 guns traced, Beretta has averaged almost 11 guns traced, and Glock has
17 averaged about 10 guns traced, per workday.

18 22. The tracing process gives defendants continual notice of the criminal use of their
19 products. The tracing process informs each manufacturer of the guns it sold to each distributor that
20 were eventually recovered and traced in connection with crimes.

21 23. Each manufacturer and distributor could also use the tracing process to identify crime
22 guns associated with each of its dealers, if it required the distributors and dealers to collect and report
23 information about trace requests back up the chain to the manufacturer. It should be noted here that
24 manufacturers are not dependent on receiving ATF trace data to fill in this picture, as the information
25 provided to ATF to complete a trace is maintained by FFLs. Therefore, once a manufacturer is
26 notified by ATF that one of its manufactured firearms was used in a crime, an examination could be
27 initiated without further consultation or receipt of data from ATF.

28

1 24. As large as the numbers are of defendants' guns being traced, most crime-guns in the
2 United States are not traced. Since the mid-1990s, ATF has been tracing approximately 200,000
3 crime-guns each year, as more and more law enforcement departments, including several in
4 California, are engaging in comprehensive tracing. Nonetheless, this is only a fraction of the overall
5 number of crime-guns recovered by law enforcement in the U.S. Furthermore, a high percentage of
6 crime-guns are never recovered by law enforcement, thus indicating that traced guns are only the tip
7 of the iceberg when it comes to the crime problem created by the illegal gun market.

8 **The Illegal Gun Market Is Supplied in a Number of Ways that ATF Has**
9 **Repeatedly Made Known to Defendants**

10 25. **High-risk dealers.** Numerous federal reports have indicated that a small percentage
11 of FFLs are responsible for a majority of the crime gun traces. *See, e.g.*, App. A, ¶¶j, n, u, v, y.
12 Moreover, the vast majority of FFLs have no gun traces associated with them. *See, e.g.*, App. A, ¶j,
13 y. Based on personal knowledge gained during my career with ATF, it is my opinion that FFLs with
14 significant numbers of traces and/or other indicators of crime gun trafficking, such as traces with
15 short time-to-crime, guns recovered with obliterated serial numbers, patterns of multiple sales, or
16 traces that cannot be accounted for by the dealer, are more likely than not selling guns that are being
17 trafficked into the underground market.

18 26. **Corrupt dealers.** A small number of FFLs have been found to be engaged in gun
19 trafficking. As the ATF report *Following the Gun* indicates, *see* App. A, ¶z, however, even a small
20 number of corrupt dealers can funnel huge numbers of firearms into the underground market. This
21 problem was identified as far back as 1976. *See* App. A, ¶¶a, b, g. Certainly, any corrupt dealer must
22 be terminated immediately from receiving further gun supplies by manufacturers and distributors.

23 27. **Straw purchases.** Straw purchases refer to firearms sales to otherwise legal buyers
24 who acquire guns on behalf of a prohibited purchaser. Gun traffickers frequently use straw
25 purchasers to purchase significant quantities of guns in states with weak firearms laws for transport
26 and resale into states with stronger gun laws. It is a major source of firearms for the underground
27 market. Properly trained FFLs could assist in identifying many prospective straw purchasers. Once
28 identified, FFLs must have a firm policy to refuse all gun sales to such individuals. The reports

1 identified in Appendix A discuss the problem of straw purchasing in great detail. *See, e.g.*, App. A,
2 ¶¶h, i, k, l, m, q, t, z. I have been aware of it as a significant firearms trafficking problem since I
3 joined ATF in the early 1970s. Since that time, ATF has certainly made gun manufacturers aware
4 of the magnitude of the problem.

5 28. **Multiple sales.** Under federal law, multiple sales are defined as the sale of two or
6 more handguns to a single individual within five business days. 18 U.S.C. §923(g)(3)(A). Multiple
7 purchases of single guns by a single person over a short period of time should also be considered
8 "multiple sales." Multiple sales must be recorded on a special ATF form and forwarded to ATF and
9 local law enforcement. *Id.* This reporting requirement was originally required by regulation in 1975,
10 and thereafter enacted by Congress because Congress and the ATF realized that multiple handgun
11 sales were inherently high-risk sales, with much greater likelihood than individual firearm purchases
12 of being involved in gun trafficking. *See, e.g.*, App. A, ¶¶a, b, c, d, q, t, aa, dd. (Actually, in 1976,
13 the Treasury and Justice Departments, under President Ford, supported legislation which would have
14 gone farther and limited handgun sales to one per month, similar to California's current prohibition,
15 arguing before Congress that the reporting requirement was insufficient to curb gun trafficking. *See*
16 App. A, ¶b, at 64-65, 73.

17 29. The existence of multiple sales by an FFL, especially multiple sales of more than two
18 handguns at a time, may be indicative of gun trafficking. Most FFLs do not have multiple sales
19 transactions. *See, e.g.*, App. A, ¶f. Patterns of significant numbers of multiple sales transactions, in
20 conjunction with other trafficking indicators, indicate that an FFL is more likely than not making
21 sales to gun traffickers.

22 30. **Interstate movement.** California has stricter gun sales requirements than many other
23 states. *See* Cal. Penal Code §12000 et seq. As a result, many of the handguns traced to crime in
24 California have been sold at retail outside the state. *See, e.g.*, App. A, ¶¶k, m, q, s, aa, dd. The
25 interstate movement of guns traced to crime is another indicator of gun trafficking. FFLs with places
26 of business outside California who have a significant number of guns traced to crime in California
27 more likely than not have sold guns that are being trafficked into crime.

28

1 31. **Obliterated serial numbers.** This is a serious problem nationally, including
2 California. Serial numbers are obliterated so law enforcement, if it recovers the gun, cannot trace it.
3 According to the *Youth Crime Gun Interdiction Initiative, Crime Gun Trace Reports (1999) National*
4 *Report*, at 40 (App. A, ¶aa), "[a]mong handguns both sold and traced in 1999, those recovered and
5 traced with obliterated serial numbers were 2.3 times as likely to have been from a multiple sale (51
6 percent) as were all handguns together (22 percent)." Any firearm with an obliterated serial number
7 has a high likelihood of being involved in gun trafficking. If manufacturers were to make their serial
8 numbers tamper-proof, it would have a significant beneficial impact on ATF's ability to trace crime
9 guns and on the underground market in California.

10 32. **Gun thefts from dealers and common carriers.** Pursuant to the Violent Crime
11 Control and Law Enforcement Act of 1994, FFLs are required to report firearms lost and stolen from
12 inventory to the ATF National Tracing Center within 48 hours of loss or theft. 18 U.S.C. §923(6).
13 It is not sufficient, however, for FFLs to merely report thefts. It should be incumbent upon them, and
14 the manufacturers and distributors who supply them with new firearms, to take steps necessary to
15 prevent gun thefts from their premises. In Appendix A ¶p, I cite an ATF report entitled *Safety and*
16 *Security Information for Federal Firearms Licensees*, that outlines a number of steps FFLs can take
17 to prevent thefts. Unfortunately, ATF could not make these recommendations mandatory.
18 Defendants, however, could make improved security mandatory for the FFLs in their distribution
19 networks. Given the levels of gun thefts from FFLs and common carriers discussed in the reports
20 cited below, *see, e.g.*, App. A, ¶¶b, d, i, k, q, z, this would be an important improvement and would
21 more likely than not have an impact on the underground market in California.

22 33. Defendants have been, or should have been, aware of all of this information for years.
23 All of it is discussed in the publicly-available reports cited in Appendix A. In addition, I personally
24 explained these methods of diversion to gun manufacturers, distributors and dealers at the SHOT
25 Show hosted annually by the National Shooting Sports Foundation and at other meetings with
26 industry members.

1 **Defendants' Guns Have More Likely than Not Been Trafficked Into the**
2 **Underground Market in Firearms in California**

3 34. I have examined tracing data with respect to firearms recovered in crime in California,
4 as well as national ATF data, and information found in the ATF multiple sale database. The scope
5 of this data is discussed more fully in the declaration of Gerald A. Nunziato.

6 35. The data I examined, while extremely robust, provides only a snapshot of a much
7 larger problem caused by defendants' lax methods of distributing firearms. For example, the
8 California trace data that was provided to plaintiffs by ATF for the years 1995 through 2001 is only
9 a fraction of the total number of guns traced by ATF that were recovered in crime in California
10 during those years. There may also have been thousands of firearms recovered in crime in California
11 that were traced by local law enforcement through California state databases that are not counted in
12 Mr. Nunziato's spreadsheets. In addition, the National Trace database obtained through the Freedom
13 of Information Act ("FOIA") has dealer information redacted after 1996, though other data in the
14 database runs through 2000. The multiple sale database also provides an undercount of the multiple
15 sale transactions. Further, not all crime guns recovered in California or nationally are traced, and
16 recovered crime guns are only a fraction of the number of guns used in crime in California.
17 Nonetheless, the data I have examined is illustrative of the crime gun problems caused in California
18 by defendants' conduct.

19 36. Indications of gun trafficking or the diversion of firearms into the underground market
20 can be gleaned from the data. These indicators have been identified in many of the reports identified
21 in Appendix A. For example, in *Commerce in Firearms*, App. A, ¶1y, ATF highlighted the following
22 non-exhaustive list of trafficking indicators: "multiple crime guns traced to an FFL or first retail
23 purchaser; short time-to-crime for crime guns traced to an FFL or first retail purchaser; incomplete
24 trace results, due to an unresponsive FFL or other causes; significant or frequently reported firearms
25 losses or theft by an FFL; frequent multiple sales of handguns by an FFL or multiple purchases of
26 firearms by a non-licensee, combined with crime gun traces; [and] recovery of firearms with
27 obliterated serial numbers." *Id.* at 22.

1 37. The data provided to Mr. Nunziato has been compiled into a series of spreadsheets,
2 or "profiles," found at NOL, Exs. 17, 18 and 19. Based on my review of each profile, I can make the
3 following observations and conclusions. (I reserve the right to expand upon these observations and
4 conclusions at trial.).

5 38. **Defendant Manufacturer Profile (NOL, Ex. 17).** This profile provides aggregate
6 information regarding the number of each defendant manufacturer's guns that have been traced in
7 California and nationally. As noted above, the California traces are a significant undercount of the
8 total number of guns recovered in crime in California that are associated with that manufacturer. In
9 addition, the profile gives data on time to crime, obliterated serial numbers, and multiple sales. The
10 range of California traces is a low of 10 traces for Interarms to a high of 4,144 traces for Smith &
11 Wesson. National trace counts range from a low of 653 for Interarms to a high of 141,590 for Smith
12 & Wesson.

13 39. These trace counts, and the associated counts of crime guns recovered with a short
14 time to crime or obliterated serial numbers, lead me to conclude that each of the defendant
15 manufacturers is contributing significantly to the crime gun problem in California communities.

16 40. **Defendant Distributor and Dealer Profile (NOL, Ex. 18).** This profile provides
17 aggregate information, similar to the profile for defendant manufacturers, regarding the number of
18 guns traced through each defendant distributor and dealer that have been recovered in crime in
19 California and nationally. The same undercount of California traces applies to this profile as well.

20 41. These trace counts, and the associated counts of crime guns recovered with a short
21 time to crime or obliterated serial numbers, lead me to conclude that each of the defendant
22 distributors and dealers is contributing significantly to the crime gun problem in California
23 communities.

24 42. **California Dealer Profile (NOL, Ex. 19).** This profile captures information
25 regarding each of the FFLs associated with crime guns recovered in California that are contained in
26 the California trace data that was provided to the plaintiffs by ATF. There are a total of 6,788 FFLs
27 listed in the data, including FFLs inside and outside California, and FFLs that, as of 2002, are no
28 longer in business under the particular federal firearms license number listed in the profile, though

1 they may remain in business under a different FFL number. For each FFL listed, the profile captures,
2 using California and national data, many of the gun trafficking indicators used by ATF: trace counts,
3 guns with time to crime of less than 3.5 years and 1.5 years, number of multiple sale transactions and
4 number of guns sold through multiple sales, and the count of completion codes within the data that
5 indicate suspect activity on the part of the FFL, including the inability of the FFL to account for
6 certain firearms traced to it. *See e.g., supra* ¶36, App. A, ¶y (outlining indicators). This data is then
7 imported into two additional profiles – the Defendant Manufacturer to Dealer Profile (NOL, Ex. 21)
8 and the Defendant Distributor to Dealer Profile (NOL, Ex. 22) – linked to each of the defendants.
9 The result is a snapshot of the gun trafficking indicators associated with each of the FFLs linked to
10 California crime gun traces with which defendants have chosen to do business.

11 43. The data in the California Dealer Profile undercounts the severity of the problem in
12 at least two significant ways. First, as Mr. Nunziato explains in his declaration, the California trace
13 counts do not include thousands of guns recovered in crime in California and traced by ATF. The
14 counts include only 35,108 traced California crime guns for which Mr. Nunziato was provided dealer
15 data, but not the balance of 80,293 traced California crime guns indicated by the national ATF data.
16 In addition, it does not include an unknown number of additional traces that may have been
17 conducted by California law enforcement using only state databases and not ATF. It also does not
18 include crime guns recovered in California that were not traced. Second, the national data counts in
19 the California Dealer Profile count only the approximately one-third of the national traces that were
20 conducted through the end of 1996. (The other two-thirds of national traces in the overall national
21 database were conducted between 1997 and the end of 2001.) Dealer information was redacted from
22 traces occurring after 1996. Professor Fox, as explained in his declaration, estimated the number of
23 national traces likely to be associated with each FFL if the national trace data were not redacted, and
24 that number is provided in the profile. This is likely to be a conservative estimate due to the
25 significant decline during this period in the number of federal licensees.

26 44. **California Dealer Final Sale Profile (NOL, Ex. 20).** This profile captures additional
27 information regarding final sales, both for California and national traces, associated with all of the
28 6,788 FFLs identified in the California Dealer Profile. The final sale numbers include guns for which

1 a retail purchaser was identified as well as guns where the FFL was simply the last dealer to whom
2 a gun was traced, and there is a breakdown in the profile of these two categories. The data in this
3 chart and the California Dealer Profile should be read together.

4 45. I can conclude, based on the totality of the indicators in the California Dealer Profile
5 and the California Dealer Final Sale Profile, that it is more likely than not that many of these FFLs
6 have either engaged in sales to gun traffickers or whose high-risk business practices have facilitated
7 the diversion of guns into the underground market in California.

8 46. Let me use the California dealers named as defendants in these actions as examples
9 to draw out this conclusion. Trader Sports, Inc. ("Traders"), a defendant dealer located in San
10 Leandro, California, has overwhelming gun trafficking indicators associated with it. Among the
11 California trace databases provided to Mr. Nunziato, Traders had at least 710 gun traces between
12 1995 and 2001, or more than 100 per year on average. (Traders appears on three rows in the
13 California Dealer Profile, rows 6145-47, corresponding to three different federal license numbers it
14 has. Most of the traces are associated with the license in row 6145.) 183 of these guns were traced
15 within 3.5 years of sale by Traders, and 77 were recovered within 1.5 years of sale by Traders.
16 Overall, Traders made the final sale in 571 of these traces. Traders engaged in 1,414 known multiple
17 sale transactions involving 3,112 handguns between 1995 and 1999. Traders was also linked to 927
18 national crime gun traces between 1989 and 1996, or more than 115 per year. 192 of these guns were
19 traced within 3.5 years of sale by Traders, and 97 were traced within 1.5 years. The estimated
20 national traces associated with Traders from 1988-2001 is 2,878, or an average of more than 220
21 traced guns per year. In addition, Traders is associated with suspect completion codes in 66 of its
22 traced guns. One FFL in San Leandro, California, is also identified in Senator Schumer's reports of
23 the 140 FFLs nationally with the most significant tracing indicators in 1998. *See* App. A, ¶¶u, v. The
24 FFL in the Senator's reports is almost certainly Traders. Based on these indicators, I can conclude
25 that Traders was either engaged in sales to gun traffickers or engaged in high-risk business practices
26 that facilitated the diversion of guns into the underground market in California.

27 47. B & E Guns ("B & E") of Cypress, California is another example. B & E appears on
28 two separate rows of the California Dealer Profile (rows 348 and 3521) because the company

1 obtained and used two different FFL numbers. In my experience, FFLs that were engaged in suspect
2 firearm sales would often obtain multiple FFLs to disperse their trace counts in an attempt to avoid
3 oversight by ATF. The California Dealer Profile shows that a significant number of FFLs have had
4 firearms traced to them under multiple license numbers. Another reason firearm retailers would
5 obtain multiple FFLs would be to stay in business even if one of their FFLs was revoked. Often
6 spouses of licensees would carry on the business in a new name after prosecution by ATF.

7 48. The tracing data made available to me supports the conclusion that B & E Guns was
8 associated with overwhelming trafficking indicators. In the California trace databases, B & E Guns
9 had 174 guns traced to one license number between 1995 and 2001 (row 348) and another 17 guns
10 traced to a separate license number (row 3522). 78 of the guns had a time to crime of 3.5 year or less,
11 and 39 had a time to crime of 1.5 years or less. Overall, B & E made the final sale in 140 of these
12 traces. B & E engaged in 1048 known multiple sale transactions involving 2350 handguns between
13 1995 and 1999. B & E was also linked to 169 national crime gun traces between 1989 and 1996, or
14 more than 20 per year. 25 of these guns were traced within 3.5 years of sale by B & E, and 14 were
15 traced within 1.5 years. The estimated national traces associated with B & E from 1988-2001 is 525,
16 or an average of more than 40 traced guns per year. In addition, B & E is associated with suspect
17 completion codes in 23 of its traced guns. As with Traders, I can conclude that, based on these
18 indicators, B & E Guns was either engaged in sales to gun traffickers or was engaged in high-risk
19 business practices that facilitated the diversion of guns into the underground market in California.

20 49. Similar analyses and conclusions apply to the other defendant dealers, B & B Group
21 Inc. (B & B Sales), Hawthorne Distributors Inc. (Western Surplus of Hawthorne), Andrews Sporting
22 Goods, Inc. (Turner Outdoorsman), and National Gun Sales, and would apply to many other FFLs
23 if I went through the data line by line. I can conclude, based on the indicators spelled out below, that
24 each was either engaged in sales to gun traffickers or was engaged in high-risk business practices that
25 facilitated the diversion of guns into the underground market in California.

26 50. B & B Group, with two locations in California (rows 342 and 343 in the California
27 Dealer Profile) has significant trafficking indicators associated with it. In the California trace
28 databases, the three locations together had at least 681 gun traces between 1995 and 2001, or almost

1 100 per year. 171 of these guns were traced within 3.5 years, and 93 were traced within 1.5 years.
2 Overall, B & B Group made the final sale in 553 of these traces. B & B Group engaged in 1,256
3 known multiple sale transactions involving 2,808 handguns between 1995 and 1999. B & B Group
4 was also linked to 597 national crime gun traces between 1989 and 1996, or more than 74 traces per
5 year. 128 of these guns were traced within 3.5 years of sale, and 60 were traced within 1.5 years of
6 sale. The estimated national traces associated with B & B Group from 1988-2001 is 1,853, or an
7 average of more than 142 traced guns per year. In addition, B & B Group is associated with suspect
8 completion codes in 46 of its traced guns.

9 51. Similarly, Hawthorne Distributors ("Hawthorne"), in Hawthorne, California (row 2673
10 in the California Dealer Profile) has significant trafficking indicators associated with it. In the
11 California trace databases, Hawthorne had at least 398 gun traces between 1995 and 2001, or about
12 57 per year. 215 of these guns were traced within 3.5 years, and 131 were traced within 1.5 years.
13 Overall, Hawthorne made the final sale in 383 of these traces. Hawthorne engaged in 188 known
14 multiple sale transactions involving 411 handguns between 1995 and 1999. Hawthorne was also
15 linked to 195 national crime gun traces between 1989 and 1996, or almost 25 traces per year. 102
16 of these guns were traced within 3.5 years of sale, and 60 were traced within 1.5 years of sale. The
17 estimated national traces associated with Hawthorne from 1988-2001 is 605, or an average of more
18 than 46 traced guns per year. In addition, Hawthorne is associated with suspect completion codes
19 in 13 of its traced guns.

20 52. Andrews Sporting Goods ("Andrews"), with seventeen locations in California (and
21 21 FFL numbers) (rows 189-208 and 210 in the California Dealer Profile) also has significant
22 trafficking indicators associated with it. In the California trace databases, the seventeen locations
23 together had at least 1,375 gun traces between 1995 and 2001, or almost 200 per year. 281 of these
24 guns were traced within 3.5 years, and 152 were traced within 1.5 years. Overall, Andrews made the
25 final sale in 1,272 of these traces. Andrews engaged in 1,037 known multiple sale transactions
26 involving 2,192 handguns between 1995 and 1999. Andrews was also linked to 861 national crime
27 gun traces between 1989 and 1996, or more than 107 traces per year. 247 of these guns were traced
28 within 3.5 years of sale, and 98 were traced within 1.5 years of sale. The estimated national traces

1 associated with Andrews from 1988-2001 is 2,508, or an average of more than 192 traced guns per
2 year. In addition, Andrews is associated with suspect completion codes in 60 of its traced guns in
3 the California trace database and 144 in the National trace database. This includes 25 traces in the
4 California trace database and 36 traces in the National database where Andrews was unable to
5 properly account for the disposition of a firearm it sold.

6 53. National Gun Sales ("National"), with four locations in California (and 5 FFL
7 numbers, all of which have now expired) (rows 3089 and 4364-67 in the California Dealer Profile)
8 also has significant trafficking indicators associated with it. In the California trace databases, the four
9 locations together had at least 380 gun traces between 1995 and 2001, or about 54 per year. 69 of
10 these guns were traced within 3.5 years, and 30 were traced within 1.5 years. Overall, National made
11 the final sale in 377 of these traces. National engaged in 328 known multiple sale transactions
12 involving 764 handguns between 1995 and 1999. National was also linked to 157 national crime gun
13 traces between 1989 and 1996, or almost 20 traces per year. 29 of these guns were traced within 3.5
14 years of sale, and 10 were traced within 1.5 years of sale. The estimated national traces associated
15 with National from 1988-2001 is 487, or an average of more than 37 traced guns per year. In
16 addition, National is associated with suspect completion codes in 7 of its traced guns.

17 54. **Defendant Manufacturer to Dealer Profile (NOL, Ex. 21).** This profile provides
18 a snapshot of the FFLs associated with each of the manufacturing defendants' California crime gun
19 traces. Given the California trace counts in the Defendant Manufacturer Profile, this profile identifies
20 each FFL through which the defendant manufacturer sold that gun. The profile then imports the
21 trafficking indicator data regarding that FFL from the California Dealer Profile. In addition, the
22 number of the defendant manufacturer's guns traced nationally through that FFL is provided.

23 55. I can conclude, based on the totality of the indicators provided in this profile and the
24 California Dealer Final Sale Profile that each of the manufacturer defendants sell their firearms
25 through FFLs for which it is more likely than not they have either engaged in sales to gun traffickers
26 or whose high-risk business practices have facilitated the diversion of guns into the underground
27 market in California.

28

1 56. Let me use the same examples as above to draw out this conclusion. Trader Sports,
2 Inc., discussed above in ¶46, has California traces associated with at least the following defendant
3 manufacturers: Accu-tek (1), Bryco (24), the Beretta entities (75), Browning (8), Colts' (19), Davis
4 (40), Glock (48), Heckler & Koch (18), Kel-Tec (2), North American Arms (3), Phoenix (1), Sig
5 Arms (22), Sturm Ruger (34), Smith & Wesson (18), and Taurus (37). These numbers are all likely
6 undercounts of the real trace numbers, not to mention the numbers of guns used in crime that were
7 sold by Trader Sports that have never been recovered or traced. Each of these manufacturers, had
8 they monitored their downstream sales, would have learned of the gun trafficking indicators
9 associated with Traders and could have taken appropriate action to ensure that these indicators did
10 not continue, thereby reducing the number of crime guns associated with Traders Sports.

11 57. Many defendant manufacturers also sold guns through B & E Guns that were later
12 traced. The data available to me indicates the following California traces through B & E: Arcadia
13 Machine & Tool (3) Beretta (24), Browning (1), Bryco (4), Colts' (15), Davis (8), Glock (27),
14 Heckler & Koch (2), Hi-Point (1), Kel-Tec (1), Phoenix Arms (7), Sig Arms (13), Sturm Ruger (18),
15 Smith & Wesson (25), Taurus (5). These numbers are all likely undercounts of the real trace
16 numbers, not to mention the numbers of guns used in crime that were sold by B & E Guns that have
17 never been recovered or traced. Each of these manufacturers, had they monitored their downstream
18 sales, would have learned of the gun trafficking indicators associated with B & E and could have
19 taken appropriate action to ensure that these indicators did not continue, thereby reducing the number
20 of crime guns associated with B & E Guns. The fact that the trace counts above are associated with
21 FFLs that are no longer in business indicates that defendant manufacturers could have terminated
22 sales to B & E Guns long before this FFL was allowed to funnel hundreds of guns into crime in
23 California.

24 58. The same analyses and conclusions apply to B & B Group, Hawthorne, Andrews, and
25 National.

26 59. The data available to me indicates the following California traces through B & B
27 Group: Arcadia Machine & Tool (10), Beretta (184), Charter Arms (5), Colts' (45), Davis (3), Glock
28

1 (64), Heckler & Koch (10), North American Arms (1), Sig Arms (27), Sturm Ruger (104), Smith &
2 Wesson (89), Taurus (2), Carl Walther (10).

3 60. For Hawthorne, the totals are: Accu-Tek (3), Arcadia Machine & Tool (1), Beretta
4 (30), Bryco (6), Charter Arms (5), Colts' (8), Davis (58), Glock (11), H & R 1871 (1), Heckler &
5 Koch (6), Hi-Point (3), Kel-Tec (11), Phoenix Arms (25), Sig Arms (4), Sturm Ruger (44), Smith &
6 Wesson (15), and Taurus (20).

7 61. For Andrews, the totals are: Accu-Tek (2), Arcadia Machine & Tool (10), Beretta
8 (142), Browning (45), Bryco (8), Charter Arms (4), Colts' (57), Davis (41), Glock (37), H & R 1871
9 (2), Heckler & Koch (9), Hi-Point (1), Kel-Tec (1), North American Arms (9), Phoenix Arms (6), Sig
10 Arms (16), Sturm Ruger (245), Smith & Wesson (158), Taurus (49), and Walther (8).

11 62. For National, the totals are: Arcadia Machine & Tool (5), Beretta (33), Browning (8),
12 Bryco (1), Charter Arms (11), Colts' (26), Glock (22), Heckler & Koch (4), North American Arms
13 (2), Sig Arms (78), Sturm Ruger (34), Taurus (20), and Walther (5).

14 63. **Defendant Distributor to Dealer Profile (NOL, Ex. 22).** This profile provides a
15 snapshot of the FFLs associated with each of the distributor defendants' California crime gun traces.
16 Given the California trace counts in the Defendant Distributor and Dealer Profile, this profile
17 identifies each FFL through which the defendant distributor sold that gun. The profile then imports
18 the trafficking indicator data regarding that FFL from the California Dealer Profile. In addition, the
19 number of the defendant distributor's guns traced nationally through that FFL is provided.

20 64. I can conclude, based on the totality of the indicators provided in this profile and the
21 California Dealer Final Sale Profile, that each of the distributor defendants sell their firearms through
22 FFLs for which it is more likely than not they have either engaged in sales to gun traffickers or whose
23 high-risk business practices have facilitated the diversion of guns into the underground market in
24 California.

25 65. Let me again use the defendant dealers as examples. Traders has California traces
26 associated with at least the following defendant distributors: B.L. Jennings (21), Interarms (41), RSR
27 (6), and Southern Ohio Guns (3). These numbers are all likely undercounts of the real trace numbers,
28 not to mention the numbers of guns used in crime that were sold by Trader Sports that have never

1 been recovered or traced. Each of these distributors, had they monitored their downstream sales,
2 would have learned of the gun trafficking indicators associated with Traders and could have taken
3 appropriate action to ensure that these indicators did not continue, thereby reducing the number of
4 crime guns associated with Traders Sports.

5 66. B & E Guns was also supplied by several defendant distributors and dealers,
6 associated with the following California trace counts: B.L. Jennings (3), MKS Supply (2), RSR (15),
7 and Trader Sports (17). These numbers are all likely undercounts of the real trace numbers, not to
8 mention the numbers of guns used in crime that were sold by B & E Guns that have never been
9 recovered or traced. Each of these distributors and dealers, had they monitored their downstream
10 sales, would have learned of the gun trafficking indicators associated with B & E and could have
11 taken appropriate action to ensure that these indicators did not continue, thereby reducing the number
12 of crime guns associated with B & E Guns. The fact that the trace counts above are associated with
13 FFL licenses that are no longer in business indicates that defendant distributors and dealers could
14 have terminated sales to B & E Guns long before this FFL was allowed to funnel hundreds of guns
15 into crime in California.

16 67. The same analyses and conclusions apply to B & B Group, Hawthorne, Andrews, and
17 National.

18 68. The data available to me indicates that B & B Group has California traces associated
19 with at least the following defendant distributors: Interarms (33); RSR (1); and Southern Ohio Gun
20 Distributors (1).

21 69. For Hawthorne, the totals are: B.L. Jennings (6); Ellett Brothers (167); Interarms (17);
22 MKS Supply (10); RSR (13); and Southern Ohio Gun Distributors (1).

23 70. For Andrews, the totals are: B.L. Jennings (5); Ellett Brothers (14); Interarms (43);
24 MKS Supply (6); RSR (14); SG Distributing (126); and Southern Ohio Gun Distributors (1).

25 71. For National, the totals are: B.L. Jennings (1) and Interarms (8).

26 72. I can also conclude, based on the totality of the indicators provided in this profile and
27 the California Dealer Final Sale Profile, that each of the defendant dealers have more likely than not
28

1 either engaged in sales to gun traffickers or whose high-risk business practices have facilitated the
2 diversion of guns into the underground market in California.

3 73. I have already outlined the indicators for Trader Sports (§46), B & E (§§47-48), B &
4 B Group (§50); Hawthorne (§51); Andrews (§52), and National (§53). As defendant dealers, the gun
5 trafficking indicators itemized in these paragraphs indicate that each of these defendant dealers more
6 likely than not has either engaged in sales to gun traffickers or whose high-risk business practices
7 have facilitated the diversion of guns into the underground market in California.

8 **Defendants' Distribution Practices Make It Exceedingly Difficult to**
9 **Track Each Step From Manufacturer to Crime Gun Possessor**

10 74. The process by which guns are diverted by dealers into the underground market makes
11 it inherently difficult to track the precise path of each diverted gun from the point of retail sale to its
12 recovery in connection with a criminal investigation. For example, although ATF trafficking
13 investigations reveal that straw sales are a primary means by which guns are diverted to the
14 underground market, many straw sales go undiscovered because all the participants to the transaction
15 have an obvious interest in secrecy. Although it has long been known that multiple sales are an ideal
16 source of diverted guns, the path of specific multiple sale guns into the underground market is
17 difficult to determine because of the secrecy that is inherent in the underground market itself. Thus,
18 the nature of the underground market formed by the failure of defendants to control the distribution
19 of their products makes it inherently difficult to determine whether each gun recovered in a criminal
20 investigation was diverted into the underground market because of a specific business practice of a
21 gun dealer.

22 75. Similarly, it is inherently difficult to say with certainty that a specific dealer is
23 "corrupt" or is "knowingly" selling guns to straw purchasers, as opposed to negligently facilitating
24 such sales, unless one can witness sales transactions at the dealership first hand.

25 76. Nonetheless, indicators of gun trafficking present in trace information, coupled with
26 30 years of ATF's experience with the methods by which firearms are diverted from FFLs into the
27 underground market, allow me to conclude that FFLs through which defendant manufacturers and
28 distributors sell their firearms are more likely than not either engaged in sales in sales to gun

1 traffickers or whose high-risk business practices have facilitated the diversion of guns into the
2 underground market in California.

3 77. Further, the pool of crime guns in California would be substantially reduced if
4 defendants would enforce an industry code of conduct that would include accountable training and
5 manufacturer and distributor monitoring to reduce the frequency of the kinds of transactions known
6 to funnel guns into the underground market.

7 **Defendants Could and Should Have Utilized Responsible Distribution**
8 **Practices to Self-Police Their Own Distribution Networks**

9 78. There are many changes that each defendant could implement that would lessen
10 considerably the number of guns that enter the criminal and juvenile market. For example, defendant
11 manufacturers and distributors could sell only to authorized or certified distributors and dealers who
12 agree to implement safeguards designed to prevent gun trafficking. These safeguards could include,
13 among other things:

- 14 ○ Pre-screening members of the distribution network to ensure they are engaged in safe
15 business practices;
- 16 ○ Requiring accountable training to distributors and dealers as well as their own sales
17 personnel;
- 18 ○ Monitoring and supervising distributors and dealers to detect problems;
- 19 ○ Requiring dealers to curb multiple sales (including outside California);
- 20 ○ Requiring dealers to refuse to make sales unless background checks required by law
21 have been completed; and
- 22 ○ Taking remedial action – up to and including terminating sales – against distributors
23 and dealers that provide a significant source of guns traced to crime.

24 79. A critical element in responsible industry self-policing would be the reporting to
25 manufacturers of information from distributors and dealers relevant to the diversion of guns to the
26 underground market. Manufacturers could require, among other information:

- 27 ○ Periodic reporting of the number of ATF trace requests received;
- 28 ○ Information about the dates of retail purchase sufficient to monitor the time-to-crime
of traced guns;
- Information about any regulatory audits, citations of violations, or enforcement
actions instituted by government agencies against the distributor or dealer; and

- 1 ○ An explanation of each firearm sale where the firearm was later used in crime.
- 2 80. The paragraphs above are not an exhaustive list of the safeguards gun manufacturers
3 could implement to reduce gun trafficking and the diversion of guns into the criminal and juvenile
4 market.
- 5 81. For some time, defendants have been able to self-police the distributors and dealers
6 in their distribution chain but have failed to do so. During my tenure at ATF, ATF would have
7 welcomed improved industry distribution practices that would diminish the supply of guns to the
8 criminal and juvenile underground market and made this fact known to gun manufacturers. Indeed,
9 on numerous occasions, ATF, or the United States Department of Treasury or Justice, openly
10 requested the industry to self-police the licensees within their distribution systems.
- 11 82. A 2001 Department of Justice Report entitled *Gun Violence Reduction: National*
12 *Integrated Firearms Violence Reduction Strategy*, App. A, ¶cc, goes into great detail about measures
13 gun manufacturers could and should implement that would cut off the supply of guns to gun
14 traffickers. The report stated:
- 15 ○ pp. 6-7 (Executive Summary). The firearms industry must do much more to help
16 solve our country's firearms violence problem. Each gun manufacturer and distributor
17 must do a better job of policing its own distribution chain to reduce the illegal supply
18 of guns and keep them from falling into the hands of criminals, unauthorized
19 juveniles, [etc.] We are actively encouraging firearms manufacturers to voluntarily
20 improve their distribution controls
- 21 ○ p. 34. *Industry Self Policing*. The firearms industry can make a significant
22 contribution to public safety by adopting measures to police its own distribution
23 chain. In many industries, such as the fertilizer and explosives industries,
24 manufacturers impose extensive controls on their dealers and distributors. Gun
25 manufacturers and importers could substantially reduce the illegal supply of guns by
26 taking similar steps to control the chain of distribution for firearms. To properly
27 control the distribution of firearms, gun manufacturers and importers should: identify
28 and refuse to supply dealers and distributors that have a pattern of selling guns to
criminals and straw purchasers; develop a continual training program for dealers and
distributors covering compliance with firearms laws, identifying straw purchase
scenarios and securing inventory; and develop a code of conduct for dealers and
distributors, requiring them to implement inventory, store security, policy and record
keeping measures to keep guns out of the wrong hands, including policies to postpone
all gun transfers until NICS checks are completed.
- p. 34. To assist industry efforts to keep guns from falling into the wrong hands, ATF
will supply manufacturers and importers that request it with information about crime
gun traces of the manufacturer's or importer's firearms.

1 83. In addition, several ATF reports called on the industry to use trace information to
2 "build sounder and safer businesses." See App. A, ¶¶aa at 1, dd at 1. ATF's Strategic Plan 2000-2005
3 states that "Enforcement efforts would benefit if the firearms industry takes affirmative steps to track
4 weapons and encourage proper operation of Federal Firearms Licensees to ensure compliance with
5 all applicable laws." App. A, ¶bb, at 11. A Department of Treasury press release accompanying
6 *Commerce in Firearms* states that ATF will be "[p]roviding the firearms manufacturers and
7 importers, upon request, a list by serial number of the firearms they sold that were traced as crime-
8 guns during the previous year. This will enable the manufacturers and importers to police the
9 distribution of the firearms they sell." App. A, ¶y.

10 84. ATF also engaged in correspondence with several specific gun manufacturers
11 notifying them that they should be using trace information to police their distribution systems to help
12 reduce the diversion of guns into crime. See, e.g., NOL, Ex. 102 (PLTF 101149-53, letter from
13 Forest Webb, Special Agent in Charge, National Tracing Center of ATF to Taurus), NOL, 121 (SR
14 21972, letter from Forest Webb to Sturm Ruger).

15 85. Moreover, several members of the firearms industry have said that gun manufacturers
16 could and should take control of their distribution systems to curb the diversion of firearms into the
17 underground market. These voices have included:

- 18 ○ Robert Hass, a former Vice President for Sales and Marketing with Smith & Wesson,
19 see NOL, Ex. 143 (affidavit), NOL, Ex. 144 (deposition excerpts),
- 20 ○ Robert Lockett, a Kansas gun dealer, who wrote an open letter to the gun
21 manufacturers on how they should reform their lax sales practices. See NOL, Ex. 72
22 (open letter -- draft and as published) NOL, Ex. 159 (deposition excerpts),
- 23 ○ Doug Painter, current Executive Director of the National Shooting Sports Foundation
24 (NSSF) and the Sporting Arms and Ammunition Manufacturers' Institute, who wrote
25 a memo in 1993 after reading ATF's Operation Snapshot study (App. A, ¶f) that NSSF
26 should develop a "proactive industry position" to address the serious "potential for
27 illegal firearms transactions through ostensibly 'legal' FFL channels," and "minimiz[e]
28 the possibility of illegal transactions through unscrupulous FFL holders" NOL, Ex.
117, and
- Bill Bridgewater, former Executive Director of the National Association of Stocking
Gun Dealers, who admitted in a pledge with numerous law enforcement officials in
April 1994 that "within the firearms industry are elements who divert the flow of
firearms from the legitimate trade into the more lucrative firearms black market" and
"[w]e further recognize that gun licensees, who through willful, negligent or

1 irresponsible actions contribute to the illicit gun market, undermine those businesses
2 which carefully adhere to the letter of the law." See App. A, ¶g.

3 86. To my knowledge, none of these voices was heeded by the industry.

4 **Defendants Should Reverse Their Lax Distribution Policies**
5 **and Help Law Enforcement Fight Gun Trafficking**

6 87. ATF is the primary federal agency responsible for enforcing federal firearms laws.
7 ATF tracks the legal and illegal movement of firearms through the country. It is responsible for
8 licensing and monitoring firearms manufacturers, distributors, and dealers, and it investigates illegal
9 firearms distribution.

10 88. ATF has been limited by statute and regulation from keeping guns out of the hands
11 of prohibited persons. Some of the limitations of enforcement are: compliance inspections of firearm
12 dealers can only be conducted once a year; problem dealers cannot be fined or suspended, instead a
13 complex regulatory process is initiated in order to revoke a dealer's license, which can take years;
14 willful wrongdoing must be proved; and, if a dealer is indicted for criminal wrong doing involving
15 firearms violations, he or she can still keep their license until conviction, and then they can stay in
16 business until all appeals are exhausted. Despite the fact that ATF snapshots of the FFL population
17 have consistently shown violations occurring at 30% or more of all dealers, see App. A, ¶¶f, r, ATF
18 has been unable to revoke more than 44 licenses in any year since 1975, and has averaged less than
19 15 revocations per year over that span. See App. A, ¶z, at A-22. In addition, since the inception of
20 the Gun Control Act in 1968, ATF has always lacked sufficient numbers of Regulatory Inspectors
21 to closely monitor the number of Federal Firearms Dealers, which at one time numbered over
22 284,000. The restrictions placed upon ATF have made adequate supervision impossible. Thus, law
23 enforcement oversight is not sufficient to achieve safe distribution without responsible behavior by
24 defendants. See, e.g., App. A, ¶¶b, f, g, t, bb, cc.

25 89. Industry efforts would greatly aid law enforcement's efforts to curb gun trafficking.
26 During my tenure at ATF, ATF would have had no objection to manufacturers: (1) requiring periodic
27 reporting from distributors and dealers of ATF traces of crime guns and other information relevant
28 to the diversion of guns into the underground market; (2) requiring a set of universal precautions

1 throughout their distribution networks; (3) terminating distributors or dealers with large numbers of
2 crime gun traces.

3 90. Gun manufacturers and industry trade associations have discussed the need to take a
4 responsible "proactive industry strategy," but they have not followed through on the ideas that have
5 been proposed. To take just one example – dealer training – within the last couple of years, Smith
6 & Wesson developed a "Training Syllabus" for training firearms dealers on methods for screening
7 out and prohibiting sales to straw purchasers. SW 14901-14 (NOL, Ex. 119) This syllabus provides
8 useful training messages for dealers, but Smith & Wesson used it to train only the clerks in the few
9 gun stores they own and operate directly. Smith & Wesson did not even make it available to the
10 thousands of other retail dealers who sell their firearms. Pluff dep. at 31:4-32:1, {REDACTED}
11 (NOL, Ex. 166.)

12 91. More recently, the National Shooting Sports Foundation has co-sponsored with ATF
13 a program called "Don't Lie for the Other Guy," designed to prevent dealers from selling to straw
14 purchasers. This program involves a poster and counter cards, as well as a short brochure for dealers.
15 Once again, this program is beneficial, even if it is not as comprehensive as it should be. The bigger
16 problem, however, is that it is completely voluntary for dealers.

17 **Implementation of Responsible Distribution Practices by Defendants**
18 **Would Have Reduced the Numbers of Defendants' Guns Present in the**
19 **Illegal Gun Market in California**

20 92. If defendants had implemented the policies discussed above, it is more likely than not
21 that the number of defendants' guns diverted into the illegal gun market in California would have
22 been reduced substantially.

23 93. Moreover, it is my experience as a law enforcement officer involved with fighting
24 firearms trafficking for almost 30 years that where you reduce the availability and accessibility of
25 illegally trafficked firearms to a community, you reduce violent crime.
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- 1 ○ Concludes that "[w]hile conscientious dealers make individual attempts to
2 assure that their purchasers are State residents and not prohibited persons, the
3 opportunity remains for lax or unscrupulous dealers to do nothing and rely on
4 the fact that, because of lack of frequent inspection of their records, they will
5 escape detection and avoid prosecution." *Id.* at 28.
- 6 ○ The Report also concludes that merely requiring multiple sales to be recorded
7 is insufficient to curb that practice as a major source of illegal handgun
8 supply, instead recommending a nationwide one-handgun-per-month
9 limitation. *Id.* at 54, 64-65. "Moreover, it has become evident that this illicit
10 firearms trafficking has been facilitated by the absence of Federal controls
11 upon the multiple sale of handguns." *Id.* at 73.
- 12 ○ Commentary by the Treasury Department is included in the Report. "The
13 Treasury Department has consistently maintained the position that the
14 underpinnings of effective firearms regulation must be a body of responsible
15 and cooperative Federal firearms licensees. The most critical point of contact
16 is the implementation of Federal, State and local firearms regulations is the
17 firearms dealer. For in the majority of cases it is he who must assure that
18 firearms sales are in compliance with the law. In short, the Federal licensee
19 can become a critical asset or an unmanageable liability in our quest for
20 responsible firearms regulations." *Id.* at 69.
- 21 ○ Treasury also stated: "Due to the sheer magnitude of the number of licensees,
22 it is impossible for ATF to monitor each licensee and it is becoming
23 increasingly difficult to maintain an effective compliance program based upon
24 even random or periodic inspections." *Id.* at 70.
- 25 ○ Treasury discusses the need for a greater range of penalties to deal with
26 firearms dealers who violate the law. *Id.* at 70-71.
- 27 c. **1976 – Bureau of Alcohol, Tobacco and Firearms, *Project Identification: A Study
28 of Handguns Used in Crime* (NOL, Ex. 31).**
- Discusses the interstate trafficking of firearms, and how handguns move from
states with weaker gun control laws to states with stronger laws.
- Report also discusses trafficking case in which South Carolina FFLs working
with gun traffickers sold approximately 40,000 handguns that were trafficked
to New York City.
- d. **1977 – Steven Brill, Police Foundation, *Firearms Abuse: A Research and Policy
Report* (NOL, Ex. 61).**
- Discussing the role of gun thefts from dealers, the problems of multiple sales,
interstate gun trafficking, and the diversion of new handguns into crime.
- e. **1989 – FFL newsletter (Vol. 2); 1992 FFL newsletter (Vol. 1) (NOL, Ex. 32).**
- Both newsletters explain to FFLs that "straw purchases" are illegal.
- f. **1993 – Bureau of Alcohol, Tobacco and Firearms, *Operation Snapshot* (June
1993) and attached *Operation Snapshot Final Report* (July 12, 1993) (NOL, Ex.
33).**

- 1 ○ 74% of dealers conduct the firearms business in their homes.
- 2 ○ Only 9% of dealers had previously been subject to an application investigation
- 3 by ATF. Only 10% of dealers had been subject to a compliance inspection by
- 4 ATF.
- 5 ○ 34% of dealers were found to have federal firearms violations. 7% of dealers
- 6 were found to have violations for which a followup inspection was required.
- 7 ○ 4% of dealers could not account for the disposition of one or more firearms.
- 8 ○ 7% of dealers had multiple handgun sales within the previous 12 months.
- 9 ○ Report notes: "In 1968 there were about 87,000 licensees. Today there are
- 10 over 287,000. In 1968 we did not have sufficient resources to inspect all
- 11 licensees; nor do we today. Given our current commitment of resources, we
- 12 project that it would take over ten years to inspect each and every licensee."
- 13 July Final Report at i.
- 14 g. **1994 – National Alliance of Stocking Gun Dealers, *Alliance Voice* (April 1994)**
- 15 **(NOL, Ex. 89).**
- 16 ○ In a joint statement by Bill Bridgewater, Executive Director of the National
- 17 Association of Stocking Gun Dealers, and numerous law enforcement
- 18 executives, the parties admit, in part: "[W]ithin the firearms industry are
- 19 elements who divert the flow of firearms from the legitimate trade into the
- 20 more lucrative firearms black market." "We further recognize that gun
- 21 licensees, who through willful, negligent or irresponsible actions contribute
- 22 to the illicit gun market, undermine those businesses which carefully adhere
- 23 to the letter of the law." "At present, the ATF has regulatory authority over
- 24 the firearms industry, but its ability to ensure compliance with firearms laws
- 25 is hampered by insufficient resources and inadequate statutory authority." *Id.*
- 26 at PLTF 102540.
- 27 h. **1994 – Bureau of Alcohol, Tobacco and Firearms, *Memorandum from the Special***
- 28 ***Agent in Charge, Los Angeles Field Division, to the Chief, Firearms Division, ATF***
- (NOL, Ex. 35).**
- Early tracing report of crime guns recovered in Southern California, discusses
- straw purchases and storefront FFLs diverting large numbers of guns into the
- underground market.
- i. **1995 – Bureau of Alcohol, Tobacco and Firearms, *1994 Firearms Enforcement***
- Investigative Report* (NOL, Ex. 36).**
- "Historically, firearms trace studies have proven to be an excellent tool in
- identifying illegal firearms trafficking patterns, illegal purchasers, problem
- firearms dealers, and source areas supplying firearms." *Id.* at 19.
- Report contains 38 pages of sample trafficking cases as reported by ATF field
- offices throughout the U.S., including the LA field office.
- Among other charts, at page 73 is a table noting that 6,760 firearms were
- stolen in 1994 from FFLs and interstate carriers.

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- j. 1995 – Glenn L. Pierce, et al., *The Identification of Patterns in Firearms Trafficking: Implications for Focused Enforcement Strategies* (Northeastern University) (NOL, Ex. 75).
 - o Examines patterns in firearms trafficking from ATF national firearm tracing data.
 - o 91.6% of all FFLs had no crime-related guns traced back to them as the last retail seller. *Id.* at 11. The percentage of dealers in California with a crime gun trace was 5.4%. *Id.* at Table 1.
 - o .1% of all FFLs (145) accounted for approximately 25% of all guns traced back to active FFLs. Similarly, approximately .4% of all dealers accounted for almost half of all guns traced back to FFLs. Each of the FFLs in this category had 25 or more traces traced to them as the final retail seller. *Id.*
 - o Table 6. Calculates time-to-crime averages for FFLs and compares it to total percentage of traces. The approximately 4% of dealers who have tracing averages of 3 years or less account for almost 44% of the traces.
 - o Concludes that "an extremely small number of FFLs are involved with a large, disparate number of firearms recovered at crime scenes." *Id.* at ii.
- k. 1995 – Bureau of Alcohol, Tobacco and Firearms, *Sources of Crime Guns in Southern California* (NOL, Ex. 37).
 - o Identifies six important sources of crime guns: kitchen table dealers, corrupt commercial dealers, unlicensed street dealers, straw purchasers, interstate traffickers and gun thefts. *Id.* at 9.
 - o Discusses cases involving FFLs making off-the-books diversions, and acquiescence in straw purchases. Notes that two problem commercial dealers have female owners of record who took over operations when previous license was revoked. *Id.* at 9-10.
 - o Identifies indicators for straw purchasing, including brief lag between purchase and recovery in crime, as well as the gun being recovered from a third party, recovered from a third party shortly after purchase, and purchased by a female but recovered from a male. *Id.* at 18-20.
 - o Discusses interstate trafficking of firearms into California. *Id.* at 21-23. Also gun thefts from FFLs. *Id.* at 24.
- l. 1996 – Bureau of Alcohol, Tobacco and Firearms, *1996 Firearms Enforcement Report* (NOL, Ex. 38).
 - o Report contains 31 pages of sample trafficking cases as reported by ATF field offices throughout the U.S., including the LA and SF field offices.
- m. 1997 – Bureau of Alcohol, Tobacco and Firearms, *Youth Crime Gun Interdiction Initiative, Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Markets in 17 Communities* (1997) (including city reports for Inglewood and Salinas, CA) (NOL, Ex. 40).

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- Discusses initial findings of more comprehensive crime gun tracing by 17 cities, including Inglewood and Salinas, CA.
- "Many recovered firearms are rapidly diverted from first retail sale at FFLs to a black market that supplies juveniles and youth... . New guns in young hands signal direct diversion – by illegal firearms trafficking, including straw purchases, theft from federally licensed firearms gun dealers, or a combination of all of these." *Id.* at 8.
- "Crime guns with obliterated serial numbers are likely to have been illegally trafficked." *Id.*

n. **1997 – Bureau of Alcohol, Tobacco and Firearms, *A Progress Report: Gun Dealer Licensing and Illegal Gun Trafficking* (NOL, Ex. 41).**

- Raymond W. Kelly, Under Secretary (Enforcement) states: "Virtually all new firearms used in crime first pass through the legitimate distribution system of federal firearms licensees." *Id.* at i.
- Discusses the rapid decline in the number of FFLs after the Brady Law was enacted. *Id.* at 2-10.
- "There is a large problem of diversion to the illegal market from licensed gun establishments." *Id.* at 15.
- "A 1994 examination showed that of the 120,370 crime guns that were traced to purchases from the FFLs then in business, 27.7% of these firearms were seized by law enforcement in connection with a crime within two years of the original sale. This rapid 'time to crime' of a gun purchased from an FFL is a strong indicator that the initial seller or purchaser may have been engaged in unlawful activity." *Id.*

o. **1997-1998 – *CGAB Shots, News of the Crime Gun Analysis Branch, Bureau of Alcohol, Tobacco and Firearms* (NOL, Ex. 42).**

- December 1997 (Vol. I, Issue 2) – Joseph J. Vince, Jr., *Memo from the Chief re: Reducing Violent Crime Through Focused Enforcement*, at 2 (discussing successes in firearms tracing and Project LEAD and ways to strategically manage the data obtained in investigations).
- January 1998 (Vol. II, Issue 1) – Martin J. Gidron, *Tracing USA: 1997 in Review*, at 1 (citing continuing increase in guns traced and discussing how gun tracing has helped reduce violent crime).
- February 1998 (Vol. II, Issue 2) – Joseph J. Vince, Jr., *Memo from the Chief re: Where Are the Guns Coming From?*, at 2 (discussing upcoming YCGII-funded research that will explore "secondary source markets").
- March 1998 (Vol. II, Issue 3) – Joseph J. Vince, Jr., *Memo from the Chief re: Obliterated Serial Numbers: An Investigator's Gold Mine*, at 2 (discussing the importance of restoring obliterated serial numbers to shut off the flow of illegal guns to criminals).

- 1 ○ May 1998 (Vol. II, Issue 4) – Joseph J. Vince, Jr., *Memo from the Chief re: To Trace or Not to Trace: That is the Question!*, at 2 (discussing the importance of tracing in identifying patterns of illegal activity).
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- 3 ○ July 1998 (Vol. II, Issue 5) – Joseph J. Vince, Jr., *Memo from the Chief re: Suspect Guns*, at 2 (discussing new tools available to identify patterns of gun traffickers).
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- 5 ○ August 1998 (Vol. II, Issue 6) – Joseph J. Vince, Jr., *Memo from the Chief re: Obliterated Serial Numbers: A Growing Criminal's Technique and An Investigator's Gold Mine*, at 2 (discussing trends in restoring obliterated serial number).
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- 7 ○ September 1998 (Vol. II, Issue 7) – Joseph J. Vince, Jr., *Memo from the Chief re: Multiple Sales: The Obvious Indicator*, at 2 (discussing indicators of illegal trafficking provided by multiple sale forms).
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- 9 ○ October 1998 (Vol. II, Issue 8) – Joseph J. Vince, Jr., *Memo from the Chief re: Firearms Outside the Retail Chain*, at 2 (discussing how guns enter the secondary source market, ways criminals attempt to thwart law enforcement efforts to trace crime guns and the importance of maintaining trace data).
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- 11 ○ October 1998 (Vol. II, Issue 8) – Joseph J. Vince, Jr., *Memo from the Chief re: Firearms Outside the Retail Chain*, at 2 (discussing how guns enter the secondary source market, ways criminals attempt to thwart law enforcement efforts to trace crime guns and the importance of maintaining trace data).
- 12 ■ "In our latest examination of data from the 27 YCGII cities, the single source of firearms is still illegal traffickers who are acquiring firearms from retail outlets. It still appears that acquisition of firearms by false declarations and straw purchasers are still the method preferred by traffickers, both large and small." *Id.* at 2.
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- 15 ○ November 1998 (Vol. II, Issue 9) – Joseph J. Vince, Jr., *Memo from the Chief re: G.I.S. Mapping*, at 2 ("If law enforcement can decrease the availability and accessibility of illegally trafficked firearms to a community or neighborhood, violent crime will be reduced. The continued decline in violent crime in the cities of the United States will need firearms interventions that identify those who supply weapons to the violent segment of our society.").
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- 18 ○ December 1998 (Vol. II, Issue 10) – Joseph J. Vince, Jr., *Memo from the Chief re: The Rules Have Changed*, at 2 ("[I]llegal firearm traffickers will be looking for methods to circumvent the intent of the law and to acquire firearms for sale to a willing criminal market.").
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- 21 p. 1998 – Bureau of Alcohol, Tobacco and Firearms, *Safety and Security Information for Federal Firearms Licensees* (1998) (NOL, Ex. 43).
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- 23 ○ Identifies advisable security steps that FFLs should take. ATF cannot mandate these, however.
- 24 q. 1998 – Julius Wachtel, *Sources of Crime Guns in Los Angeles, California*, 21 *Policing: An Int'l J. of Police Strategies & Mgmt.* 220 (NOL, Ex. 82).
- 25
- 26 ○ This study, which is focused on Southern California, evaluates a series of surveys regarding where criminals obtain their firearms and discusses gun trafficking more generally. Mr. Wachtel, a former fellow ATF agent, concludes that dealer corruption is a significant source of supply for the illegal market. P. 234. 71% of diverted guns passed through 15 licensed dealers. Mr. Wachtel provides charts of these breakdowns.
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r. **1998 – Bureau of Alcohol, Tobacco and Firearms, *Operation Snapshot: An Analysis of the Retail Regulated Firearms Industry* (NOL, Ex. 33).**

- o As a follow up to *Operation Snapshot* (1993), ATF conducted a random survey of the 1998 population of approximately 100,000 FFLs, including retail dealers and pawnbrokers. The reports provides major findings with respect to both types of FFL. Among the major findings:
- o For 1998 dealers selling more than 50 guns: 56% had violations during inspections, 16% reported lost or stolen guns to ATF, 52% previously had a crime gun traced to them, and 18% had guns missing from inventory. *Id.* at 12.
- o For all 1998 dealers: 30% had violations, 6% reported lost/stolen guns, 22% previously had a trace, 7% had guns missing from inventory. *Id.*
- o For 1998 pawnbrokers selling more than 50 guns: 30% had inspection violations, 10% reported lost/stolen guns, 56% previously had traces, 45% had guns missing from inventory. *Id.*
- o For all 1998 pawnbrokers: 45% had violations, 10% reported lost/stolen guns, 44% previously had traces, 13% had guns missing from inventory. *Id.*
- o Only 13% of the dealers made multiple sales, *id.* at 17, while 37% of pawnbrokers did. *Id.* at 20. "These percentages are significant because such transactions are often indicators of firearms trafficking, particularly among youth and juveniles." *Id.* at 20-21.
- o Although 22% of all dealers and 44% of all pawnbrokers previously had a trace connected to them, only 8% of dealers and 20% of pawnbrokers had a crime gun traced to them within three years or less of sale. *Id.* at 28. The percentages were much higher for dealers and pawnbrokers who also had missing, or lost/stolen firearms. *Id.* at 29.

s. **1999 – Bureau of Alcohol, Tobacco and Firearms, *Youth Crime Gun Interdiction Initiative, Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Markets in 27 Communities* (including Highlights and city reports for Inglewood, Los Angeles, and Salinas, CA) (NOL, Ex. 47).**

- o Provides results from expanded comprehensive crime gun tracing for 27 cities nationwide, as well as Inglewood, Los Angeles, and Salinas, CA. Among the report's conclusions:
 - o "The Trace Reports confirm that illegal trafficking is occurring in new guns." *Id.* at Highlights 1.
 - o "The Performance Report shows that the most important factor leading to trafficking investigations involving juveniles and youth was analysis of trace and multiple sale records." *Id.*
 - o Half of the illegal trafficking investigations reported in the Performance Report involved firearms trafficked by straw purchasers, either an individual or a ring. *Id.* at 2.

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○ "Experienced trafficking investigators have found that recovery of crime guns within three years is a significant trafficking indicator. New guns in juvenile or criminal hands signal direct diversion, by illegal firearms trafficking – for instance through straw purchases or off the book sales by corrupt FFLs." *Id.* at 12.

○ "For purposes of firearms tracing, a crime gun is any firearm that is illegally possessed, used in a crime, or suspected to have been used in a crime." *Id.* at 5. The report is based on crime gun traces. *Id.* at 7.

t. **1999 – Bureau of Alcohol, Tobacco and Firearms, *Youth Crime Gun Interdiction Initiative Performance Report* (NOL, Ex. 48).**

○ Discussed 640 trafficking investigations involving approximately 27,000 trafficked firearms.

○ In more than 2/3 of the investigations, the trafficked guns were known to be involved in additional crimes. *Id.* at 5.

○ More than 23% of the investigations were associated with juvenile possession. *Id.*

○ Over 1/3 of the traffickers had prior felony convictions. *Id.* at 6.

○ Half of all investigations involved trafficking through some form of straw purchase. *Id.* at 6.

○ Analysis of firearms traces and multiple sales information was the most important factor in identifying trafficking involving juveniles and youths. *Id.* at 7.

○ 1993 Sheley and Wright survey of juveniles is consistent with ATF's trace analysis showing that diversion from retail sources is a significant source of crime guns for minors. *Id.* at 9.

u. **1999 – Report of Senator Charles Schumer, *A Few Bad Apples: Small Number of Gun Dealers the Source of Thousands of Crimes* (NOL, Ex. 77).**

○ Discusses 137 FFLs nationwide that sold more than 50 guns traced to crime in 1998. Although dealers are not identified by name, they are identified by place, along with other information. 12 dealers in California are identified as the source of 2,468 crime gun traces.

v. **1999 – Report of Senator Charles Schumer, *Crime Guns Sold By High Crime Gun Dealers Quickly Change Hands and Are Rarely Used by Original Buyer of the Gun* (NOL, Ex. 78).**

○ Updates data from earlier Schumer report, identifying 140 high-trace FFLs nationwide. Also notes that only 13% of the crime guns were recovered from the original purchaser.

○ Two gun dealers in California, one in San Leandro and one in Fontana, each had 20 homicide guns traced back to their stores between 1996 and 1998.

- 1 ○ The report provides more detail about 12 gun dealers in California with high
2 numbers of traces.
- 3 w. **1999 – Dep't of the Treasury, Bureau of Alcohol, Tobacco and Firearms, and
4 Dep't of Justice, *Gun Shows: Brady Checks and Crime Gun Traces* (NOL, Ex. 45).**
- 5 ○ Outlines the problem of gun trafficking through gun shows. "A review of
6 ATF's recent investigations indicates that gun shows provide a forum for
7 illegal firearms sales and trafficking." *Id.* at 6.
- 8 x. **1999 – Dep't of the Treasury and Dep't of Justice, *Gun Crime in the Age Group
9 18-20* (NOL, Ex. 46).**
- 10 ○ Discusses the structure of the illegal market in firearms. "[M]any underage
11 gun users obtain firearms through illegal diversion from retail sources." *Id.*
12 at 3
- 13 y. **2000 – Bureau of Alcohol, Tobacco and Firearms, *Commerce in Firearms in the
14 United States* (NOL, Ex. 49) and accompanying press release (NOL, Ex. 50).**
- 15 ○ Describes abuse of FFL licensing procedures before statutory amendments in
16 1993. Many licensees would get license solely for illicit purposes. *Id.* at 1,
17 11-13.
- 18 ○ 1.2% of dealers (1,020 out of 83,200 FFLs and pawnbrokers) accounted for
19 57% of crime guns traced to dealers in 1998. Just over 450 dealers in 1998
20 had 10 or more traces with time-to-crime of 3 years or less. *Id.* at 2.
- 21 ○ Analysis of crime gun traces can reveal, in combination with other
22 investigative techniques, both FFLs and non-FFLs actively engaged in
23 illegally transferring firearms to prohibited persons. *Id.* at 19. Since licensed
24 dealers have access to a large supply of firearms, they represent a significant
25 trafficking threat if they violate the law. *Id.*
- 26 ○ Northeastern University/ATF study in 1995 identified concentration of
27 dealers. *Id.* at 21.
- 28 ○ Identifies the following gun trafficking indicators: "multiple crime guns traced
to an FFL or first retail purchaser; short time-to-crime for crime guns traced
to an FFL or first retail purchaser; incomplete trace results, due to an
unresponsive FFL or other causes; significant or frequently reported firearms
losses or theft by an FFL; frequent multiple sales of handguns by an FFL or
multiple purchases of firearms by a non-licensee, combined with crime gun
traces; recovery of firearms with obliterated serial numbers... . concentration
of an FFL's crime gun traces in a particular geographic area in another State."
Id. at 22.
- Discusses lost and stolen guns as indicators of illegal trafficking. *Id.* at 26.
Inventory errors are occurring at a high rate. Errors in inventory records are
a serious problem. *Id.* at 28.
- Notes that in 1999, ATF inspectors conducted 155 firearms seminars. NSSF's
sponsorship of "Don't Lie for the Other Guy" program on straw purchasing
was not launched until July 2000. *Id.* at 29.

- 1 ○ Gives breakdown in concentration of traces among dealers. Of 83,272 retail
2 gun dealers and pawnbrokers, more than 71,000 (85.7%) had no crime gun
3 traces in 1998. Another 11,947 had only 1 trace. Only 2,253 FFLs had 5 or
4 more traces. Collectively, they accounted for 71.7% of the total number of
5 traces. *Id.* at A-23 (Table D.1).
- 6 ○ The size of ATF's inspection workforce has not changed significantly since
7 ATF was established as a bureau of the Department of the Treasury in 1972.
8 *Id.* at 17. Also discusses legal restrictions on ATF inspectors. *Id.* at 29.
- 9 ○ A random sampling of inspections of retail licensees in 1998 showed that 45%
10 of pawnbrokers and 30% of other retail dealers were in violation of dealer
11 requirements. For retail dealers that sold 50 or more firearms over the
12 previous year, 50% were in violation. *Id.* at 30.
- 13 ○ Press release accompanying report announced that ATF would provide
14 firearm manufacturers and importers, upon request, a list by serial number of
15 the firearms they sold that were traced as crime guns during the previous year.
16 This will enable the manufacturers and importers to police the distribution of
17 the firearms they sell.
- 18 **z. 2000 – Bureau of Alcohol, Tobacco and Firearms, *Following the Gun: Enforcing***
19 ***Federal Laws Against Firearms Traffickers* (NOL, Ex. 51).**
- 20 ○ Discusses corrupt FFLs as major traffickers. *See also* pp. 12-16. Although
21 corrupt FFLs were involved in the smallest proportion of trafficking
22 investigations, given their access to a large number of firearms, they trafficked
23 on average more than 350 firearms, making them the single highest source of
24 trafficked guns. 38% of FFLs in trafficking investigations operated from
25 retail stores, and 38% were pawn shops. *Id.* at x.
- 26 ○ Straw purchasing was the most common channel in firearms investigations.
27 *Id.* at xi.
- 28 ○ Explains that ATF uses the terms "diversion" and "firearms trafficking"
synonymously. *Id.* at 3.
- Provides numerous tables. Table 2 on sources of firearms trafficking. Table
3 on the volume of firearms diverted, by trafficking channel. Table 5 on the
influence of FFL traffickers on the number of firearms trafficked.
- Notes that "while a trace of a crime gun may reveal that it was first sold at
retail ten years before its recovery in crime, it is nevertheless possible that it
was trafficked." *Id.* at 25.
- Explains why it is difficult to prosecute firearms traffickers and corrupt FFLs.
Id. at 43.
- aa. 2000 – Bureau of Alcohol, Tobacco and Firearms, *Youth Crime Gun Interdiction***
***Initiative, Crime Gun Trace Reports (1999) National Report* (including city reports
for Los Angeles, Oakland, and San Jose, CA) (NOL, Ex. 52).**
- Discusses the predominant role of new guns in crime. Guns entering
marketplace between 1993 and 1999 represented 17% of the total nationwide
supply of guns, but represented more than half of traced guns in 1999. This

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finding confirms investigators' experience that illegal diversion is a significant aspect of gun crime. *Id.* at ix.

- Explains the value of ATF traces to the gun industry. "They inform federally licensed firearms dealers of crime gun patterns, allowing them to build sounder and safer businesses." *Id.* at 1.
- Discusses time-to-crime, multiple sales, and other indicators of gun trafficking.
- Makes an explicit connection between obliterated serial numbers and multiple sales. "[A]mong handguns both sold and traced in 1999, those recovered and traced with obliterated serial numbers were 2.3 times as likely to have been from a multiple sale (51 percent) as were all handguns together (22 percent). *Id.* at 40.

bb. 2000 – Bureau of Alcohol, Tobacco and Firearms, *ATF Strategic Plan 2000-2005* (NOL, Ex. 53).

- Includes as one of the "Key External Factors Affecting Achievement of ATF's Goals": "Firearm industry actions – Enforcement efforts would benefit if the firearms industry takes affirmative steps to track weapons and encourage proper operation of Federal Firearms Licensees to ensure compliance with all applicable laws." *Id.* at 11.

cc. 2001 – Dep't of Justice, *Gun Violence Reduction: National Integrated Firearms Violence Reduction Strategy* (NOL, Ex. 54).

- Report on National Strategy is joint effort of the U.S. Department of Treasury, U.S. Department of Justice, ATF, and local law enforcement. The report concludes:
 - "The firearms industry must do much more to help solve our country's firearms violence problem. Each gun manufacturer and distributor must do a better job of policing its own distribution chain to reduce the illegal supply of guns and keep them from falling into the hands of criminals, unauthorized juveniles, [etc.] We are actively encouraging firearms manufacturers to voluntarily improve their distribution controls" *Id.* at 6-7 (Executive Summary).
 - Corrupt dealers are a serious threat to public safety. *Id.* at 28.
 - "*Industry Self Policing.* The firearms industry can make a significant contribution to public safety by adopting measures to police its own distribution chain. In many industries, such as the fertilizer and explosives industries, manufacturers impose extensive controls on their dealers and distributors. Gun manufacturers and importers could substantially reduce the illegal supply of guns by taking similar steps to control the chain of distribution for firearms. To properly control the distribution of firearms, gun manufacturers and importers should: identify and refuse to supply dealers and distributors that have a pattern of selling guns to criminals and straw purchasers; develop a continual training program for dealers and distributors covering compliance with firearms laws, identifying straw purchase scenarios and securing inventory; and develop a code of conduct for dealers and

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distributors, requiring them to implement inventory, store security, policy and record keeping measures to keep guns out of the wrong hands, including policies to postpone all gun transfers until NICS checks are completed." *Id.* at 34.

- "To assist industry efforts to keep guns from falling into the wrong hands, ATF will supply manufacturers that request it with information about crime gun traces of the manufacturer's or importer's firearms." *Id.*
- Explains the evolution in federal firearms laws and how ATF is hampered in combating gun trafficking. Appendix C.
- Includes the March 17, 2000 agreement by Smith & Wesson to reform its distribution practices. Agreement was signed by the U.S. Treasury Department. Appendix D.

dd. 2002 – Bureau of Alcohol, Tobacco and Firearms, *Youth Crime Gun Interdiction Initiative, Crime Gun Trace Reports (2000) National Report* (including city reports for Anaheim/Long Beach/Santa Ana, Los Angeles, Oakland, Salinas, San Jose, and Stockton, CA) (NOL, Ex. 56).

- Notes that crime gun trace reports "inform federally licensed firearm dealers of crime gun patterns, allowing them to build sounder and safer businesses." *Id.* at 1.
- Report give analyses of crime gun traces, including time to crime, the significance of multiple sales and obliterated serial numbers, the concentration of traces among certain retail dealers.
- "One of the findings of the Crime Gun Trace Reports is that a large proportion of youth crime guns are quite new and most likely deliberately and illegally trafficked." *Id.* at 66.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 31st day of January, 2003, at Frederick, Maryland.

/s/ Joseph J. Vince, Jr.

Joseph J. Vince, Jr.

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DECLARATION OF SERVICE VIA JUSTICELINK

In re Firearm Case
No. JCCP 4095

(People, et al. v. Arcadia Machine & Tool, Inc., et al.)
San Francisco Superior Court No. 303753
Los Angeles Superior Court No. BC210894
Los Angeles Superior Court No. BC214794

I, Kathy Scoville, declare:

1. That I am and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested in the within action; that my business address is 401 B Street, Suite 1700, San Diego, California 92101.

2. That on February 13, 2003, I served the redacted version of the DECLARATION OF JOSEPH J. VINCE JR. IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT MANUFACTURERS' MOTION FOR SUMMARY JUDGMENT (originally filed on February 3, 2003) by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of February, 2003, at San Diego, California.

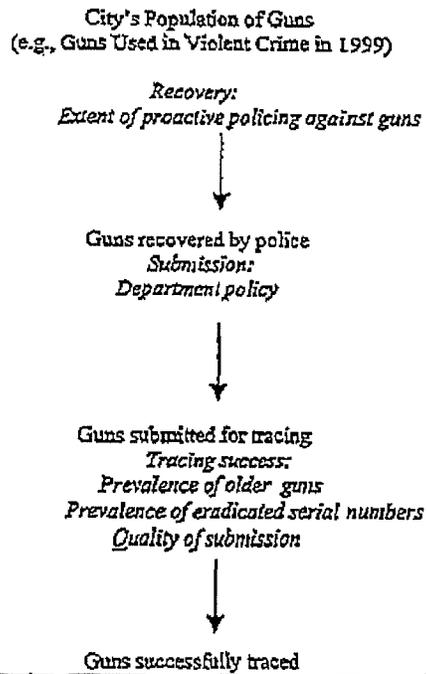
/s/ Kathy Scoville
Kathy Scoville

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EXHIBIT "21"

EXHIBIT "21"

FIGURE 1
THE SELECTION PROCESS



I. Recover

Only a small fraction of the guns used in criminal violence are recovered by the police. For example, there were about 10,100 homicides in 1999 committed with guns.⁵⁹ The 1427 guns recovered in connection with homicide may represent about ten percent of the murder weapons. It is not possible to be more precise, because not all of those guns coded as "associated" with homicide are in fact murder weapons, and some homicides involve more than one gun. The proportion of guns used in robbery and assault that are recovered is no doubt smaller yet.⁶⁰

59. See U.S. Department of Justice Bureau of Justice Statistics, *Firearms and Crime Statistics* (visited June 2, 2001) <<http://www.ojp.usdoj.gov/bjs/guns.htm>>.

60. See GARY KLECK, *TARGETING GUNS: FIREARMS AND THEIR CONTROL* 9 (1997). Of course, the number of guns that are recorded as being associated with violent crimes may underestimate the true number of such guns that are recovered, since some portion

2. *Submits for Trace*

Each police agency has discretion whether to submit a recovered gun for tracing. In jurisdictions where tracing is only used for investigative purposes, the guns submitted for tracing will be among those associated with particular violent crimes where it is hoped that the trace result will provide evidence useful in solving the case. These guns will constitute a small and unrepresentative subset of the recovered guns, and even of the recovered guns that are associated with violent crimes. In any event, that problem has been eliminated in most of the YCGII cities and in some other jurisdictions by the adoption of a comprehensive-tracing policy where every gun associated with any sort of criminal activity is traced.

3. *Trace Success*

The success rate for 1999 submissions of violent-crime guns submitted from YCGII cities was about sixty percent (see Table 4). The guns that are successfully traced are not a representative sample of those submitted. Among other things, older guns and those with eradicated serial numbers are unlikely to be traced. To some extent, the bias introduced at this stage can be delimited by information on why the trace failed. For example, the percentage of recovered guns that were in circulation less than three years can be calculated (as we do below) under the assumption that the guns identified as too old for tracing are more than three years old. However, there is useful information in the NTC database even for guns that are not successfully traced, including the make and model of the gun, the circumstance that led to the confiscation of the gun, and the age of the possessor.

ATF's efforts to expand comprehensive tracing and enhance the capacity of the NTC ensures that the sample of traced guns is more representative of guns recovered by the police. However, the first selection process, "recovery," remains problematic. The relationship between the recovered-guns sample and the underlying population of guns used in crime is not well defined. Further, this relationship will differ among jurisdictions and change over time simply because police-department policies are not uniform in this regard. Chicago, for example, has a long tradition of proactive policing against illegal carrying, a tradition that has resulted in far more guns being confiscated, year in and year out, than would be expected based on its population and gun-crime levels.⁶¹ In general, the rate of gun recovery in a city will depend on the priority given by the police to getting guns off the street, which may vary over time.

Using recovered guns as a basis for estimating the characteristics of all guns used in crime is analogous to using arrestees as a basis for estimating the characteristics of all criminals. Both "samples" are unrepresentative of the relevant populations in various ways and are constituted in a way that is heavily influenced

of the guns recovered in the context of carrying, possession, or vice offenses will also have been used in homicide, robbery, or assault. *See id.*

61. *See* Mark H. Moore, *The Police and Weapons Offenses*, 452 ANNALS AM. ACAD. POL. & SOC. SCI. 22, 24.

by police priorities and procedures.⁶² But criminologists have nonetheless made extensive use of arrest data because these data are the best available for some purposes.⁶³ Similarly, in analyzing data on recovered guns, the validity of the conclusions depends on the application and the care that is taken to provide appropriate qualifications.

The three important applications for these data are: (1) informing strategic planning efforts to interdict the transactions by which criminals tend to acquire their guns; (2) identifying specific firearm dealers and traffickers as targets for enforcement actions; and (3) providing a basis for evaluating the effects of changes in gun-control laws. We assess each of these in turn.

V. TRAFFICKING INDICATORS

Perhaps the most important use of the data generated from comprehensive tracing has been to make the case that FFLs play an important role in the diversion of guns to the hands of youths and criminals. This use has also been the most controversial, since it contradicts the conventional wisdom that criminals, for the most part, obtain their guns from the huge inventory already in private hands.⁶⁴

That inventory exceeds 200 million, with thirty-five to forty percent of households owning at least one gun.⁶⁵ Since guns are highly durable commodities, used guns appear to be a close substitute for new ones. Over 500,000 guns are stolen each year from private homes and vehicles, a number which is apparently sufficient to satisfy the "needs" of robbers and drug dealers.⁶⁶ These stolen guns merge with informal voluntary sales to supply a vast secondary market which is largely unregulated.⁶⁷

A. Survey Evidence

Prior to the advent of comprehensive tracing, the importance of theft and the secondary market in supplying youths and criminals was documented by three surveys: Wright and Rossi's survey of prisoners,⁶⁸ the survey of state prisoners

62. See Donald Black, *The Production of Crime Rates*, 35 AM. SOC. REV. 736-48 (1970).

63. See ALBERT D. BIDERMAN & JAMES P. LYNCH, *UNDERSTANDING CRIME INCIDENCE STATISTICS* 101 (1991).

64. See Kleck, *supra* note 5, at 23.

65. See COOK & LUDWIG, *supra* note 26, at 13.

66. See *id.* at 29; Kleck, *supra* note 5, at 40.

67. The term "secondary market" was coined by Cook, Mollicani, and Cole in 1995, and refers to firearms transactions that do not involve an FFL. See Philip J. Cook et al., *Regulating Gun Markets*, 86 J. CRIM. L. & CRIMINOLOGY 59, 68 (1995). For a discussion of the practical difficulties of regulating this market, see James B. Jacobs and Kimberly Parker, *Keeping Guns Out of the 'Wrong' Hands: The Brady Law and the Limits of Regulation*, 86 J. CRIM. L. & CRIMINOLOGY 93, 96 (1995).

68. See JAMES D. WRIGHT & PETER H. ROSSI, *ARMED AND CONSIDERED DANGEROUS: A SURVEY OF FELONS AND THEIR FIREARMS* 183 (expanded ed. 1994).

reported by Beck et al.,⁶⁹ and Sholey and Wright's survey of youths in juvenile correctional institutions.⁷⁰ Some of the results of these survey data are summarized in Table 3. They should of course be interpreted with caution, since the samples are not representative of the relevant populations of criminals,⁷¹ and the respondents' self-reports on their criminal activities are not necessarily reliable.⁷²

TABLE 3: SOURCES OF GUNS TO CRIMINALS: RESULTS FROM THREE INMATE SURVEYS

	Most recent handgun acquired Male prisoners in 1982 ⁷³	Most recent handgun acquired Prisoners in 1991 ⁷⁴	Most recent handgun acquired Juvenile male inmates 1991 ⁷⁵
Purchase from retail outlet	21	27	7
Black market, "street"	26	28	43
Theft	(32)*	9	12
Family or friends	44	31	36
Other	10	5	2

*In this survey, unlike the others, "theft" was not a "source," but rather a transfer mechanism. Theft could involve any of the source categories.

69. See ALLEN BECK & DARRELL K. GILLIARD, U.S. DEP'T OF JUSTICE, SURVEY OF STATE PRISON INMATES 1991 10-14 (1993).

70. See JOSEPH F. SWELEY & JAMES D. WRIGHT, IN THE LINE OF FIRE: YOUTHS, GUNS AND VIOLENCE IN URBAN AMERICA 47, 53 (1995).

71. In two cases the samples are what is known as "convenience samples." They are selected from just a few institutions, and within those institutions, the respondents were those who were willing and available to participate. More generally, prisoners are not representative of the population of active criminals.

72. Some analysts have argued that this kind of survey research cannot definitively establish how firearms are diverted to proscribed possessors because the possessors themselves may not know, and that the surveys systematically underestimate the importance of diversion from retail sources by considering only the most recent transferor of firearms to juveniles and adult criminals. See Julius Wachtel, *Sources of Crime Guns in Los Angeles, California*, 21 POLICING: INT'L J. POLICE STRATEGIES & MGMT., 220, 223-39 (1998). Felons and juveniles may not know whether a firearm they had just bought from a street source had been stolen in a house burglary or purchased from a store. Moreover, a firearm counted in surveys as being obtained from a "family member or friend" may have been straw purchased from an FFL.

73. Survey of inmates in ten states. Of the respondents, 1,032 admitted to ever owning a handgun. See WRIGHT AND ROSSI, *supra* note 68, at 183. Note that "theft" in their tabulation is not a source, but rather a means of obtaining the gun. *Id.*

74. See BECK AND GILLIARD, *supra* note 69 (providing a survey of state prisons).

75. Survey of juvenile inmates of six facilities located in four states, over 800 of whom admitted to ever owning a handgun. See SWELEY & WRIGHT, *supra* note 70, at 6.

Some respondents in these surveys admitted that they stole their most recent gun, although that is less frequent than might be supposed. Sheley and Wright found that just 12% of their juvenile inmates had obtained their most recent handgun by theft, while Beck et al. found that only 9% of the handgun-using state prison inmates had stolen their handgun. On the other hand, Wright and Rossi found that 32% of the most recent handguns acquired by their prison respondents were stolen by the respondent himself, and that a total of 46% of these handguns had in the opinion of the respondent been stolen at some time.⁷⁶ And while the juvenile respondents of Sheley and Wright were much less likely to have stolen their most recent handgun, they had in many cases stolen guns at some point in their "careers": "About 30% of the inmates said they had stolen rifles, shotguns, and military-style weapons; 50% had stolen revolvers; and 44% had stolen automatic or semiautomatic handguns at some point in their criminal careers."⁷⁷ Indirect evidence of the importance of theft in supplying the black market comes from the low prices inmates typically report paying for their guns in the informal market.⁷⁸

The survey data actually complement the trace data in suggesting a fairly substantial role, either direct or indirect, for the FFLs. About one quarter of the respondents in the survey of state prisoners said that they had acquired their most recent gun from a retail outlet. While this percentage is much lower for the juvenile respondents, Sheley and Wright note that "[t]hirty-two percent of the [juvenile] inmates...had...asked someone to purchase a gun for them in a gun shop, pawnshop, or other retail outlet."⁷⁹ In most cases, these straw-purchase arrangements involved family or friends as the purchaser. All three survey studies find that "street" and "black market sources" are important, sources that may well include traffickers who are buying from retail outlets and selling on the street.⁸⁰

The comprehensive-trace data serve to focus greater attention on that part of the market that links sales by FFLs to criminal use. The evidence is indirect but quite compelling. FFLs either unwittingly or corruptly sell to straw purchasers or to purchasers with false identification, or sell guns off the books.⁸¹ The YCGH reports note, for example, that while "crime" guns are rarely recovered from the person who is listed as the first retail buyer on the dealer's record, a relatively high percentage of these guns were first sold less than three years before they are

76. See Kleck, *supra* note 5, at 39.

77. See SHELEY & WRIGHT, *supra* note 70, at 47. Another study analyzed the results of interviews with arrestees in 11 cities that were conducted as part of the Drug Use Forecasting system, finding that 13% of arrestees admitted to having stolen a gun; among juvenile males, fifty one quarter admitted to theft of a gun. See SCOTT H. DECKER ET AL., U.S. DEPT OF JUSTICE, *ILLEGAL FIREARMS: ACCESS AND USE BY ARRESTEES 2* (1997).

78. See SHELEY & WRIGHT, *supra* note 70, at 48; Kleck, *supra* note 5, at 39.

79. See SHELEY & WRIGHT, *supra* note 70, at 48.

80. See Kennedy et al., *supra* note 50, at 170; Wachtel, *supra* note 72, at 223.

81. By themselves, trace data do not demonstrate that FFLs sell either unwittingly or corruptly to straw purchasers or to purchasers with false identification. A recent analysis of firearms trafficking investigations provides evidence that FFLs sometimes do make improper sales. See U.S. BUREAU OF ALCOHOL, FIREARMS, AND TOBACCO, U.S. DEPT OF THE TREASURY, *FOLLOWING THE GUN: ENFORCING FEDERAL LAWS AGAINST FIREARMS TRAFFICKERS 14-16* (2000) [hereinafter *FOLLOWING THE GUN*].

recovered by police.⁸² In states that have the most stringent regulations, a majority of crime guns (including those that are quite new) are first sold out of state.⁸³ And a disproportionate number of traced handguns are part of a multiple sale when new.⁸⁴ The suggestion, then, is that a substantial portion (albeit a minority) of the guns that end up in crime are first purchased from an FFL by a "straw purchaser"—someone who intended to resell them to a trafficker (illicit dealer) or to a proscribed individual. Alternatively, the first purchaser may in fact have been the same person as the possessor, but presented false identification at the time of purchase. The FFL in such illicit transactions may be negligent, or at worst a knowing confederate. In any case, these findings suggest that FFLs, straw purchasers, and traffickers play important roles in diverting guns to crime. If true, then the ATF's efforts to regulate FFLs and investigate trafficking may have the potential for effecting a reduction in gun violence.

B. The Importance of Newer Guns

Newer guns are greatly overrepresented among the crime guns submitted for tracing, despite the fact that it appears quite rare for the purchaser and possessor to be the same person. Tables 4 and 5 report the most recent trace evidence in support of this view. Both tables are based on the data on handguns submitted by the YCGH cities in 1999. Overall, 54% of these were successfully traced so that the first retail sale could be dated. Of these, about 15% of the guns were less than one year old, and 32% were less than three years old. The results in this regard are remarkably uniform across the different recovery-circumstance categories, from homicide to vice to firearms offenses.⁸⁵ But in one way these statistics overstate the percentage of guns submitted for tracing that are "new," since one of the important reasons why a gun cannot be traced is that it is too old.⁸⁶ Adjusting for that consideration reduces the percentages to 13 for those less than one year and 27 for those less than three years.⁸⁷ By comparison, the annual sale of new handguns represents less than 3% of the number of handguns in circulation.⁸⁸

82. See CRIME GUN TRACE REPORTS 1999: NATIONAL REPORT, *supra* note 25, at 24.

83. See *id.* at 36-37.

84. See *id.* at 40.

85. See *infra* tbl. 4.

86. See *supra* tbl. 1.

87. This adjustment assumes that about 10% of all trace attempts fail because the gun is too old, and that the other guns that are not successfully traced have the same age distribution as those that are. See *supra* tbl. 1.

88. The "time to crime" (time elapsed from the date of the first retail sale to the date of confiscation by the police) differs across firearm types and across age groups. The median time-to-crime of semiautomatic pistols (4.3 years) is shorter than revolvers (11.7 years), shotguns (7.1 years), and rifles (7 years). See CRIME GUN TRACE REPORTS 1999: NATIONAL REPORT, *supra* note 25, at 26. The median time-to-crime of firearms recovered from youth (4.8 years) is shorter than adults (5.6 years) and juveniles (6.3 years). See *id.* There are also significant differences in the time-to-crime among manufacturers and types of firearms. Among the quickest time-to-crime guns, Bryco Arms 9mm semiautomatic pistols had a median time-to-crime of 1.6 years, and 68.3% were recovered in three years or less of their first retail sale; Bryco Arms .380 semiautomatic pistols had a median time-to-

It should be noted that some of the untraceable guns are also likely to be quite new. In some cases FFLs may sell guns off the books, either in their state or another. Guns from such sales can be traced to the dealer but will generally be recorded as incomplete when there is no record of the sale. About ten percent of all traces are unsuccessful due to problems with dealer records.⁸⁹

TABLE 4: TIME FROM RETAIL SALE TO RECOVERY BY POLICE, BY CIRCUMSTANCE OF THE RECOVERY: YCGII HANDGUNS SUBMITTED FOR TRACING, 1999

	Homicide	Assault and Robbery	Vice and Narcotics	Firearms Offenses	Total
Number submitted for tracing	1,427	5,682	10,621	35,064	54,433
Number traced	818 (57%)	3,357 (59%)	5,962 (56%)	18,233 (52%)	29,302 (54%)
1 year old or less	14.9%	15.0%	14.0%	15.8%	15.3%
3 years old or less	32.4%	33.5%	30.6%	32.7%	32.4%

Source: Original computations from ATF's 1999 firearm-trace-requests database for YCGII cities

Note that only 18% of the handguns that are identified as less than three years old were in the possession of the original buyer at the time they were recovered by police.

time of 2.5 years, and 54.4% were recovered in three years or less of their first retail sale. See *id.* at 28. The production history of these firearms only explains a fraction of the observed time-to-crime distribution for the quick time-to-crime guns. For example, 34% of Bryco 9mm semiautomatic pistols recovered by law enforcement in 1999 had a time to crime of less than one year. See GLENN PIERCE ET AL., U.S. DEP'T OF JUSTICE, ANALYSIS OF ILLEGAL GUN MARKETS IN 5 CITIES: FINAL REPORT TO THE NATIONAL INSTITUTE OF JUSTICE 22 (2001). However, only 6% of all Bryco 9mm semiautomatic pistols were manufactured in 1998. See *id.*

89. See *supra* tbl. 1.

TABLE 5: LIKELIHOOD OF PURCHASER AND POSSESSOR BEING THE SAME NEW GUNS (UP TO 3 YEARS FROM SALE TO RECOVERY) BY CIRCUMSTANCE, YCGII HANDGUNS SUBMITTED FOR TRACING, 1999

	Homicide	Assault and Robbery	Vice and Narcotics	Firearms Offenses	Total
Number traced	265	1,128	1,823	5,961	9,501
Number with complete information ⁹⁰	149 (56%)	746 (66%)	1,040 (57%)	4,280 (72%)	6,439 (68%)
Percent same owner ⁹¹	12%	26.5%	17%	17%	18%

Source: Original computations from A.T.P.'s 1999 firearm-trace-requests database for YCGII cities

There are two caveats. First, in only 68% of these successfully traced "new" guns is there a possessor identified. Second, some fraction of the cases in which the purchaser and possessor are identified as having different names may in fact be the same person, if false identification was used in the purchase. However, in making the case for regulatory enforcement, the distinction between false identification and straw purchaser actually does not matter much: whether the first purchase was by a criminal with false identification, or a straw purchaser, it remains true that the FFL is implicated in the transaction.

From one perspective, the disproportionate representation of new guns among those recovered by the police provides a basis for optimism about the potential crime-reducing effects of gun control measures. Franklin Zimring was the first analyst to document this pattern and interpret it.⁹² He suggested that "new" guns and "old" guns were not perfect substitutes for criminal use, so that an intervention that was successful in reducing the rate of introduction of new guns into a jurisdiction might have greater leverage on criminal gun use than would be expected, given the large inventory of guns in private hands.

A still more optimistic interpretation is that the "new guns" pattern is simply a reflection of a broader (but more speculative) pattern. This view posits that people who use guns in crime usually acquire them shortly before the criminal use. Hence the time since first retail sale is less important in determining the likelihood of criminal use than the time since the most recent transaction.⁹³ The

90. All guns for which the possessor is identified in the trace request and the trace was successful in identifying the first buyer.

91. The percentage of cases with complete information in which the identified possessor is the same as the first buyer listed in the dealer's records.

92. See FRANKLIN ZIMRING, STREET CRIME AND NEW GUNS: SOME IMPLICATIONS FOR FIREARMS CONTROL 97 (1976); Zimring, *supra* note 7, at 150-51.

93. See PHILIP J. COOK, THE TECHNOLOGY OF PERSONAL VIOLENCE, IN CRIME AND JUSTICE: AN ANNUAL REVIEW OF RESEARCH 1 (M. Tonry ed., 1991). We are not arguing

population of active street criminals is characterized by brief careers and a high turnover rate.⁹⁴ Further, there is considerable evidence that gun-using criminals go through a number of guns during the course of their brief "careers."⁹⁵ Therefore we expect that gun use by gang members, robbers, and drug dealers occurs shortly after the gun is acquired, if at all. The trace data do not tell us about the time from the most recent transaction, but rather (in most cases) the time from the first retail sale. We suspect that even the older guns had a short time to crime measured from the (unobserved) most recent transaction. Thus the new guns may show up disproportionately because new guns tend to be in more active circulation.⁹⁶

But this interpretation, with the focus on the transaction, does not detract from the strategic importance of the "new guns" finding. Some types of transactions are easier for authorities to interdict than others, and the transactions that divert guns from the licit to the illicit market may be particularly vulnerable to enforcement efforts.⁹⁷ Those transactions include off-the-books sales of new guns by FFLs and sales to straw purchasers.⁹⁸ The importance of the "new guns" finding, then, is to identify transactions involving FFLs as being among those that lead more-or-less directly to criminal use.

Cities in tight-control, low-density jurisdictions tend to have a different "new guns" pattern than other cities. Table 6 breaks out the relevant data for Washington, D.C., New York, and Boston, all tight-control cities.⁹⁹ For each of these cities, new handguns form a relatively small percentage of their 1999 crime guns. One explanation is that since there are few legal sales of handguns to residents by FFLs in these cities, most handguns that end up in crime have been imported. New handguns will be relatively expensive in these cities, since the transactions by which the gun moved from the retail dealer to the criminal were conducted under legal threat. Before making any confident generalizations,

that the age of the gun is irrelevant to criminals. For example, the preferences of criminal consumers for certain types of guns may partially explain why semiautomatic pistols have quicker time-to-crime distributions. In Boston, interviews with youthful probationers revealed that they preferred modern and stylish semiautomatic pistols that were "new in the box." See Kennedy et al., *supra* note 50, at 169. The preference for newer semiautomatic pistols arose from "street wisdom" that older, less expensive firearms may have a "body" on them, and they wished to avoid being caught and charged with crimes they did not personally commit. See *id.* at 170.

94. See VOL. 1 CRIMINAL CAREERS AND "CAREER CRIMINALS" 4 (Albert Blumstein et al. eds., 1986).

95. See Cook et al., *supra* note 67, at 65.

96. We are unaware of any documentation on this pattern, but are confident that it is true. Older guns may be war souvenirs or family heirlooms kept in deep storage. A new gun is more likely to be in good working order and to be put to whatever use that the current owner intended at the time that he acquired it.

97. See Christopher S. Koper & Peter Reuter, *Suppressing Illegal Gun Markets: Lessons from Drug Enforcement*, 59 LAW & CONTEMP. PROBS. 119, 127 (1996).

98. See Cook et al., *supra* note 67, at 79.

99. It is not possible for most residents of New York and Washington to obtain a handgun legally. See National Rifle Association, Institute for Legislative Action, *Fact Sheet-Rationing Handgun Purchasing Rights*, July 29, 1999 available at <www.nra-il.org>. Boston is also quite restrictive. See Kennedy et al., *supra* note 50, at 148-49.

however, it should be noted that these three cities all have relatively low success rates in tracing guns,¹⁰⁰ and those missing data may be confounding the results on the new-gun percentage.

Also shown in Table 6 are the results on matching names of the first purchaser and the possessor. For new handguns in the three cities, the possessor is less likely to be the retail purchaser than is true in other cities, again bespeaking the importance of informal (and mostly illegal) transactions in supplying these cities.

TABLE 6: TRAFFICKING INDICATORS: THREE TIGHT-CONTROL CITIES, YCGH HANDGUNS SUBMITTED FOR TRACING, 1999

	Washington DC	New York	Boston	YCGH Cities Total
A. Number submitted for tracing	3,809	6,080	447	54,433
B. Number traced ¹⁰¹ (% of A)	1,312 (34%)	2,736 (45%)	188 (42%)	29,302 (54%)
C. Number new guns ¹⁰² (% of B)	252 (19%)	587 (21.5%)	40 (21%)	9,501 (32%)
D. Number of new guns with complete information ¹⁰³	133	380	28	6,439
E. Number with same owner ¹⁰⁴ (% of D)	10 (7.5%)	38 (10.0%)	1 (3.6%)	1,150 (17.9%)

Source: Original computations from ATF's 1999 firearm-trace-requests database for YCGH cities

C. Interstate Movements

Firearms trace data allow law enforcement agencies to determine where recovered firearms were first sold at retail. A key result is that the percentage of crime guns imported from out of state is closely linked to the stringency of local

100. See *supra* tbl. 6 row 2.

101. The number successfully traced that include both a "date of first sale" and a "date of recovery".

102. Three years or less from time of first sale to time of recovery.

103. All guns for which the possessor is identified in the trace request and the trace was successful in identifying the first buyer.

104. The percentage of cases with complete information in which the identified possessor is the same as the first buyer.

firearm controls.¹⁰⁵ In 1999, sixty-two percent of traced YCGII firearms were first purchased from FFLs in the state in which the guns were recovered.¹⁰⁶ However, this fraction was far lower in the tight-control northeastern cities such as Boston, New York City, and Jersey City, where less than half of the traceable firearms were first sold at retail within state.¹⁰⁷ In contrast, Birmingham (Ala.), Gary (Ind.), Houston (Tex.), Miami (Fla.), New Orleans (La.), and San Antonio (Tex.) had at least eighty percent of their traceable firearms first sold at retail in the state in which the city was located.¹⁰⁸

Table 7 provides specific results for Washington, New York, and Boston, as above. The most extreme case is Washington, which has banned the acquisition of handguns by residents since 1975.¹⁰⁹ Boston and especially New York also import most of their crime handguns. The corresponding percentages for "new" handguns (less than three-years old) are just as high, suggesting that the process by which handguns reach criminals in these cities is not one of gradual diffusion; rather, the handguns that make it into these cities are imported directly after the out-of-state retail sale.

TABLE 7: PROPORTION OF HANDGUNS FROM OUT-OF-STATE: OVERALL AND NEW GUNS, YCGII HANDGUNS SUCCESSFULLY TRACED, 1999

	Washington DC	New York	Boston	YCGII Cities Total
All Handguns % out-of-state	100.0%	89.3%	69.1%	37.9%
(number)	(1,314)	(2,747)	(191)	(29,392)
New Handguns ¹¹⁰ % out-of-state	100.0%	92.5%	67.5%	25.9%
(number)	(251)	(584)	(40)	(9,473)

Source: Original computations from ATF's 1999 firearm-trace-requests database for YCGII cities

D. Other Indicators of Trafficking

The recovery of firearms with obliterated serial numbers is viewed by ATF as a key indicator of firearms trafficking.¹¹¹ Guns with thoroughly obliterated

105. See CRIME GUN TRACE REPORTS 1999: NATIONAL REPORT, *supra* note 25, at 14.

106. See *id.* at 34.

107. A noteworthy number of firearms originated from southern states with less restrictive legislation such as Virginia, North Carolina, Georgia, and Florida. See CRIME GUN TRACE REPORTS 1999: NATIONAL REPORT, *supra* note 25, at 34.

108. See *id.*

109. See D.C. CODE ANN. § 6-2311 (181 & Supp. 2000).

110. Less than 3 years since first retail sale.

111. See CRIME GUN TRACE REPORTS 1999: NATIONAL REPORT, *supra* note 25, at 38.

serial numbers are untraceable, thus protecting a criminal who is concerned about being tied to an illegal use of the gun.¹¹² But the prevalence of obliterated serial numbers among crime guns is not great.¹¹³ In the eleven YCGII cities that reliably submitted information on guns with obliterated serial numbers in 1999, the prevalence was 9% for semiautomatic pistols and 5% for revolvers.¹¹⁴ The percentages for cities where most crime guns are imported appear to be higher—13% of recovered handguns had obliterated serial numbers in New York, and 16% in Boston.¹¹⁵ Obliterated serial numbers are more common among guns recovered from youths than guns recovered from adults. In a study of Boston data, firearms with obliterated serial numbers were found to closely resemble newer crime guns as they were mostly semiautomatic pistols, concentrated among particular brands and calibers, and recovered in neighborhoods suffering from youth gun violence.¹¹⁶

Another possible indicator of trafficking is multiple sales by FFLs. Trace results suggest that handguns that were first sold as part of a reportable multiple sale are much more likely than others to move quickly into criminal use.¹¹⁷

E. Implications

A successful supply-side strategy for reducing gun crime does not require that today's street criminals have guns taken away from them. It is sufficient to block the transactions that supply guns for criminal use. Given the high turnover among the ranks of the criminally active, that strategy could be effective in short order. The transactions that put guns in the hands of criminals take a variety of forms, some of which appear more vulnerable to law enforcement efforts than others. In particular, the illicit, consensual transactions by which guns make the transition from the legal to the illegal market constitute a target that is vulnerable to ATF's capacities for regulation and enforcement. The trace data suggest that these transactions, including the sale of guns by FFLs to straw purchasers and traffickers, figure to a surprising extent as a direct source of crime guns. The importance of FFLs in such transactions is in fact understated by the trace data, since illicit off-the-book sales by FFLs are not traceable.

But what will be the ultimate effect of an enforcement strategy that is effective in reducing the importance of FFLs and traffickers as a direct source of crime guns? In jurisdictions with a high density of gun ownership and lax regulations on sales, other sources, such as theft and informal sales, may provide a ready substitute for straw purchasing and scofflaw FFLs. It may be more feasible to make a difference with a supply-side strategy in cities with tight controls. The stakes are high enough to warrant a direct test.

112. See Kennedy et al., *supra* note 50, at 174.

113. See Kleck, *supra* note 5, at 28-29.

114. See CRIME GUN TRACE REPORTS 1999: NATIONAL REPORT, *supra* note 25, at 38.

115. These figures represent the Author's original calculations.

116. See Kennedy et al., *supra* note 50, at 174.

117. See CRIME GUN TRACE REPORTS 1999: NATIONAL REPORT, *supra* note 25, at 40.

VI. TRACE DATA AS AN INVESTIGATIVE TOOL

Comprehensive trace data provide a lens, however clouded, for viewing the big picture of how guns are diverted into criminal use. They also provide more focused information on the identity of FFLs and others who are most active in this illicit trade. These data have become an increasingly important tool in the enforcement effort.

The use of trace data as an investigative tool has been enhanced by development of Project LEAD, which began in 1993.¹¹⁸ Project LEAD is a computer-software application that contains information on all traced firearms from the NTC's Firearms Tracing System. The system provides ATF agents with data useful in identifying gun traffickers, straw purchasers, and scofflaw FFLs.

One of the more interesting applications of comprehensive trace data has been as a guide to licensing and regulatory enforcement. As it turns out, relatively few FFLs account for the bulk of all first retail sales identified through tracing of crime guns. To be specific, in 1998 1.2% (1020) of FFLs accounted for 57% of all successful traces.¹¹⁹ It makes sense for ATF to focus its investigations on this small group. Indeed, in 2000 ATF began requiring certain FFLs with ten or more crime-gun traces with a time-to-crime of less than three years to report certain firearms transaction information to the NTC,¹²⁰ presumably as a prelude for closer scrutiny of their business practices.

It has also been suggested that information of this sort could be used by manufacturers and distributors as the basis for self-policing the industry.¹²¹ The recent settlement of the law suits brought against Smith & Wesson by the U.S. Department of Housing and Urban Development and several cities includes some language concerning this possibility.¹²²

The concerns about using trace data to implicate FFLs begin with the possibility that the concentration of trace data may simply reflect the concentration of sales. If the FFL's sales volume tends to be proportional to the number of traces, then it would be unfair or at least inefficient to use trace data as a basis for singling out certain FFLs. Unfortunately, it has been difficult to determine the distribution of sales among FFLs in most states using available data.¹²³ One

118. U.S. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. DEP'T OF THE TREASURY, PROJECT LEAD: HOW TO GENERATE INVESTIGATIVE LEADS 1-1-1-2(1995).

119. See COMMERCE IN FIREARMS BY THE UNITED STATES, *supra* note 19, at 23-24.

120. See *id.* at 29-31.

121. See *Hamilton v. Accu-Tek*, 935 F. Supp. 1307, 1330 (E.D.N.Y. 1996); NATIONAL ECONOMIC RESEARCH ASSOCIATES, EXPERT REPORT OF LUCY ALLEN AND JONATHAN FORTES 95-CV-0049 (JBW) (Nov. 1993).

122. Agreement between Smith & Wesson and the Departments of the Treasury and Housing and Urban Development, Local Governments and States, March 17, 2000.

123. Since all FFLs are required to initiate a background check before transferring a gun to a buyer, the number of such checks originating from a dealer would provide a good proxy for his volume of sales. But data on the number and distribution of background checks are not generally available from centralized sources. Currently only Brady denial information is centrally compiled by the National Instant Check System ("NICS"). See U.S.

exception is California, where handgun sales by dealers are tabulated by a state agency. One analysis of these data found that sales of handguns are highly concentrated: the 13.1% of FFLs with more than 100 sales during 1996-98 accounted for 88.1% of all sales.¹²⁴ Handgun trace volume from 1998 was strongly correlated with handgun sales volume, and is highly concentrated among the high-volume dealers, yet "...trace volume varied substantially among dealers with similar sales volumes."¹²⁵ The study did not determine whether this variation was greater than could be explained by chance alone, however.¹²⁶

One would expect that guns sold by some FFLs would be more likely to be traced than others, even if all dealers were equally scrupulous in their dealings, for two reasons that do not imply wrongdoing by the high-trace FFL. First, tracing policies are still highly uneven. FFLs that operate in areas that have not adopted comprehensive tracing are going to be largely invisible to trace results, unless their guns end up in other cities that do trace. Second, FFLs that operate in high-crime urban neighborhoods are more likely to inadvertently supply criminals than those whose clientele are primarily sportsmen. All of this is to say that the guidance provided by the number of traces to a particular FFL is only a rough indicator of the likelihood that the FFL is engaging in negligent or criminal sales practices. The continuing expansion of comprehensive tracing will help, as will continuing efforts to refine the indicators from trace data used to identify bad actors among the FFLs.

VII. USING TRACE DATA IN POLICY EVALUATION

In addition to the uses described above, trace data have increasingly been used in policy evaluation. Of the early uses of this sort, the analysis by Weil and Knox is the most prominent.¹²⁷ They studied the effects of Virginia's law limiting handgun purchases by any individual to no more than one during a thirty-day period.¹²⁸ Prior to the implementation of this law in July, 1993, Virginia had been one of the leading source states for guns recovered in the Northeast.¹²⁹ The study showed that during the first eighteen months the law was in effect, Virginia's role

DEPT OF JUSTICE & U.S. DEPT OF THE TREASURY, NATIONAL INTEGRATED FIREARMS VIOLENCE REDUCTION STRATEGY 40 (2000).

124. See Garen J. Wintemute, *Relationship Between Illegal Use of Handguns and Handgun Sales Volume*, 284 J. AM. MED. ASS'N 556, 557 (2000).

125. *Id.* at 567.

126. One approach would be to compare the distribution of traces with the distribution that would result from a circumstance in which every gun that was sold, regardless of which FFL sold it, had the same probability of being traced. The latter hypothetical distribution would have the same qualitative characteristic as found by Wintemute, *supra* note 124; FFLs with the same level of sales would have widely differing numbers of traces, just by chance alone.

127. See Douglas S. Weil & Rebecca C. Knox, *Effects of Limiting Handgun Purchases on Interstate Transfer of Firearms*, 275 J. AM. MED. ASS'N 1759 (1996).

128. See VA CODE ANN § 18.2-308.2:2(Q) (1996 & Supp. 2000).

129. See Weil & Knox, *supra* note 127, at 1760-61 (reporting that 41% of a sample of guns seized in New York City in 1991 had been traced to Virginia). The reports also identified Virginia as a primary source state for guns recovered in Boston and Washington, D.C. See *id.*

in supplying guns to New York and Massachusetts was greatly reduced.¹³⁰ In particular, guns recovered in the Northeast corridor that were first sold in the Southeast were much less likely to have originated in Virginia if they were sold after its one-gun-a-month law went into effect, than before.¹³¹ Subsequent studies have made use of the fact that the gun-trace database includes detailed characteristics of these guns.¹³²

To further illustrate the use of trace data for evaluation purposes, we use such data to assess the effects of the Brady Handgun Violence Prevention Act ("Brady Act") on interstate trafficking.¹³³ Implemented in February 1994, the Brady Act required FFLs to conduct a background check on all handgun buyers and mandated a one-week waiting period before transferring the gun to the purchaser. FFLs operating in eighteen states were not affected because state law already required a background check; FFLs in the remaining states were required to institute the change.¹³⁴ Thus the Brady Act created a sort of experiment with a natural control group—the "no change" states. A recent evaluation of this act found that there was no discernible difference in homicide trends in the affected ("Brady") states as compared with the eighteen "non-Brady" states,¹³⁵ concluding that the Brady Act had no direct effect on homicide rates. That result leaves open the possibility that the Brady Act had an *indirect* effect on homicide rates by reducing interstate gun trafficking and hence gun violence in the "no change" states.

Here we limit our illustrative analysis to Chicago, where, as noted above, the police recover an exceptionally large number of guns every year.¹³⁶ It was one of the first cities to adopt comprehensive tracing, in 1996.¹³⁷ In what follows we

130. See *id.* at 1760.

131. See *id.*

132. A recent study used trace data to analyze the effect of the national assault-weapons law implemented in 1994. See JEFFREY A. ROTH & CHRISTOPHER S. KOPER, U.S. DEPT OF JUSTICE, IMPACTS OF THE 1994 ASSAULT WEAPONS BAN: 1994-96 (1999). A study of the Maryland law that banned "Saturday night special" handguns found that these guns were less likely to be recovered by the police in Baltimore than in 15 cities outside of Maryland where no such ban was in effect. See Jon S. Vernick & Stephen P. Teret, *New Courtroom Strategies Regarding Firearms: Tort Litigation Against Firearm Manufacturers and Constitutional Challenges to Gun Laws*, 36 HOUS. L. REV. 1713, 1740 (1999).

133. Brady Violence Prevention Act of 1993, Pub. L. No. 103-159, 107 Stat. 1536 (1993) (codified at 18 U.S.C. § 922(g)-(j) (1994)).

134. The 32 states required to implement the provisions of the Brady Act included Alabama, Alaska, Arizona, Arkansas, Colorado, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming. See Jens Ludwig & Philip I. Cook, *Homicide and Suicide Rates Associated with Implementation of the Brady Handgun Violence Prevention Act*, 284 J. AM. MED. ASS'N 585, 586 (2000).

135. See *id.* at 588-89.

136. See Moore, *supra* note 61, at 24.

137. Telephone interview with Terry Austin, ATF YCGH Director (Dec. 4, 2000); see Kennedy et al., *supra* note 50, at 170.

utilize the database on traces conducted on guns recovered in Chicago during the period 1996-99.

Handguns used in crime in Chicago are imported either from the rest of Illinois or other states. Illinois was one of the states that required a background check even before the Brady Act was implemented, and so it did not make any changes in 1994. Hence, if *Brady* requirements affected the flow of guns into Chicago this effect must have been due to reductions in interstate trafficking. And that, according to the trace data, is just what happened.

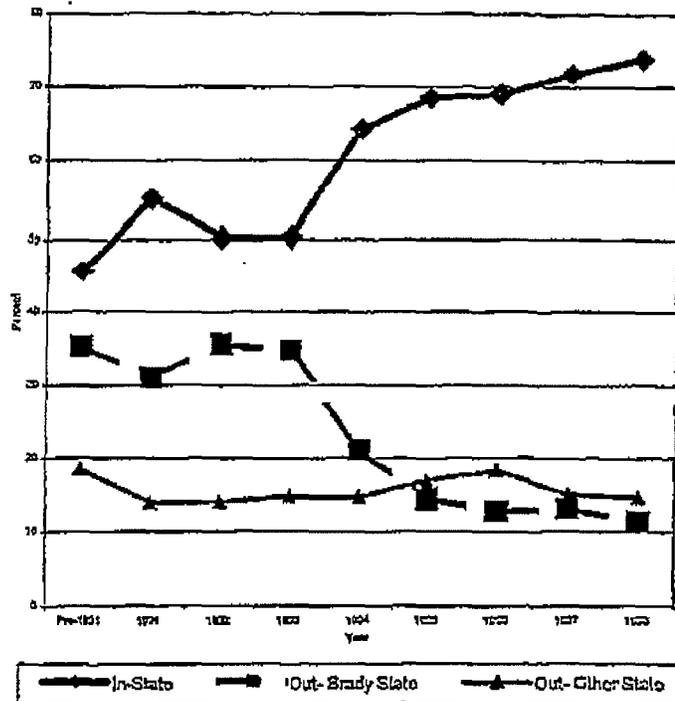
In the years prior to the Brady Act's implementation in 1994, about half of the handguns recovered in Chicago were first sold in Illinois and half in other states.

TABLE 8: THE EFFECT OF THE BRADY LAW ON CHICAGO: COMPREHENSIVE TRACE DATA OF HANDGUNS RECOVERED DURING 1996-1999

Location of First Sale	First Sold before 1994	First sold in 1994 or after
In-State (Illinois)	54.0%	68.3%
Out-State, Brady State	32.5%	16.0%
Out-State, Other State	13.5%	15.7%
Total	100%	100%
(Count)	(14,862)	(11,571)

Source: Original computations from ATF's YCGII firearm-trace requests from Chicago, 1996-99

Figure 2. Source States of Traceable Handguns Recovered in Chicago, 1998-1999



Thereafter, the percentage of such handguns first sold in Illinois jumped up to about sixty-eight percent. Handgun imports from other states fell correspondingly, but the fall was confined to those source states (designated "Brady" states) that were required by the Brady Act to institute a waiting period for handgun sales and begin conducting background checks. Figure 3 provides more detail on how interstate flows into Chicago were affected.

OMB No. 1512-0541

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
NATIONAL TRACING CENTER TRACE REQUEST

FOR NTC DATA ENTRY ONLY

Phone: 1-800-726-7133

Facsimile: 1-800-726-7133

FAX: 1-800-578-7229

NOTE: * - REQUIRED ENTRY FIELD (Must be completed for trace processing) ** - REQUIRED ENTRY WITH LISTED DATA RESPONSE (See back for codes and options)

PART I - TRACE INITIATION INFORMATION

1a. DATE OF REQUEST 1b. PRIORITY** ROUTINE URGENT (Justification required) FOR NTC INFORMATION ONLY
JUSTIFICATION

1c. SPECIAL INSTRUCTIONS

PART II - CRIME CODE INFORMATION

2a. GANG INVOLVED? GANG NAME: _____ 2b. PROJECT CODE** 2c. NTC CRIME CODE**
 JUVENILE INVOLVED? YOUTH CRIME GUN ENTERED IN NIN? NIN No: _____

PART III - ATF AGENT REQUESTING TRACE

3a. ORGANIZATION CODE* 3b. PHONE NUMBER: FAX NUMBER: 3c. ATF SPECIAL AGENT'S NAME (Last, first, middle)
3d. BADGE NUMBER 3e. ATF CASE NUMBER 3f. FIELD OFFICE

PART IV - OTHER AGENCY REQUESTING TRACE

4a. ORI NUMBER* 4b. PHONE NUMBER: FAX NUMBER: 4c. OTHER AGENCY OFFICER'S NAME (Last, first, middle)
4d. BADGE NUMBER 4e. OTHER AGENCY CASE NUMBER 4f. DEPARTMENT/UNIT
4g. MAILING ADDRESS

PART V - FIREARMS INFORMATION

5a. SERIAL NUMBER* OBLITERATED ATTEMPT TO RAISE 5b. FIREARMS MANUFACTURER**
5c. TYPE** 5d. CALIBER* 5e. MODEL* 5f. COUNTRY OF ORIGIN* (Licenses required if other than U.S.)
5g. IMPORTER* 5h. ADDITIONAL MARKINGS*

PART VI - POSSESSOR INFORMATION

6a. NAME (Last) (First) (Middle) (Suffix) CRIMINAL HISTORY
ALIAS (AKA) (Last) (First) (Middle) (Suffix) AKA DATE OF BIRTH
6b. HEIGHT 6c. WEIGHT 6d. SEX 6e. RACE 6f. ADDRESS - ROUTE NUMBER
6g. APT. NUMBER 6h. STREET No. 6i. DIRECTION 6j. STREET NAME 6k. CITY
6l. COUNTY 6m. STATE 6n. ZIP CODE 6o. COUNTRY
6p. DATE OF BIRTH 6q. PLACE OF BIRTH 6r. POSSESSOR'S ID NUMBER: 6s. ID TYPE/STATE

PART VII - ASSOCIATE INFORMATION

7a. NAME (Last) (First) (Middle) (Suffix) CRIMINAL HISTORY
ALIAS (AKA) (Last) (First) (Middle) (Suffix) AKA DATE OF BIRTH
7b. HEIGHT 7c. WEIGHT 7d. SEX 7e. RACE 7f. ADDRESS - ROUTE NUMBER
7g. APT. NUMBER 7h. STREET No. 7i. DIRECTION 7j. STREET NAME 7k. CITY
7l. COUNTY 7m. STATE 7n. ZIP CODE 7o. COUNTRY
7p. DATE OF BIRTH 7q. PLACE OF BIRTH 7r. ASSOCIATE'S ID NUMBER 7s. ID TYPE/STATE

PART VIII - FIREARM RECOVERY INFORMATION

8a. RECOVERY DATE* 8b. ROUTE NUMBER 8c. APT. NUMBER 8d. STREET No. 8e. DIRECTION 8f. STREET NAME
8g. CITY* 8h. STATE* 8i. ZIP CODE
8j. ADDITIONAL INFORMATION

ATF F 3312.1 (3-2000) PREVIOUS EDITION IS OBSOLETE

INSTRUCTIONS FOR COMPLETING ATF F 3312.1 - REQUEST FOR A FIREARMS TRACE

GENERAL INSTRUCTIONS - Required Data Entry Fields And Available Options/Codes Listed For Reference

The information requested on this form is needed to initiate a trace request. All fields marked with an asterisk (*) indicate required entry data fields. All areas so marked must be completed in order to effectively and expeditiously execute the trace request. Fields marked with a double asterisk (**), indicate areas of required data entry with available options and codes listed for reference (refer to lists below to determine the appropriate entry and correct nomenclature).

REQUIRED ENTRY FIELDS INCLUDE:

Question 1b** - (Justify Urgent Trace) See Priorities listed below
 Question 2b** & 2c** - Include Project Code and list NCIC Code
 Question 3a* - Office/Organizational Code
 Question 4a* - ORI - NCIC Originating Requestor Identifier
 Question 5a*, 5b*, 5c**, 5d*, 5e*, 5f*, 5g* & 5h* - Verify data
 Question 8a*, 8g* & 8b* - Confirm Recovery data to be submitted

QUESTION 1B - TRACE PRIORITY (Enter Numbered Qualifier to Justify Urgent Trace Request)

NOTE: An urgent trace is deemed necessary when the violation are significant and circumstances warrant or require that the firearm be traced without undue delay. Examples of this are: to hold a suspect, provide probable cause, officer and public safety, etc. The following are examples of significant violations.

- 1 - Assault
- 2 - Bank Robbery
- 3 - Kidnapping
- 4 - Murder/Suicide
- 5 - Rape/Sex
- 6 - Terrorist Act
- 7 - Terrorist Threat
- 8 - Other (specify circumstance)

QUESTION 2B - PROJECT CODES (Enter all codes that apply)

- AIS - Adult in School
- ENG - Gang Related
- JSS - Juvenile & School (Ages 17 & under)
- JVY - Juvenile & Violence (Ages 17 & under)
- OBL - Obligated Serial Number
- ORG - Organized Crime
- SCH - School Involvement (No Possessor)
- ISEN - Sensitive/Significant
- MUN - Murder and Narcotics (Ages 25 & older)
- MIL - Militia Related Project
- YCG - Youth Crime Gun
- JIS - Juvenile and School (Ages 18 - 24)

QUESTION 2C - NCIC CRIME CODES (Enter qm code only. For complete listing refer to NCIC Manual)

- 0199 - Sovereignty
- 0299 - Military
- 0399 - Immigration
- 0507 - Homicide (Fykes)
- 0511 - Homicide (Sublet)
- 0599 - Homicide (Stray)
- 1099 - Kidnapping
- 1107 - Rape
- 1199 - Sexual Assault
- 1207 - Robbery (Business)
- 1207 - Robbery (Stray)
- 1211 - Bank Robbery
- 1212 - Carjacking
- 1299 - Robbery
- 1301 - Aggravated Assault (Family)
- 1311 - Aggravated Assault (Police)
- 1399 - Assault
- 1499 - Abortion
- 1602 - Threat (Terrorist)
- 1702 - Material Witness (Federal)
- 2099 - Atton
- 2199 - Extortion
- 2299 - Burglary
- 2399 - Larceny
- 2411 - Unlawful Use of Auto
- 2499 - Stolen Vehicle
- 2599 - Counterfeiting
- 2699 - Fraud
- 2799 - Embezzlement
- 2899 - Stolen Property
- 2999 - Damage Property
- 3599 - Dangerous Drugs
- 3699 - Sex Offense
- 3799 - Obscenity
- 3802 - Cruelty Toward Child
- 3803 - Cruelty Toward Spouse
- 3999 - Gambling
- 4099 - Commercial Sex
- 4199 - Liquor
- 4899 - Obstruction Police
- 4999 - Flight - Escape
- 5099 - Obstruct
- 5199 - Bribery
- 5211 - Explosives
- 5212 - Possession of Weapon
- 5399 - Public Peace
- 5499 - Traffic Offense
- 5599 - Health - Salokeping
- 5699 - Civil Rights
- 5799 - Invasa Privacy
- 5899 - Smuggling (Customs)
- 5999 - Election Laws
- 6099 - Antitrust
- 6199 - Tax Revenue
- 6299 - Conservation
- 7099 - Crimes Against Person
- 7199 - Property Crimes
- 7299 - Morals
- 7399 - Public Order Crimes
- 8100 - Escape (Juvenile)

QUESTION 3C - TYPE OF FIREARM

- C = Combination - A weapon designed to be fired from the shoulder which is fitted with both a rifled barrel 16" or greater in length and a smooth-bore barrel 18" or greater in length with an overall length of 26" or more.
- M = Machine Gun - A weapon of handgun, rifle or shotgun configuration designed to automatically fire more than one shot, without manually reloading, by a single function of the trigger.
- R = Rifle - A weapon which includes single shot and both single or double action semiautomatic handguns fitted with a barrel(s) with an integral chamber design or having a chamber(s) permanently aligned with the barrel.
- PR = Pistol/Revolver - A weapon which includes both single and double action handguns having a breechloading chambered cylinder designed with a repetitive function based on rotation.
- PD = Pistol/Perringor - A weapon which includes single barrel, superposed (over/under) and multi-barrel configuration handguns based on a hinged or pivoting barrel small frame pistol design.
- B = Rifle - A weapon designed to be fired from the shoulder which discharges a single projectile through one or more rifled barrels 16" or greater in length with an overall length of 26" or more.
- S = Shotgun - A weapon designed to be fired from the shoulder which discharge a single or multiple projectiles through one or more smooth-bore barrels 18" or greater in length with an overall length of 26" or more.

PAPERWORK REDUCTION ACT

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used by Federal, State and local law enforcement officials to request that the Bureau of Alcohol, Tobacco and Firearms trace firearms used or suspected to have been used in crimes.

The estimated average burden associated with this collection of information is 6 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Office, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF F 3312.1 (3-2000)

Acknowledgements

The development of a new uniform reporting system to present crime gun trace information from cities across the United States is a great challenge and an exceptional amount of hard work. It can only be accomplished through the commitment and dedication of the people who collect, research, analyze, and publish the data contained in this report. ATF would like to acknowledge the assistance of those who have made pivotal contributions in furthering the expertise and effectiveness of law enforcement and expanding the scope of public knowledge in the unique area of firearms enforcement.

The cornerstone of this effort is the wealth of information on firearms and the crimes in which they are misused. This comes solely from the ATF special agents and their police department counterparts who together have ensured that crime gun traces were submitted timely and accurately. Many worked to improve the comprehensiveness of the information systems and developed new investigative uses for trace information.

Many officials and associates of other agencies and organizations have continued to offer encouragement, practical advice, and outstanding support for this effort in the first 4 years, including the International Association of Chiefs of Police and the Department of Justice, in particular the Bureau of Justice Statistics and the National Institute of Justice.

A number of individuals at ATF provided key support and guidance, especially those employees from the offices of Terrence Austin, Chief, National Tracing Center Division and Michael Bouchard, Director

Youth Crime Gun Interdiction Initiative. A special thanks to Robin Shoemaker, Program Manager, Firearms Programs Division.

The heart of this project is a unique partnership between ATF and members of academic institutions. Together, this team is responsible for the insight that this information provides. In addition to those already mentioned, our joint team has included Gary Orchowski, ATF, Chief, Crime Gun Analysis Branch, and from that staff: Dr. John Freeman, Jeff Heckel, Michelle Bennett Darden, Neil Troppman, Robert Burrows, Hilda Guy, Robbi Santore, and Christine Kimes Raposa.

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Finally, thanks to Teresa Gayhart, Scott Robertson, LaTyce Watkins, Heather DeHaven, Daniel Pinckney and Carol Beebe of Milvets Systems Technology, Inc. for providing the necessary support and assistance to the Crime Gun Analysis Branch.

was executed at the defendant's residence. All firearms obtained from the defendant were traced and examined by analyzing On-Line LEAD and multiple sales databases. A firearm recovered from a homicide was traced and determined to have been sold by the defendant. The defendant avoided Multiple Sale reporting requirements by obtaining firearms from other unlicensed sellers at flea markets and gun shows. ATF agents estimate that the defendant was illegally selling between 300 and 400 guns per year.

On May 7, 1999, the defendant was charged with 18 USC Section 922(a)(1)(A), Dealing in Firearms Without a License. On September 13, 1999 the defendant pled guilty and was sentenced to two years probation.

Interstate Trafficking in New Firearms by Small-Scale Straw Purchasers. *New York, NY.* Between May 3, 1999, and July 19, 1999, an undercover NYPD detective purchased a total of 26 firearms from a 23 year-old defendant and a 24 year-old defendant in Manhattan. Twenty-five of these firearms were semiautomatic pistols, including 15 Jennings Bryco 38 .380 caliber pistols. One of the firearms was an AA Arms Model AP9 assault weapon. The firearms were traced by ATF and it was revealed that one of the defendants was purchasing firearms in Cleveland, Ohio, and transporting these firearms to New York. Based on analyses of trace data and multiple firearms sales data, ATF documented that these individuals were associated with 40 illegally transferred firearms.

On September 8, 1999, ATF obtained Federal arrest warrants in the Southern District of New York for both defendants. In October and November 1999, the two defendants were both arrested and charged with engaging in the business of dealing firearms without a license and conspiracy to commit a Federal crime.

On March 10, 2000, the 23 year-old defendant pled guilty to violating 18 USC Sections 922(a)(1)(A), engaging in the business of dealing firearms without a license, and 371, conspiracy to commit a Federal crime. On May 11, 2000, he was sentenced to 33 months imprisonment, which included an additional 18 month sentencing enhancement for the illegal possession of an assault weapon, and 3 years-supervised release in the Southern District of New York.

On June 7, 2000, the 24 year-old defendant pled guilty to violating two counts of 18 USC Sections 922(a)(1)(A), engaging in the business of dealing firearms without a license, and 371, conspiracy to commit a Federal crime. On October 6, 2000, he was sentenced to a total of 27 months imprisonment, which included an additional 17-month sentencing enhancement for the illegal possession of an assault weapon, and 3 years-supervised release in the Southern District of New York.

In-State Trafficking of Secondhand Firearms Stolen from Private Residence to Juveniles. *Tampa, FL.* On October 23, 1999, a 21 year-old defendant stole two Jennings 9mm semi-automatic pistols, a Mossberg 12 gauge shotgun, ammunition, and cash from a residence in Tampa, Florida. The defendant then sold the Mossberg 12 gauge shotgun to a juvenile. Several juveniles in and around the Tampa Bay area later used this shotgun in several armed robberies.

During an investigation of the armed robberies by ATF and the Tampa Police Department, the juvenile who originally purchased the shotgun from the defendant admitted to the crimes and identified the defendant as the source of the shotgun. The defendant was then interviewed by ATF and the Tampa PD and admitted to stealing several firearms and selling the shotgun to a juvenile who made statements that he needed the gun to commit a string of future robberies.

On February 16, 2000, the defendant was indicted for possession and/or transfer of a stolen firearm, 18 USC Section 922(j). On December 20, 2000, the defendant pled guilty to the charge. On May 7, 2001, the defendant was sentenced to 24 months incarceration followed by 24 months supervised release.

Interstate Trafficking of New Firearms Straw Purchased by Spouse and Friend. *Atlanta, GA.* This investigation was initiated in November 1999, after the multiple sales database, On-Line LEAD and information from the Georgia Bureau of Investigations revealed suspicious gun purchasing activities of a 25-year-old female. While maintaining surveillance of this female, ATF agents observed her purchase 3 new semiautomatic pistols from an

Atlanta area FFL. Further investigation revealed that she was married to a 22-year-old convicted felon who was directing her and another 23-year-old female to straw purchase firearms. At the time of these illegal purchases, the 22-year-old convicted felon was enlisted in the U.S. Air Force. These three individuals were responsible for trafficking 28 pistols to New York City. The trafficked firearms included Ruger 9mm and .45 semiautomatic pistols, Intratec .45 semiautomatic pistols, Desert Eagle .40 caliber semiautomatic pistols, Sig Sauer .40 semiautomatic pistols, and Lorcin 9mm semiautomatic pistols.

In February 2000, with the assistance of the U.S. Air Force Office of Special Investigations, agents arrested the youth, his wife, and the second female. The females were charged with violations of 18 USC Sections 2, Aiding, Abetting, Counseling, Commanding, or Soliciting a Federal Crime, and 922(a)(6), Making False Statements to a Licensee to Attempt to Obtain a Firearm. The 22-year-old convicted felon was charged with 922(g)(1), Convicted Felon in Illegal possession of Firearms. All defendants pled guilty to these charges. On December 4, 2000, the 22-year-old convicted felon was sentenced to 64 months incarceration and 36 months supervised release. Likewise, his wife was sentenced to 10 months incarceration and 24 months supervised release. On January 31, 2001, the 23-year-old female was sentenced to 8 months incarceration and 24 months supervised release.

Police Officer Killed by Firearm Provided to Gang Members by In-State Straw Purchaser. *Chicago, IL.* In August 1998, a Chicago Police Department officer was shot and killed by a street gang member. ATF subsequently traced the handgun used in the incident. The trace revealed that the handgun had been purchased by a 22-year-old youth at an Illinois FFL just outside the city limits. Further Project LEAD analyses revealed that this youth was also the purchaser of a number of guns recovered from gang members who were in possession of guns and narcotics crimes in public housing projects on the south side of Chicago. Further investigation revealed that the youth had purchased 13 new and used handguns, including Taurus .357 revolvers and Smith & Wesson .357 revolvers. The youth admitted to

purchasing handguns on 5 separate occasions for members of the Gangster Disciples Street Gang.

The youth was arrested on April 13, 2000, and charged with 18 USC Sections 371, Conspiracy to Commit a Federal Crime, and 922(a)(1)(A), Engaging in the Business of Selling Firearms Without a License. On July 27, 2000, the youth pled guilty to these charges and, on March 14, 2001, was sentenced to 37 months of incarceration followed by 3 years supervised release.

Interstate Trafficking in New Firearms to Gang Members by Straw Purchasing Ring. *Milwaukee, WI.* Through analysis of multiple sales data, ATF uncovered the purchase of 46 new handguns, including many Lorcin and Bryco semiautomatic pistols, by three defendants at an FFL in Wisconsin between June 1998 and April 1999. These handguns were subsequently transported and illegally sold to juvenile and youth gang members in Chicago, Illinois. At the time this investigation was completed, the Chicago Police Department, Cicero (Illinois) Police Department, and Rockford (Illinois) Police Department had recovered 17 of these handguns. Sixteen of these handguns were recovered from juveniles, many of whom were members of the Latin Kings Street Gang.

On six occasions between June and September 1998, a 24-year-old defendant purchased 26 handguns from the Wisconsin FFL. Immediately after purchase he gave most of the handguns to his co-conspirator, a 20-year-old youth, for the purpose of reselling the handguns. The 20-year-old transported the handguns from Wisconsin to Chicago, where he sold them to Latin King gang members. In December 1998, another 24-year-old defendant became involved in unlawfully dealing firearms after the 20-year-old youth suggested that he could make money buying and selling firearms. On four occasions between December 1998 and April 1999, the third defendant bought a total of 20 handguns from the same Wisconsin FFL. He later admitted that he sold these handguns to gang members in Chicago. On May 15, 1999, ATF executed Federal search warrants and interviewed the three defendants. Each made admissions regarding unlicensed firearms dealing.

In February and March of 2000, each defendant pled guilty to one count of 18 USC Section 922(a)(1)(A), Dealing Firearms Without a License. On April 28, 2000, the first 24-year old was sentenced to 4 months imprisonment, 4 months home detention, and 2 years supervised release. On May 12, 2000, the 20-year-old defendant was sentenced to 3 years imprisonment, 3 years supervised release, and a \$1000 fine. On May 19, 2000, the second 24-year-old defendant was sentenced to 5 months imprisonment, 5 months home detention, and 3 years supervised release.

International Firearms Trafficking by Large-Scale Straw Purchasing Ring Buying New and Used Guns from Licensed Dealers and Unlicensed Sellers at Gun Shows. *Phoenix, AZ.* Using Project LEAD and Multiple Sales data, ATF agents identified several individuals that were associated with suspicious purchasing patterns and a number of firearms recovered in narcotics crimes in Tucson, Phoenix, and Mexico between 1996 and 2000. Further investigation revealed that a 24-year-old youth paid five friends and acquaintances from his neighborhood to purchase the firearms for him. The youth used these straw purchasers in an attempt to circumvent the Multiple Sale reporting procedures. Although the confirmed firearm purchases were from licensed dealers, the youth and his ring of straw purchasers were known to frequent gun shows and purchase firearms. Further investigation revealed that this ring of straw purchasers provided in excess of 100 firearms, including Browning 9mm semiautomatic pistols, Colt .38 pistols, Ruger 9mm semiautomatic pistols, and Beretta .380 and 9mm semiautomatic pistols, to drug traffickers moving guns to Mexico.

In August 2000, the defendants were arrested and charged with violating 18 USC Sections 371, Conspiracy to Commit a Federal Crime; 922(a)(1)(A), Engaging in the Business of Dealing Firearms Without a License; and multiple counts of 924(a)(1)(A), Providing False Statements to a Firearms Dealer.

On June 18, 2001, the 24-year-old youth pled guilty to 18 USC Sections 922(a)(1)(A), Engaging in the Business of Dealing Firearms Without a License; and

10 counts of 924(a)(1)(A), Providing False Statements to a Firearms Dealer. He was sentenced to 34 months incarceration and fined \$5000.

The lead straw purchaser for the 24-year-old youth pled guilty to 18 USC Sections 922(a)(1)(A), Engaging in the Business of Dealing Firearms Without a License; and 2 counts of 924(a)(1)(A), Providing False Statements to a Firearms Dealer. He was sentenced to 15 months incarceration, and fined \$1,000. The other four individuals cooperated with the Government in this investigation. They each pled guilty to one count of 18 USC Section 924(a)(1)(A), Providing False Statements to a Firearms Dealer and were sentenced to probation.

Large-Scale Trafficking in New and Used Firearms by Licensed Dealer. *West Palm Beach, FL.* In June 1999, an investigation was initiated into the business practices of a West Palm Beach licensed firearms dealer. The investigation was initiated after ATF firearms trace data analyses revealed this FFL as a top source of recovered crime guns in Palm Beach County each year between 1995 and 1999. Further data analyses revealed that the FFL also had high numbers of multiple firearms sales, NICS denials, and firearms theft reports. ATF also received information from a confidential informant that FFL employees were facilitating straw purchases of firearms to prohibited persons by coaching the prohibited person on how to bring a friend with them who can purchase the firearm.

During the investigation, two different ATF confidential informants with prior felony convictions were sent in to the FFL on multiple occasions, completed an ATF Form 4473, were denied purchase approval during the records check, and were then coached by the owner and a manager on bringing in friends to get the guns for them. Then, on several occasions the felons went back to the FFL, handed the owner and manager money, had a "friend" (actually an undercover ATF agent) fill out the 4473 form for approval, and had the owner and a manager hand the guns to the felon. All transactions were electronically recorded. On one occasion, the owner asked the confidential informant to come to a back room where the owner took out a MAC-10 9MM pistol and silencer, fired the weapon into some tires,

and asked the informant if he was interested. The confidential informant purchased the MAC-10 and silencer with the undercover ATF agent completing the paperwork for the MAC-10 with no mention of the unregistered silencer having no serial number. In January and August 2000, Federal search warrants were served at the business by ATF. During both search warrants, ATF special agents and an inspector examined records and discovered that the FFL had been making false entries and significantly altering firearms purchase and sales records. The business records were seized as evidence.

On March 26, 2001, the owner and manager of the gun store pled guilty to 18 USC Section 371, Conspiracy to Commit an Offense against the United States. The plea agreement also required that the

license be immediately surrendered. On August 15, 2001, the owner was sentenced to 30 months in prison and fined \$60,000. The manager was sentenced to 14 months in prison.

Although this FFL has been out of business for a year, it continues to be a significant source of traced crime guns, and probably will be for years to come due to the number of firearms they transferred to criminals, gang members, and youths. Based on best estimates from cooperating employees at the FFL, at least 1,000 firearms were transferred illegally over the last 2 years of their business operations. Their self-admitted business motto was "No one leaves without a gun". Firearms sold by this FFL have been recovered in crimes in foreign countries and throughout the United States.

4 - Information for Law Enforcement Executives

This section answers frequently asked questions from law enforcement executives about the Youth Crime Gun Interdiction Initiative, comprehensive tracing, and ATF's firearms enforcement programs.

What are the selection criteria for YCGII cities?

Experience over the years has resulted in ATF modifying the selection criteria to focus on cities with a great number of firearms recoveries and a greater law enforcement infrastructure to support the program. The selection criteria utilize the following:

- City population,
- Youth and juvenile crime rates as derived from the Uniform Crime Reports (UCR),
- Known trafficking source or market areas,
- History of firearms tracing, and
- Mix of city size and demographics.

What are the primary goals of the YCGII program?

The primary goals of the YCGII program are:

- Ensure that 100 percent of all recovered crime guns are traced through ATF's National Tracing Center (NTC),
- Conduct research and analysis to determine community-wide patterns and trends,
- Produce an annual report for State and local authorities for use in developing informed enforcement strategies focused on the reduction of firearms violence and the interdiction of firearms to age groups of concern, and
- Use this information to increase the effectiveness of enforcement efforts in the apprehension and prosecution of those who illegally possess and traffic firearms.

What is a crime gun trace?

A crime gun trace by ATF's National Tracing Center (NTC) seeks to identify the Federal firearms licensees (FFLs) who first came in contact with the firearm, i.e., manufacturer, wholesaler, retailer, and the individual who first purchased the firearm from the retail dealer.

In addition, for certain FFLs, the NTC may also be able to provide trace information for firearms re-sold as used guns and subsequently recovered by law enforcement. Finally, ATF special agents and their State and local counterparts sometimes conduct investigative traces which seek to identify the complete chain of possessors from initial retail purchase to recovery by law enforcement.

What is the investigative value of a crime gun trace?

A firearms trace acts as an avenue to obtain additional investigative leads which may tie the suspect to the firearm itself, and to other crimes otherwise unknown if the gun had not been traced. The appearance of an FFL or a first purchaser in association with a crime gun or in association with multiple crime guns does not show that either the FFL or first purchaser has committed unlawful acts. Rather, such information may provide a starting point for further and more detailed investigations.

How does my agency submit a crime gun trace request to the NTC? Traces can be submitted by fax (1-800-578-7223). In emergencies, trace requests can be made by telephone (1-800-788-7133). Trace forms can be obtained by calling the ATF Distribution Center (703-455-7801), by calling your local ATF office, or through the Internet at www.atf.treas.gov.

Will my department be charged for an NTC trace? The NTC will trace any and all crime guns submitted for tracing at no charge.

What is comprehensive crime gun tracing?

Comprehensive crime gun tracing occurs when law enforcement authorities in a given jurisdiction routinely submit the serial number, manufacturer, model, caliber, and weapon type of all firearms recovered in their jurisdiction to ATF's NTC. For more complete analysis, law enforcement authorities may submit information on the possessor of the

firearm (when there is a possessor), associate (any individual who may be associated with the possessor at the time of recovery), and recovery date and address.

What is the investigative value to my department of comprehensive crime gun tracing? Large numbers of traces can be analyzed to develop proactive leads to gun traffickers, armed offenders, and illegal possessors of firearms. When the NTC compiles comprehensive crime gun trace information for a law enforcement agency, it can furnish information relating to the following questions: 1. What kinds of guns are being recovered in my area? 2. What types of crimes are associated with these recovered crime guns? 3. Who are the dealers that are the source of crime guns recovered in my area? 4. Who are the individuals supplying firearms to the criminals and juveniles in my area? 5. Where are the recovery locations? 6. Are the source areas in the county or the State, or from out-of-State? 7. Where should my resources be concentrated to stem the flow of firearms to my streets?

With this information, a department working with ATF can maximize enforcement leads to illegal suppliers and their violent customers and establish enforcement strategies to reduce juveniles and criminals illegal access to guns. Firearms tracing can also lead to improved officer safety, since it can alert officers to crime gun activity at a specific address, or by a particular individual.

What is the best method of comprehensive trace submission?

The Electronic Trace Submission System (ETSS) is a stand-alone database that enables ATF field offices and other law enforcement organizations to capture firearm trace related data. This data is then exported from ETSS and the Batch File is then transferred electronically to the NTC for processing. Agencies with only a few hundred traces a year can use fax or mail submission or request ETSS from ATF.

How much does comprehensive tracing cost?

ETSS is currently available to all ATF field offices and can be downloaded from the NTC page on the ATF Intraweb at no charge. Upon request, police departments can upload ETSS by CD-ROM. The

largest cost to the department is likely to be the cost of entering trace information in person hours.

What assistance in establishing comprehensive tracing is available from ATF?

Comprehensive crime gun tracing is free to the requesting jurisdiction. The NTC will also work with police departments to establish the easiest methods for them to trace firearms. The Crime Gun Analysis Branch (CGAB) will conduct a full assessment of a city's capability for comprehensive tracing and recommend the steps needed to achieve this goal, including providing funding to improve the city's crime gun data collection process. ATF will also provide the city with a detailed plan of action highlighting specific activities that each party would perform. ATF also provides training directly and in conjunction with the International Association of Chiefs of Police and the Bureau of Justice Assistance.

Will my law enforcement agency receive responses to trace requests directly?

After a firearm is submitted for tracing, the trace report containing the results of the trace is returned to the requester.

How long does a trace response take?

A routine firearm trace averages 12 working days.

Are there special provisions for urgent traces?

Urgent traces, which must adhere to certain criteria, are completed within 24 hours. Criteria for an urgent trace include: assaults, bank robbery, kidnapping, murder/suicide, rape/sex crimes, terrorist act or threat, undercover investigation, high profile, needed for court, needed to hold a suspect in custody, or issuance of a search warrant.

Are trace responses on paper or electronic?

Currently, Federal, State, and local law enforcement agencies can submit trace requests electronically, but can only receive trace responses on paper. In addition, the NTC will respond to law enforcement organization requests for an extract of a jurisdiction's trace information and provide it on disk.

Can investigators search available crime gun trace information for investigative leads?

ATF developed Online LEAD, a firearms trafficking information system, to enable investigators to search

for criminal patterns in trace information. It has proven to be a powerful tool in the hands of field investigators. By analyzing the raw data contained in firearms trace and multiple sales records, Online LEAD generates a wealth of investigative leads. For example, ATF and other law enforcement agencies can identify firearms traffickers by researching both the sources of firearms and their destinations. For individual jurisdictions, the value of Online LEAD depends on law enforcement agencies tracing crime guns comprehensively.

Do State and local law enforcement agencies have access to Online LEAD?

Yes. Online LEAD is located at ATF field offices and is readily available to local task forces. The Online LEAD crime gun information system allows ATF agents and inspectors to access crime gun trace and multiple sales data directly from their desktop computers using the ATF Intraweb. The data in the Online LEAD system is updated automatically every 24 hours.

Do all crime gun traces result in identification of purchasers, and if not, why submit all recovered firearms for tracing?

Currently over 53 percent of traces from participating cities result in the identification of a purchaser, and many of these are relatively recent gun buyers. Even without purchaser results, most crime gun traces result in useful information. With gun dealer but not purchaser information, traces can reveal concentrations of crime guns flowing from particular dealers, and provide information on the source States and counties of these firearms, thus helping local law enforcement officials understand whether crime guns they recover have crossed jurisdictional lines. Other information supplied, such as possessor, associate, and recovery information, will allow comprehensive crime gun analysis for your jurisdiction.

Can ATF's CGAB assist my agency in specific investigations?

The CGAB, located at the National Tracing Center, can provide information useful for officer safety precautions when conducting search warrants, to assist in an investigation, hold a suspect, or acquire a search warrant. Your agency can request analysis of

crime gun trace data in your jurisdiction by fax (304-260-3640), email

CrimeGunAnalysisBranch@trac.atf.treas.gov), or telephone (1-866-360-3418). The CGAB can provide assistance by running an individual suspects name and/or address through the Firearms Tracing System (FTS) to determine whether any firearms have been recovered at a particular address in connection with warrant service, or if an individual at that address has purchased multiple firearms or been involved in crime gun traces.

Can the CGAB assist my agency in using crime gun trace information for strategic purposes?

Analysis of crime gun trace data in your jurisdiction can be provided through the CGAB and Online LEAD. The CGAB can analyze your crime gun trace and related multiple sales information to help identify problems in your jurisdiction. A trace study can be conducted to identify trends and patterns in crimes involving firearms. The CGAB can provide leads and proactive referrals on individuals who may be suspected of straw purchasing or firearms trafficking in your jurisdiction.

Does the NTC provide crime gun mapping?

The CGAB can map crime gun recovery locations on a map of your jurisdiction demonstrating trends and patterns with areas of high amounts of crime gun recovery locations. Mapping of crime gun recovery locations can be provided most effectively when a jurisdiction is tracing comprehensively and when complete recovery address information is supplied.

What does ATF view as best practices in using crime gun tracing as an investigative tool?

Best practices include first ensuring that you are maximizing ATF as a resource by requesting traces through the NTC on all recovered firearms; ensuring that possessors of recovered firearms are interviewed to determine their sources; and ensuring that ATF is the central recipient of all firearms-related information. You should also use other statistical data as shown in the annual Crime Gun Trace Reports and, where possible, develop a gun unit dedicated to investigating firearms offenses and developing strategies based on the analysis, including working with ATF in the conduct of joint firearms trafficking investigations.

How does the FTS relate to the National Integrated Ballistics Identification Network (NIBIN)?

Crime gun tracing and ballistics identification are both crime gun investigative tools. Tracing can be conducted when the crime gun itself is recovered. If only a cartridge or bullet is recovered, this image can be analyzed so that it can be tied with previously identified shooters or firearms. Increasingly, departments are using both tools to assist in solving gun crimes. Ballistics Imaging technology does not automatically submit the crime gun to be traced through the National Tracing Center.

How will comprehensive crime gun tracing help reduce youth gun violence?

Comprehensive crime gun tracing will provide an information platform for developing the best local investigative strategies. One of the findings of the Crime Gun Trace Reports is that a large proportion of youth crime guns are quite new and most likely deliberately and illegally trafficked. Many crime guns were first sold at retail in-State. The long held presumption that guns used in crimes were all borrowed from home, stolen, or trafficked across State lines appears to be incorrect. Comprehensive crime gun tracing and trace analysis can support both trafficking investigations aimed at these sources of newer firearms and the deployment of traditional criminal investigation techniques (debriefings, confidential informants, turning of arrestees, etc.) aimed at sources of new and older firearms. Because juveniles have less access to the firearms market than adults, a strategy that targets their illegal supply can be especially productive.

How does tracing relate to a strategy of deterring and incarcerating persons illegally possessing, carrying, or using firearms?

Local law enforcement authorities are actively searching to find the best mix of local enforcement operations. ATF is providing new assistance to that effort by working to institute comprehensive tracing and ballistics identification capabilities and use these

tools to support gun crime investigations. These tools are providing new opportunities to attack gun criminals and the illegal gun market, which includes many felons acting as gun traffickers. At the Federal level, ATF believes that a balance between attacking the illegal supply of firearms to prohibited persons, including juveniles and adult felons, and deterring and incarcerating armed violent offenders, is necessary to reduce violent crime.

What are common types of illegal diversion?

Corrupt Federal firearms licensees, unlicensed sellers, straw purchasers, thieves, and traffickers in stolen guns, all contribute to the illegal market in guns. ATF utilizes all aspects of comprehensive trace data to initiate criminal investigations and to develop ATF regulatory enforcement strategies.

How does comprehensive tracing relate to an ATF regulatory enforcement strategy?

Comprehensive trace data are used to initiate criminal investigations and to develop ATF regulatory enforcement strategies. The focused inspection program addresses some of the following:

- firearms dealers with a significant percentage of unsuccessful firearms traces,
- reported Multiple Sales/unreported Multiple Sales,
- firearms dealers with *more* than one theft involving less than ten firearms, and
- dealers identified with short time to crime firearms.

Comprehensive tracing also allows ATF to identify Federal firearms dealers who may have serious recordkeeping problems, inventory problems, and who may be associated with crime guns. In addition, firearm dealers who do not respond to a crime gun trace request or provide incorrect information in response to firearms trace request(s) are identified. Dealers who have been cited for firearm violations are advised of the correct recordkeeping procedures and if the violations continue, are subject to administrative action, including license revocation.

5 - Progress and Plans: The Strategic Use of Crime Gun Information

This section describes the progress made in comprehensive crime gun tracing during the past year. Crime gun tracing is voluntary for most law enforcement agencies. Through the Youth Crime Gun Interdiction Initiative (YCGII) and other firearms enforcement programs, ATF in 1996 began a concerted effort to work with other law enforcement organizations to maximize the utility of this critical investigative tool. To develop and encourage crime gun tracing, ATF continues to strive to improve the tracing process, quantity, quality, and delivery of crime gun information, and related investigative services to ATF agents and their State and local partners.

5-1 Level and Quality of Crime Gun Tracing

Number of Crime Guns Traced. The number of firearm traces submitted to the National Tracing Center (NTC) remained relatively constant; from 206,070 traces in 1999 to 206,115 traces in 2000. Law enforcement officials in the 50 participating YCGII locations submitted approximately 96,902 crime gun trace requests between January 1, 2000, and December 31, 2000, 47 percent of the total number of crime gun trace requests submitted to the NTC during this period. The 17 new YCGII cities submitted 17,510 trace requests.

Comprehensive Crime Gun Tracing. Police departments that join the YCGII make a commitment to trace all crime guns recovered in their jurisdictions in order to maximize investigative leads and permit analysis of local crime gun patterns by age group. While other law enforcement agencies are making similar commitments and meeting them successfully, the annual Crime Gun Trace Reports currently include only YCGII cities. ATF makes a special effort to ensure the accuracy of the information collected for these reports. While the NTC cannot determine definitively whether all recovered crime guns are being traced, an evaluation can be made based on the number of trace requests, the tracing infrastructure in the law enforcement agencies, and on information obtained from local officials. On this basis, the NTC determined that during 2000, 38 of the 50 locations participating in YCGII were tracing comprehensively. These cities include:

Atlanta, GA	Chicago, IL	Jacksonville, FL	New Orleans, LA	Richmond, VA
Baltimore, MD	Cincinnati, OH	Los Angeles, CA	Nashville, TN	Salinas, CA
Baton Rouge, LA	Dallas, TX	Louisville, KY	New York, NY	San Antonio, TX
Birmingham, AL	Gary, IN	Memphis, TN	Oklahoma City, OK	San Jose, CA
Boston, MA	Greensboro/Highpoint/	Miami, FL	Philadelphia, PA	St. Louis, MO
Camden, NJ	Winston Salem, NC	Milwaukee, WI	Phoenix, AZ	Tampa, FL
Charlotte-	Houston, TX	Minneapolis, MN	Pittsburgh, PA	Tucson, AZ
Mecklenburg, NC	Indianapolis, IN	Newark, NJ	Portland, OR	Washington, DC

Of the remaining cities, a sufficient number of traces for a city-based analysis were received to complete a City Report. In each City Report, Table H reports each city's number of trace submissions.

Number of Completed Traces. The NTC is continually improving its ability to diagnose the reasons for missing crime gun trace information, to learn what type of crime gun information is most consistently missing or inaccurately reported and to determine whether the failure to match serial numbers is due to obliteration, faulty recording, incorrect Federal Firearms Licensee (FFL) records or data mismanagement. This effort is shown in Tables I and J of the City Reports and summarized here nationally for all YCGII cities with a population of over 250,000.

Increased FFL identification rate. Traces in which a Federal firearms licensee was identified accounted for 71 percent of crime gun traces initiated. This represents a decline from the 75 percent rate reported in the 1999 Crime Gun Trace Reports and an increase from the 66 percent rate reported in the 1998 Crime Gun Trace Reports.

Obstacles to identifying purchasers. As in 1999, the NTC identified retail purchasers for over half (53 percent, 47,478) YCGII crime guns. Where a trace was initiated by the NTC, purchasers were not identified for several reasons, including:

- problem with crime gun serial number (10.8 percent)
- records on this crime gun unavailable (6.8 percent)
- problem with importer name (5.6 percent)
- problem with manufacturer name (3.5 percent)
- records not available (1.5 percent)
- expiration of 20-year record retention requirement (2.4 percent)

Uninitiated traces. The NTC did not initiate a trace for 12.8 percent (11,320) of the trace requests, for several reasons, including:

- firearms manufactured before 1969 and not traceable through Out-of-Business records (8.8 percent)
- trace request submitted for informational purposes only (3.4 percent)
- other reasons (0.6 percent)

The initiation of 87 percent of the trace requests from YCGII jurisdictions is a slight decrease from 1999 (90 percent).

Other limitations. With sufficient information about the crime gun, the NTC can identify the firearms first retail purchaser. In most cases, it cannot identify retail purchasers of crime guns re-sold by FFLs as used guns, or of crime guns acquired as used guns from unlicensed sellers. As a result of the structure of the firearms laws, an NTC trace usually stops at the first retail purchase of the firearm recovered by law enforcement.

5-2 Investigative Support for State and Local Law Enforcement Agencies

Crime Gun Analysis Branch Support. The NTC Crime Gun Analysis Branch (CGAB) has been increasingly active in responding to requests from law enforcement agencies for assistance in developing strategic overviews of the local crime gun problem and in law enforcement investigations and regulatory inspections. In 2000, the CGAB completed over 37 crime gun mapping requests, including 15 YCGII cities; 334 requests for crime gun trace information; 389 requests for queries of the Firearms Tracing System (FTS) concerning individuals; 1,162 requests for queries concerning FFLs and 96 proactive referrals to investigators on suspected firearms traffickers. CGAB also made 18 presentations in 2000 on crime gun trace analysis through crime gun mapping and Online LEAD and prepared the Crime Gun Trace Reports.

Field Resource: Online LEAD. Online LEAD is ATF's crime gun trafficking information tool. In 2000, the number of ATF investigators using Online LEAD increased to approximately 1,800 users. In November 1999, Online LEAD was deployed to all ATF field offices to enable ATF agents, inspectors, and local task force officers to access crime gun trace and related multiple sales information directly from their desktop computers using the ATF IntraWeb, with over 375 users from YCGII cities receiving access. ATF investigators in all locations can now access not only local but all nationwide crime gun information, facilitating regional and interstate investigations.

Training: Firearms Tracing and Illegal Trafficking Investigations. In 1999, ATF developed a training CD-ROM to help train Federal, State and local law enforcement officers participating in YCGII in firearms identification and tracing procedures. ATF field agents learned how to use the YCGII Instructor CD-ROM and then delivered it locally. Because of the important role of firearms trafficking investigations in the reduction of violent crime, the International Association of Chiefs of Police, in a program funded by the Department of Justice's Bureau of Justice Assistance, continued to provide training at the NTC for police departments interested in starting comprehensive crime gun tracing and trafficking enforcement programs.

Training: Restoration of Obliterated Serial Numbers. ATF continues to work with police departments and law enforcement laboratories to restore obliterated serial numbers on crime guns and to develop local coordinated enforcement efforts to trace and proactively target leads derived from recovered crime guns with obliterated serial numbers. ATF has developed a 3-day session of instructional and hands-on training for State and local investigators and firearm examiners covering the importance of restoring obliterated serial numbers and tracing those firearms. Eleven training sessions were held during this reporting period, four in YCGII cities with representatives from four additional YCGII cities in attendance.

5-3 Improvements in the Tracing Process and Tracing Support for State and Local Law Enforcement Agencies

Currently, a routine firearm trace takes an average of 12 business days to complete. Urgent traces are completed within 24 hours. In 2000, ATF continued to take steps to shorten the time it takes to complete a routine trace, and facilitate law enforcement agencies ability to submit and receive trace information. Compared to 1999, however, there was an increase in the completion time of the tracing process. This increase can be attributed to a higher rate of successful traces through Out-of-Business records and greater attention to improving the quality of traces being submitted.

Access 2000: Firearms Industry Cooperation.

Access 2000 is an ATF produced system that allows a manufacturer, importer or wholesaler to download a subset of their firearms data into a stand-alone personal computer. ATF tracers can then dial up and query on a specific serial number in order to obtain a disposition on the firearm. Access 2000 also allows 24-hour access to manufacturer, importer or wholesaler records and is particularly useful for urgent traces. The system shortens the trace process from 1 to 3 days by eliminating the step of calling or faxing the manufacturer, importer or wholesaler and waiting for the results of the crime guns disposition, while also reducing firearms industry trace-related costs. In 2000, use of Access 2000 increased from 10 to 17 manufacturers and/or wholesalers, and now includes 10 manufacturers: Beretta U.S.A. Corp., H&R 1871 Inc., Smith & Wesson, Taurus, Heckler & Koch, Marlin, Mossberg, Colt, Remington Arms and Glock G.m.b.H.; and 7 major wholesalers: RSR Wholesale Guns, Davidsons Supply Company, Acusport, Ellett Brothers, Interarms, Ashland Shooting Supplies and Sports South. Valor Corporation, another major importer, allows queries of crime gun traces to be conducted via the Internet.

Multiple Sales Records and Crime Gun Tracing.

The NTC continues to use multiple sales records to speed crime gun tracing. FFLs are required by law to report multiple sales transactions of handguns and to forward those records to the NTC. To facilitate crime gun tracing, the NTC began maintaining multiple sales information in a Multiple Sales Database linked to the FTS. When a crime gun trace request is received, the serial number is entered into the FTS. If the serial number entered matches a serial number in the Multiple Sales Database, the crime gun trace request can be closed immediately with the multiple sales purchaser information without time-consuming telephone calls to FFLs. In 2000, approximately 3 percent (2,752) of YCGII traces were completed with purchaser information from a multiple sales transaction. Because the Multiple Sales Database was established in November 1998, and there may be a delay of several years before a crime gun is traced, the NTC anticipates resolving more traces through the multiple sales database in the future.

Out-of-Business Records Imaging and Crime Gun Tracing.

The NTC is also using FFL Out-of-Business records to speed crime gun tracing. When an FFL discontinues business, the FFL is required by law to forward business records within 30 days to the Out-of-Business Records Center (OBRC) located at the NTC. OBRC receives and microfilms the acquisition and disposition records and ATF Form 4473 from all firearm transactions completed by FFLs who have discontinued business. OBRC processed 48,345 firearm traces from January 1, 2000 to December 31, 2000. In this time period, over 14 percent of all crime gun traces were completed with information from an out-of-business dealer.

5-4 Future Developments

Investigative Tracing for Crime Guns. ATF encourages all YCGII cities to conduct investigative traces on all crime guns recovered from juveniles and youths up to age 21. Investigative traces go beyond the first retail purchaser through the chain of possession until the crime gun reaches its final possessor. After its initial retail purchase, a crime gun may be transferred repeatedly before being used in a crime. For instance, it may be re-sold by an unlicensed seller, stolen, and then re-sold to an FFL, and re-sold again. In an investigative trace, special agents attempt to track the full chain of possession to determine how the juvenile or youth obtained the firearm, to build a case against any illegal suppliers. Analysis of investigative trace information will increase our understanding of how prohibited and young people obtain crime guns.

Firearms Identification Guide. To address the problem of unsuccessful traces due to faulty information on the trace request form, the NTC has developed a CD-ROM for reference use by the law enforcement community in firearms identification. Volume I of this CD contains graphic illustrations, historical data, and specifications on the 20 most frequently traced firearms. Subsequent volumes will illustrate additional firearms until the goal of 100 of the top traced firearms has been achieved. The CD is intended to be a stand-alone reference and training aid that can be utilized by everyone from entry level personnel to senior investigators to crime laboratories.

Electronic Trace Submission (ETSS). ETSS Version 2.6 was released in fiscal year 2001. Currently, there are 167 Federal, State and local law enforcement agencies that have received ETSS training for the purpose of submitting firearms traces. The NTC currently receives approximately 61 percent of firearms trace data via electronic format.

Regional Crime Gun Centers. Three Regional Crime Gun Centers (RCGC) have been established to ensure 100% comprehensive tracing of all recovered crime guns. The purpose of the RCGC is to analyze patterns and trends on a local level that can be detected through comprehensive trace information on

recovered crime guns. Equipped with the best technological hardware and research software available, the RCGC is staffed with ATF personnel as well as State and local investigators and analysts in order to analyze patterns and trends, develop investigative leads to stop the flow of crime guns into the communities and to assist the State and local police departments in the allocation of their resources. New York, Chicago and Washington D.C. are the first cities to utilize this concept on a local level. Combined, the cities have analyzed over 12,477 firearms and developed 361 investigative leads. More than 39 percent of the leads generated have involved over 20 different States. Los Angeles is the only RCGC site planned for the upcoming year. ATF is currently developing technology that would greatly enhance the development of future RCGC sites nationwide, as well as allowing quicker access to crime gun trace information by State and local investigative agencies.

National Integrated Ballistic Information Network (NIBIN). ATF has successfully integrated its expertise in the regulation of the firearms industry and the effective enforcement of the Federal firearms laws with technological advances in the forensic ballistics examination field. This unique program uses all of the resources that ATF has to offer in working with our law enforcement counterparts to reduce violent firearms violence.

Just as each fingerprint is different, a firearm leaves unique, identifiable characteristics on expelled ammunition. ATF's NIBIN Program employs the Integrated Ballistics Identification System to compare images of ballistic evidence (projectiles and shell casings) obtained from crime scenes and recovered firearms. As new images are entered, the system searches the existing data base for possible matches that must be confirmed by a firearms examiner. As a result, the system has amassed a large ballistics image data base filled with crime gun data from all over the country from which Federal, State and local law enforcement agencies may obtain intelligence information.

With this program, ATF has created a national resource that enables participating law enforcement agencies to store shooting-related data and test-fire exemplars from recovered firearms in one common system capable of performing comparisons and producing probable matches. Also, ATF has developed a mechanism to serve as a repository for all crime gun data that parallels the Automated Fingerprint Analysis System maintained by the Federal Bureau of Investigation. Automated ballistic technology is one more weapon in the arsenal of resources that ATF maintains to assist our partners.

YCGII Contract Support. To enhance the quality and efficiency of firearm trace submissions, the National Tracing Center supports a program to place retired law enforcement officers in strategic locations around the country to assist comprehensive tracing efforts. Retired ATF agents and State/local law enforcement officers knowledgeable in firearms identification and nomenclature have been contracted to secure and transmit pertinent firearms trace data to the NTC. Currently, 23 contracted analysts and data entry clerks have been retained for this task. This program is expected to expand in an effort to ease the tracing burden on law enforcement agencies.

Appendix A



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Glossary

ASSOCIATE

Any person or persons who can be linked to the possessor of the crime gun at the time of its recovery by law enforcement.

ATF FORM 3310.4, MULTIPLE SALES REPORT

A form completed by all Federal Firearms Licensees (FFLs) whenever they transfer two or more handguns within 5 consecutive business days to the same individual. The completed form contains full identifying information concerning the purchaser, the firearms, the date of transfer, and the FFL. FFLs are required by Federal law to forward this form to the National Tracing Center either by fax or mail by the close of business on the day on which the sale occurs. 18 U.S.C., Chapter 44, Sec 923 (g)(3).

ATF NATIONAL TRACING CENTER DIVISION (NTC)

The Division includes the National Tracing Branch (NTB) and the Crime Gun Analysis Branch (CGAB). The NTB works with law enforcement entities and the firearms industry to trace the origin and initial sale history of a firearm recovered by law enforcement officials in the United States or abroad. In some instances, the NTB traces crime guns that are sold as used guns by FFLs. The NTB is also the repository for all FFL out-of-business records and multiple sales records. The CGAB provides investigative leads to ATF field personnel, houses the FFL lost and stolen firearms reports, supports the worldwide law enforcement community by identifying firearms traffickers who supply firearms to criminals and juveniles, and prepares maps, trends, and pattern analyses, including the annual Crime Gun Trace Reports.

CALIBER

The diameter of a projectile intended to be expelled from a firearm or the dimension of the bore of a given firearm.

COLLECTOR

Any person who acquires, holds, or disposes of firearms as curios or relics.

COMPREHENSIVE TRACING

The tracing by law enforcement of all recovered crime guns in a geographic area (e.g., town, county, metropolitan area, or State). Trace information is used to maximize investigative leads for use in identifying illegal firearms traffickers and violent criminals, and to analyze crime gun trends and patterns.

CRIME GUN

A crime gun is any firearm that is illegally possessed, used in a crime, or suspected to have been used in a crime. An abandoned firearm may also be categorized as a crime gun if it is suspected it was used in a crime or illegally possessed.

DEALER

Any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or any licensee who is a pawnbroker.

ELECTRONIC TRACE SUBMISSION SYSTEM (ETSS)

ETSS can be a stand-alone or part of a networked, multi-user system that enables ATF Field Offices and other law enforcement organizations to capture firearm trace related data. This data is exported from ETSS and the batch file is then electronically sent for processing to the National Tracing Center (NTC).

ENGAGED IN THE BUSINESS

A person is engaged in the business as a dealer in firearms if he or she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. The term does not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his or her personal collection of firearms.

FEDERAL FIREARMS LICENSEE (FFL)

Any persons, including a partnership, corporation, or business entity, holding a valid license issued by ATF that allows them or their employees to engage in the business of dealing, manufacturing, importing, repairing or pawnbrokering firearms. By law, all FFLs must keep records of their firearms transactions and forward all their records to ATF upon going out of business.

FIREARM SERIAL NUMBER

The Gun Control Act of 1968 requires that an individual serial number be affixed to firearms manufactured or imported into the United States. This unique serial number is one of several key elements used in accurately identifying a firearm and tracing it to the FFL who first sold it to an unlicensed purchaser.

FIREARM TRACE

The systematic process of tracking a recovered crime gun's history from its source (manufacturer/importer) through the chain of distribution (wholesaler/retailer) to the individual who first purchases the firearm.

FIREARM TRACE REQUEST

Information submitted to the NTB by the law enforcement community to solve individual crimes and acquire illegal trafficking information. Requests may be submitted by telephone (high priority/urgent), facsimile, mail, or as an electronic file through several different formats. ATF trace request forms require specific information to include, but not limited to, a description of the firearm, the individuals possessing or associated with the firearm, the recovery location, and the underlying offense that brought the crime gun to the attention of law enforcement.

FIREARM TYPE

The NTC categorizes firearms into a number of types that include, but are not limited to, pistols, revolvers, derringers, shotguns, rifles, combination firearms, machine guns, destructive devices, and unknown gun type. Firearms are generally described by identifying the firearm type, manufacturer, and caliber. This information, together with additional data such as the serial number and model, are used to accurately trace a firearm.

SEMIAUTOMATIC PISTOL

Any repeating pistol which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

PISTOL

A weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s).

REVOLVER

A projectile weapon of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

DERRINGER

The term "derringer" has no legal definition, but for the purposes of this report it is interpreted as any one of a variety of small pocket or palm size pistols having one or more barrels.

RIFLE

A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

SHOTGUN

A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

COMBINATION GUN

A multi-barreled firearm designed or redesigned, made or remade, and intended to be fired from the shoulder having two or more different caliber barrels. Such firearms generally exhibit some combination of rifled barrels and smoothbore shotgun barrels.

MACHINEGUN

This term includes, in part, any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon.

DESTRUCTIVE DEVICE

This term includes, in part, any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.

IMPORTER

Any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution. The term shall include any person who engages in such business on a part-time basis.

INVESTIGATIVE TRACE

Investigative traces are traces that go beyond the first retail purchaser through the chain of possession until the crime gun reaches the crime gun possessor. After its initial retail purchase, a crime gun may be transferred repeatedly before being used in a crime. Further information regarding the crime gun's trail is obtained by ATF field personnel and/or other members of the law enforcement community.

MANUFACTURER

Any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution. The term shall include any person who engages in such business on a part-time basis.

MARKET AREA

An area where firearms acquired in one or more source areas are possessed by individuals from whom they are later recovered.

OBLITERATED SERIAL NUMBER

Some individuals obliterate or attempt to obliterate the firearm serial number to make it more difficult to trace. ATF and local law enforcement agencies can restore the serial numbers of many of these crime guns. Obliteration of a serial number is a felony under Federal law, as is the possession of a firearm with an obliterated serial number.

PAWNBROKER

Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

POSSESSOR

The individual in possession of a crime gun at the time of its recovery by law enforcement.

ONLINE LEAD

ATF's information system designed to produce investigative leads concerning illegal firearms trafficking. The system compiles trace information in order to identify recurring trends and patterns that may indicate illegal trafficking. Online LEAD is an investigative tool provided to ATF field offices for use by local and State task forces.

PURCHASER

The individual who purchases a firearm from an FFL. A firearm trace seeks to identify the FFL who first sold the crime gun and the first individual who purchased the firearm. This information can assist law enforcement officials in investigations and in understanding the sources of illegal trafficking in firearms.

SOURCE AREA

A geographic area where illegal firearms traffickers obtain firearms that they acquire and transport to other locations for unlawful resale and/or transfer.

SOURCE STATE

The State in which the FFL that first sold the crime gun at retail is located. The source State can only be determined if a trace identifies the FFL who sold the firearm.

STRAW PURCHASE

The acquisition of a firearm(s) from a Federally licensed firearms dealer by an individual (the straw purchaser) for the purpose of concealing the identity of the true intended receiver of the firearm(s).

STRAW PURCHASER

A person illegally purchasing a firearm from a Federally licensed firearms dealer for another person, including for unlicensed sellers, criminal users, juveniles, and other prohibited possessors. Straw purchasers may be friends, associates, relatives, or members of the same gang.

TIME-TO-CRIME

The period of time between a firearm's acquisition by an unlicensed person from a retail licensee and law enforcement's recovery of that firearm during use, or suspected use, in a crime. A short time-to-crime suggests the firearm will be easier to trace. This measure can be an important indicator of illegal firearms trafficking. In those instances where the date of recovery is not provided, the date of the trace request is utilized to calculate time-to-crime.

Appendix B



1

2

Technical Notes

1. Interpreting Information in National Tracing Center Records from Participating Jurisdictions

This note discusses limitations in using this information to compare one participating jurisdiction with another and to track the same jurisdiction from 1 year to the next.

The Youth Crime Gun Interdiction Initiative (YCGII) began in 1996. It is an emerging collaboration among Federal, State, and local law enforcement officials, ATF field offices, the ATF National Tracing Center, and ATF contractors from the academic community to improve enforcement of the Federal firearms laws, especially those relating to illegal firearms transfers to youth offenders, felons, juveniles, and other prohibited persons.

This is the fourth report published by ATF that uses information from trace requests submitted from YCGII jurisdictions to describe crime guns recovered by law enforcement agencies in those jurisdictions. This information improves the knowledge base for the enforcement of Federal and State firearm laws and regulations. It is, however, subject to several limitations. These arise out of three basic factors:

First, the program is undergoing constant change. Over the first 4 years of the YCGII program's operation, for United States cities with populations over 250,000 inhabitants, the percent of the population covered by participating YCGII jurisdictions increased from 28.5 percent to 80.4 percent (see Graph 1). Over this period, the number of cities in the over 250,000-population group also increased from 11 to 44 cities (or from 16.7 to 66.7 percent of this group). These improvements in program coverage are important because achieving comprehensive tracing in cities with populations of over 250,000 inhabitants has been a primary objective of the YCGII program. However, because of YCGII's rapid increases in program coverage, year-to-comparisons for aggregate population group of cities over 250,000 are inappropriate.

Second, the extent of program implementation varies from one jurisdiction to another based on each one's size, extent of agency computerization, information intake procedures, firearms-focused law enforcement

activity, and the nature of its crime gun problem. At this stage of development, it is not appropriate to attempt to impose a single standard on all participating jurisdictions.

Third, the program is still developing. ATF and local law enforcement agencies are still learning from each other how to best implement this program and to utilize the information obtained. This report and others to be produced by the Crime Gun Analysis Branch (CGAB) of the National Tracing Center are part of that developing process.

These factors result in data limitations, among them changing law enforcement procedures to obtain all crime guns from all agencies does not happen immediately or consistently throughout a particular agency. In such jurisdictions, the lag in reporting recovered firearms to ATF will generate data on fewer firearms than law enforcement agencies actually recovered.

The data reported here also reflects the behavior of law enforcement agencies whose policies and practices, including when and how firearms are recovered and how those recoveries are recorded, are changing in response to local attention to firearms crimes. These changes could increase or decrease the number of firearms trace requests made to the National Tracing Center.

Crime rates are changing. Changes in the number of trace requests could reflect changes in the number of crime guns that come to the attention of law enforcement agencies.

While the 50 participating jurisdictions represent a wide spectrum of American life, they do not represent a national sample of law enforcement agencies or crime guns recovered by law enforcement agencies. Participation in this program is voluntary, and jurisdictions included were not selected to be representative of the nation as a whole, rather they were included primarily because of a focus on youth gun crime. In 2000, however, 44 of the 50 jurisdictions had a population over 250,000. The population of these 44 jurisdictions represents more than four-fifths of the population of all U.S. cities combined with

populations of 250,000 or more. This made it appropriate to generate summary data for these large cities as a group.

For these and other reasons, the available data from the participating jurisdictions does not yet constitute a fully developed statistical series from which reliable comparisons can be made from one reporting period to the next or from one participating jurisdiction to another. The data is used in this report as descriptive of the trace requests of particular jurisdictions during the past year. The nature of these limitations is

similar to those initially encountered by the Federal Bureau of Investigation's Uniform Crime Reports program (UCR). Begun in the 1930's as a voluntary program by a few large jurisdictions, the UCR program has been developed over the past 70 years to include consistent definitions and standards, detailed reporting procedures, and nearly uniform participation by law enforcement agencies. The purpose of YCGII is to assist law enforcement by providing a detailed description of crime guns recovered in a given jurisdiction during the past year, and that is the most appropriate use of the data in this report.

Table B1: Percent of Cities and Percent of Population of Cities over 250,000 Inhabitants Participating in the YCGII Program by Year

	YCGII Program Year			
	1997	1998	1999	2000
Percent of Cities over 250,000 in YCGII Program	16.7	30.3	45.5	66.7
Percent of Population in Cities in YCGII Program	28.5	54.1	67.2	80.4

Figure B1: Percent of Population from Cities over 250,000 Inhabitants Participating in the YCGII Program by Year

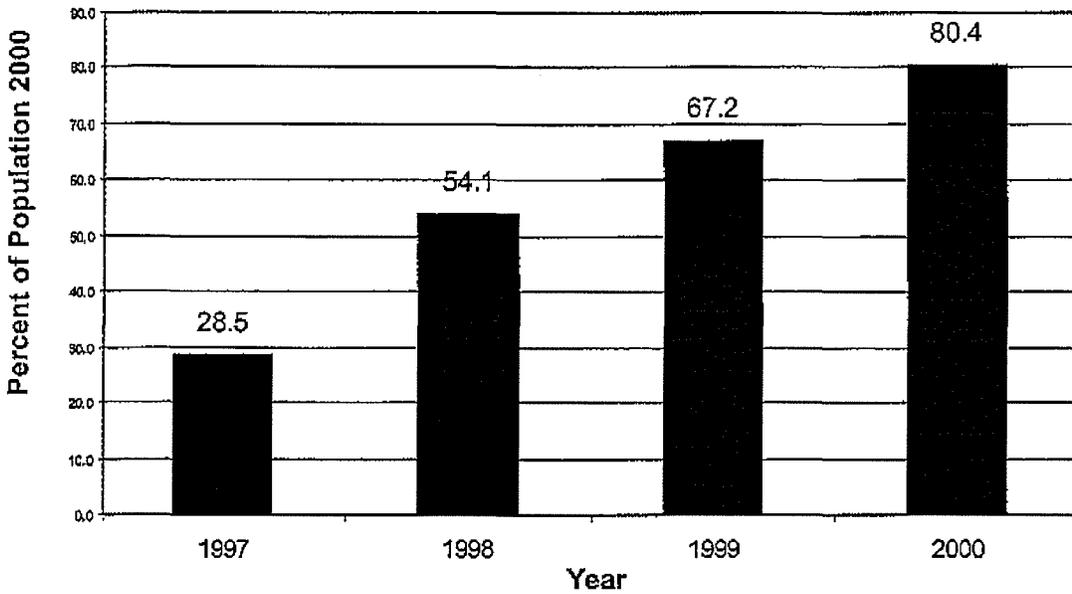
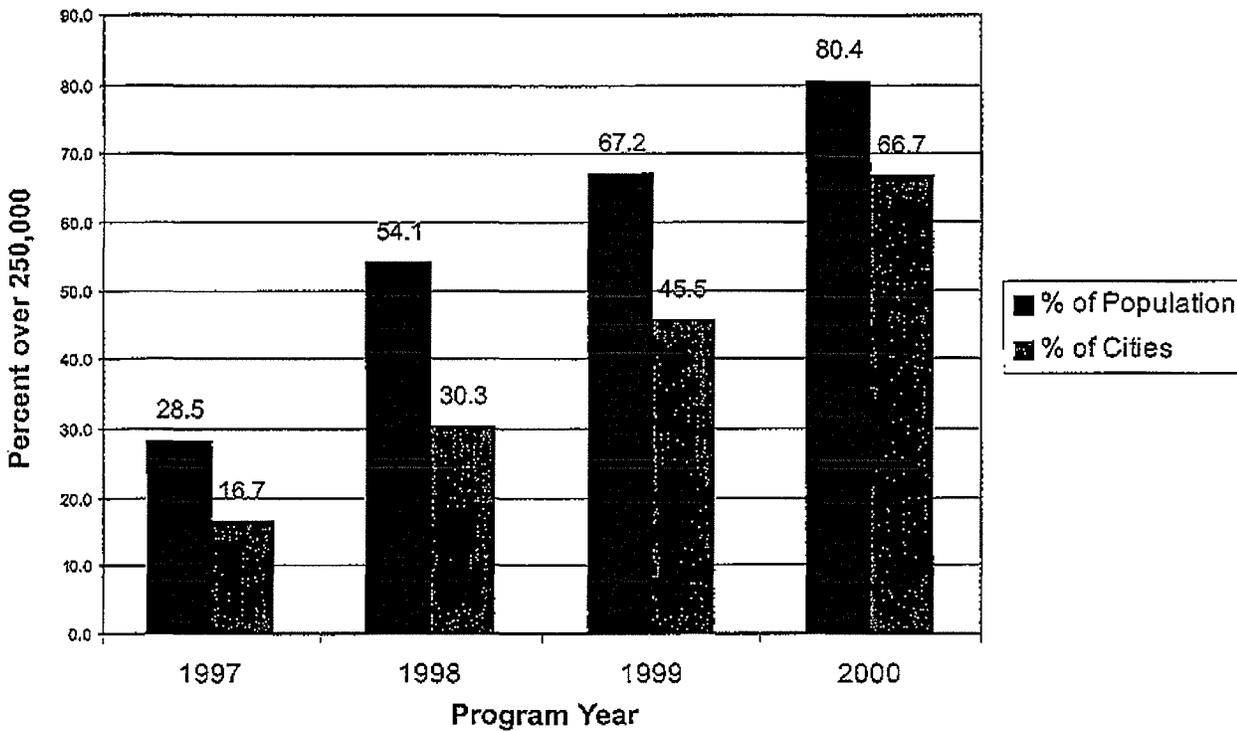


Figure B2: Percent of Cities and Percent of Population of Cities over 250,000 Inhabitants Participating in the YCGII Program by Year



2. National Analysis Based on 80.4 Percent of the Population of Cities with 250,000 or More Inhabitants

This percentage is sufficient for this report to constitute a national report on crime guns in cities of this size. ATF is providing the analysis on a population basis in order to permit use of crime gun trace information in conjunction with the FBI's Uniform Crime Reports, which publish the crime statistics submitted by law enforcement agencies by size of the jurisdiction's population.

3. Classification of Traces Based on Time and Geography

In order to include all crime guns traced from each city during the calendar year period of this report, the Crime Gun Analysis Branch employed the following criteria. If the recovery date on the trace fell within 2000, the trace was included. If no recovery date was given, but the trace was received by the National Tracing Center during 2000, the trace was also included. A careful analysis of recovery State, recovery city, tracing agency ORI Code, tracing agency name, local ATF office codes, and tracing agency city was conducted to determine which traces were from recoveries in each of the 50 cities. The ORI code is used to identify law enforcement agencies in the Firearms Tracing System database. If the recovery city and State fields included either a known city name or the name of a known sub-unit of a YCGII city (for example Bronx, NY), the trace was included in the analysis. If no recovery city was given, but the tracing agency was identified as the YCGII city's main police department or an agency whose jurisdiction was only within the city, the trace was also included.

4. Calculation of Percentages

The tables and figures in this report were prepared using the Statistical Package for the Social Sciences (SPSS) or Microsoft Excel software. We have chosen to report all percentages as these programs calculated them. It is occasionally possible, using a calculator or different software, to produce percentages that differ by as much as 0.1 percent from the reported percentages.

5. Possessor's Age

Table B2: Age of Possessor from Figure 1

Age	Frequency	Age	Frequency
10	13	46	464
11	35	47	604
12	54	48	431
13	141	49	600
14	331	50	203
15	569	51	263
16	1,147	52	277
17	1,706	53	272
18	2,569	54	200
19	2,744	55	211
20	2,751	56	182
21	2,930	57	123
22	2,553	58	137
23	2,420	59	137
24	2,118	60	120
25	1,942	61	107
26	1,768	62	105
27	1,651	63	111
28	1,620	64	54
29	1,339	65	77
30	1,321	66	77
31	1,174	67	65
32	1,041	68	73
33	1,019	69	50
34	1,067	70	73
35	976	71	42
36	932	72	48
37	1,044	73	54
38	1,040	74	38
39	831	75	43
40	1,017	76	464
41	878	77	604
42	845	78	431
43	746	79	600
44	699	80	203
45	699		

6. Distance to Recovery Location

Distance to crime gun recovery location is defined as distance in miles between the business location of the Federally licensed firearms dealer that sold a crime gun recovered by a law enforcement agency and the recovery location of the firearm. Distance-to-Recovery is calculated as the distance between the centroids of the zip code of the Federally licensed firearms dealer that sold the crime gun and the zip code of the location where the gun was recovered by a law enforcement agency. Distance-to-recovery is calculated for crime guns, 1) that were traced to a first time retail purchaser, 2) where a zip code is available for the business location of the FFL that sold the gun or where a zip code could be derived from the business address of the FFL, and 3) where there is a zip code for the location where the crime gun was recovered or where the a zip code could be derived from the street address of the recovery location.

7. Time-to-Crime Estimation

In previous reports to estimate the percentage of crime guns rapidly diverted from retail sale at Federally licensed firearms dealers, ATF produced high and low estimates of the proportion of guns rapidly diverted to crime gun status. These estimates were derived because resource limitations did not allow the National Tracing Center to trace many older crime guns. Since 1999, however, additional resources

have enabled the National Tracing Center to initiate traces on all recovered crime guns without respect to the age of the gun. The only exception to this standard is for crime guns that were manufactured prior to 1969 or crime guns that were sold by a manufacturer, wholesaler, or retail gun dealer more than 20 years prior to the gun's recovery by a law enforcement agency. (FFLs are not required to maintain firearm sale and purchase records beyond 20 years.) However, firearms in these latter two categories are still traced by ATF if records of their sale and purchase can be located in ATF's FFL out-of-business records files.

These changes in ATF's tracing procedures have greatly reduced or eliminated the utility of ATF's high and low estimates of time-to-crime, because the percentage of firearms traces not initiated due to the age of the firearm has dropped to approximately ten percent of all trace requests from approximately 30 percent of all trace requests in 1997 and 22 percent in 1998. In addition, there are other categories of crime guns trace requests for which traces are not initiated (e.g., crime guns with obliterated serial numbers) which if they could be traced would yield lower not higher estimates of time-to-crime.

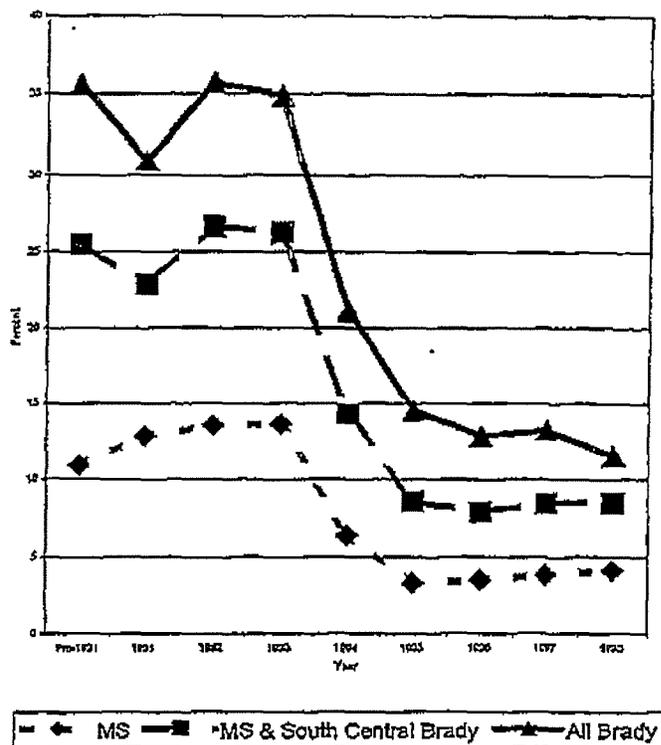


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Appendix C

Figure 3. Traceable Firearms Recovered in Chicago Imported from Brady States, 1996-1999



As can be seen, the South-Central states, and Mississippi in particular, accounted for most of the out-of-state handguns in Chicago: all of these were *Brady* states. The effect of the *Brady* Act's implementation appears to have been immediate and large. A natural interpretation of these results is that the *Brady* Act made interstate gun running from lax-control states to Chicago less profitable by making it more difficult for traffickers to buy handguns from FFLs in those states. The result was a large reduction in imports from those states, replaced (as a portion of the total) by an increase in the use of in-state sources.

The next question, of course, is whether these changes made it more difficult for Chicago residents to obtain handguns in Chicago, and in particular whether gun violence was curtailed. It is certainly plausible that the *Brady* Act increased the cost of supplying new handguns to Chicago criminals, since new

sources had to be found to replace those that were no longer convenient, due to the new requirements. But that speculation cannot be tested directly, since there are no data available on the street prices of handguns in Chicago. The ultimate question, whether gun use in violent crime was reduced, requires an analysis of data on gun use in violent crime.¹³⁸ Thus the trace data are helpful in suggesting whether the intervention may have been effective in reducing gun availability, but they do not provide a "bottom line" on violence.

Trace data provide a direct basis for assessing the effects of a policy on gun movements or the use of particular types of guns in crime. Of course any results must be qualified since the trace data are not necessarily a representative sample of guns used in crime.¹³⁹ Nevertheless, these data provide an accurate basis for tracking changes over time if the "sample" bears a consistent, albeit imperfect, relationship to the population from one period to the next. It would be surprising indeed if the intertemporal patterns we found in the Chicago trace data were simply some sort of sampling artifact.

Another limitation is that gun-control policies' ultimate purpose is the reduction of gun use in crime, and trace data do not provide direct evidence on that outcome. Rather, trace data provide a basis for tracking the proximate effects of a policy intended to work through the supply side of the gun market. If the intervention is effective in affecting trafficking patterns, then it becomes at least plausible that it also curtails criminal use of guns.

VIII. CONCLUDING THOUGHTS

The case for comprehensive tracing rests on a belief that enforcement efforts directed at the supply of guns to criminals have the potential of reducing the use of guns in violence. That potential can be most efficiently realized if enforcement efforts are guided by data.

The case against comprehensive tracing follows from the belief that guns in America are so readily available, and from such a variety of sources, that efforts to restrict supply are futile. For example, if we view every one of the thirty-five million or so handgun owners¹⁴⁰ as a potential source of a crime gun, then the enforcement task does indeed appear overwhelming. It is conceivable that regulatory measures such as requiring guns to be locked or personalized and stored safely could help restrict criminal access to such diffuse sources. But current enforcement efforts are more tailored to identifying and shutting down what could, in the parlance of environmental regulation, be called "point"

138. In fact, there was little change in the percentage of homicides committed with guns in Chicago during the three years following implementation of the Brady Act, which suggests that access to guns by violent people was not much affected.

139. See *supra* Part IV.

140. See DON W. SMITH, 1999 NATIONAL GUN POLICY SURVEY OF THE NATIONAL OPINION RESEARCH CENTER: RESEARCH FINDINGS 49 (2000) (providing a survey-based estimate that 17.1% of adults owned at least one handgun in 1999). In 1998, there were about 200 million people in the United States age 18 and over. U.S. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES, 1999 at 17 (119th ed. 1999).

sources—scofflaw dealers or trafficking rings that are diverting guns to criminals on an ongoing basis.

The trace data provide evidence that these point sources are quite important in supplying criminals, thus strengthening the case for a supply-side strategy. The distribution channels connecting FFLs to criminal uses are often short and well traveled. About one-quarter of crime guns in the YCGII cities are less than three years old and have changed hands at least once since the initial purchase,¹⁴¹ suggesting that the initial purchase was made with the intent of diverting the gun into the black market. In addition, there are an unknown but possibly large number of crime guns that are untraceable because corrupt FFLs sold them "off the books," presumably to criminals.

These patterns stand side by side with data indicating that more than half a million guns are stolen each year,¹⁴² and that most youths and criminals report obtaining their guns from casual, informal sources.¹⁴³ A reasonable conclusion is that, as in the case of pollution, both point sources and diffuse sources are important. Quite possibly, the actual mix depends on the stringency of state-level controls and the prevalence of gun ownership—systematic gun trafficking may well be more important in strict-control jurisdictions such as Boston and New York than in looser-control jurisdictions such as Atlanta and Dallas.

Given that there is a mix of concentrated and diffuse sources, the question is whether a successful regulatory or enforcement action against the former will reduce gun availability and hence gun use in crime. On that question we have little direct evidence. Given the high stakes in this area, systematic "experimentation" with different tactics appears warranted.

We have sought to document in this paper the potential uses of trace data in guiding a supply-side strategy. Trace data have improved rapidly during the last seven years as more and more jurisdictions have adopted comprehensive tracing and ATF has expanded its capacity to handle trace requests.

The growing database of trace data, together with the LEAD software, are an increasingly important tool in identifying particular FFLs and nonlicensed individuals as being important in trafficking. This seems like the least controversial basis for demonstrating the usefulness of the data.

Trace data are also establishing a unique niche in policy evaluation, providing a basis for exploring the effects of supply-oriented interventions on the types and sources of guns used in crime. The example offered above demonstrates both the usefulness of these data and their limits. We learn that the implementation of the Brady Act was associated with a dramatic change in sources of crime guns in Chicago, but we do not learn what effect the Act might have had on gun violence.

141. See *supra* tbls. 4 & 5.

142. See COOK & LUDWIG, *supra* note 26, at 29.

143. See *supra* tbl. 3.

Comprehensive tracing of firearms is one of the important legacies of the Clinton years. The hope for the future is that this new resource will be utilized with due awareness of its limitations.

EXHIBIT "5"

CITY OF OAKLAND

Agenda Report

To: Office of the City Manager
Atten: Mr. Robert C. Bobb
From: Police Department
Date: November 30, 1999

Subj: AN INFORMATIONAL REPORT FROM THE CHIEF OF POLICE ON
EFFORTS TO TRACE GUNS USED IN CRIMES

SUMMARY

At the Public Safety Committee meeting of September 28, 1999, Vice Mayor Chang requested a report on the efforts taken by the Police Department to trace guns used in the commission of crimes in Oakland. This report provides statistics on crime guns traced through the Criminal Investigation Division's Weapons Unit and tracked by the National Tracing Center and information on active local programs designed to reduce and eliminate the illegal flow of firearms to violent criminals.

FISCAL IMPACT

This is an informational report with no fiscal impacts.

KEY ISSUES AND IMPACTS

"Firearms (crime guns) related violence by criminals, gang offenders, and juveniles is one of Oakland's and the nation's primary concerns. Firearms related violence, spurred by an indifference to human life, depletes the cultural and economic resources of our society and erodes our basic quality of life. While it has become increasingly difficult for prohibited purchasers (such as convicted felons, those under the age of 18, those convicted under certain prohibitive misdemeanors, and persons subject to protective orders) to obtain firearms through Federal firearms licensees (FFL), criminals, juveniles, and youthful gang offenders continue to obtain firearms through straw purchases, illegal firearms traffickers, and in some instances corrupt FFLs."¹

The Department recovers firearms through a variety of means: Recovered as evidence in a crime, turned in for destruction by the owner, for safe keeping (usually in domestic violence cases), as found property, and those received during special buy back / trade-in programs. For each weapon confiscated by the Department (Table 1), a card [Attachment (A)] is filled out by police personnel and recorded in a data base.

Firearms are not always released or destroyed in the same year they are received, this accounts for the difference shown in the "weapons received" and "weapons out" categories. The time of a guns release depends on whether a firearm is returned to an eligible owner or if the firearm was

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¹ Youth Crime Gun Interdiction Initiative (YCGII), Statement of Participants

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collected as evidence in a crime and must be retained until after the case has been adjudicated by the courts.

TABLE 1 Weapons Statistics from the Evidence & Property Unit

Description	1997	1998	1999 *
Handguns received	1159	1151	774
Long guns received	317	517	334
TOTAL weapons received	1476	1668	1180
Handguns released	592	180	106
Long guns released	123	41	21
Hand guns destroyed	953	609	815
Long guns destroyed	226	144	272
TOTAL weapons out	1894	974	1214
DIFFERENCE	OUT 418	IN 694	OUT 106

* January - October 1999

The Department's goal is to trace all firearms recovered by the Department. At this time, the Department's priority is to trace crime guns in those cases where the Department's criminal investigators believe the information will be of assistance in solving the crime or series of crimes. When guns used in the commission of a crime are confiscated, the Police Department makes a request to the ATF to trace the weapon(s). The crime gun information is retrieved from the Department's Evidence and Property Unit data base and transferred to the AFT "YOGI" computer. The information is then forwarded to the National Tracing Center, where it is entered into a permanent record. Tables 2 below shows the number of traces that have been requested by the Department since 1995 and Table 3 shows the crimes with which the guns are associated.

TABLE 2: Crime Gun Traces per Year

Year **	Number of Traces
1995	422
1996	226
1997	135
1998	127
1999	165
TOTAL	1075

** January 1, 1995 - November 1, 1999

TABLE 3: Crimes Associated with Traced Guns

Offense	Number of Guns
Weapon Offense	916
Homicide	42
Health / Safety	39
Dangerous Drugs	29
Assault	24
Robbery	13
Burglary	5
Concealed Weapon	4
Kidnapping	1
Sex Offense	1
Possession of a weapon	1
** TOTAL	1075

** January 1, 1995 - November 1, 1999

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The "top ten" manufacturers of the crime guns traced in Oakland are:

TABLE 4: Top Ten crime guns traced

Manufacturer	Caliber	Number of Traces
Smith & Wesson	.38	52
Raven	.25	42
Davis	.380	35
Smith & Wesson	.357	25
Lorcin	.380	22
Mossberg	12 gauge	22
Ruger	9 mm	22
Glock	9 mm	21
Intratec	9 mm	21
Smith & Wesson	9 mm	20

Trace
Possessor
The crime gun tracking performed by the ATF starts with the manufacturer, then proceeds to the distributor and then the individual dealer(s) who sold the weapon. When the Police Department tracks a gun they begin with the dealer and then attempt to establish whether the gun was stolen from the original owner, was an illegal sale, or was part of a straw purchase. A straw purchase is the acquisition of a firearm(s) from a Federal Firearm Licensee (FFL) by an individual (the "straw"), done for the purpose of concealing the identity of the true intended receiver of the firearm(s). This activity facilitates illegal firearms trafficking. When contacted by the police, the "straw" will often claim the gun was stolen— even though the "theft" was not reported. There is no requirement to report a stolen gun. Establishment of a straw sale is very complex investigation and requires a large amount of surveillance work.

The information requested by the Department on Oakland crime guns traced by the National Tracing Center was not received in time for inclusion in this report. The following information is an extraction of Bay Area Dealers contained in a NTC report on "Top Retail Dealers for Firearms Traced by California for calendar years 1997 - 1998":

TABLE 5: Top Bay Area retail dealers for firearms

Dealer, City, (Number of traces)	Ranking
Trader Sports, Inc., San Leandro, (127)	4
Recds Sport Shop, San Jose, (97)	7
Target Master West, Milpitas, (63)	12
Tri-City Sporting Goods, Fremont, (59)	14

Siegles Guns, Inc. (15 traces in 1997), located in Oakland, was not among the 30 dealers listed.

NOTE: These are legitimate and licensed gun dealers. It is neither implied nor inferred that the crime guns traced back to these dealers was due to any impropriety on the part of the seller.

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Partnerships

Youth Crime Gun Interdiction Initiative

The Youth Crime Gun Interdiction Initiative (YCGII) is a component of the ATF's illegal gun trafficking enforcement program. Begun in July 1996 in 17 cities, YCGII seeks to reduce the illegal supply of firearms to juveniles, youth and adult criminals. Police departments participating in the program agree to trace all recovered crime guns and to collaborate with the ATF in investigations of trafficking. ATF assists the departments in developing electronic tracing capability and provides training in tracing and trafficking interdiction. ATF's Crime Gun Analysis Branch also provides each participating community with standardized analysis of the crime guns recovered and traced from that jurisdiction. Today, 27 communities, of which Oakland is one, participate in YCGII.

J. Williams W.C. 1999

Under the YCGII program, the Police Department and the ATF agree to:

- Develop and exchange information relating to the unlawful acquisition, illegal trafficking, and criminal misuse of firearms.
- Ensure that all recovered crime guns are traced through ATF's National Tracing Center.
- Ensure that ATF is the central recipient of all crime gun related information and that this information is then analyzed, shared, and used in furtherance of strategic enforcement objectives.
- Ensure coordination with existing partnership programs and local law enforcement efforts, as well as cooperation in the mutual conduct of joint firearms trafficking investigations where resources allow.

Gun Tracing Committee

A Gun Tracing Committee, comprised of representatives from the Police Department, the Office of the City Manager, the City Attorney's Office, Youth Alive!, Legal Communities Against Violence, the East Oakland Partnership to Reduce Juvenile Gun Violence and the Office of Vice Mayor Henry Chang has been formed. Part of the mission of the Committee is to address specific concerns and issues of the individual groups involved:

- The East Oakland Partnership to Reduce Juvenile Gun Violence is committed to tracing guns, confiscated from youth, to their source. The goals of the partnership are to reduce the flow of guns and change the conditions that draw youth to guns in the first place.
- The Office of the City Attorney has joined the City of Oakland as co-plaintiff in the multi-city litigation effort to hold gun manufacturers, distributors and retailers liable for the costs of gun injuries and death.

Item: _____
Public Safety Comte.
November 30, 1999

YA 0482

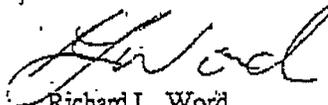
CONCLUSION

The Department will continue working in partnership with the ATF National Tracing Center to further streamline and refine efforts to trace every firearm recovered in Oakland. In addition, the Department will also continue working with its partners on the Gun Tracing Committee to eliminate firearms related violence in Oakland.

RECOMMENDATION

Recommend acceptance of the report.

Respectfully submitted,



Richard L. Word
Chief of Police

Prepared by: Lt. R. Yee, Criminal
Investigation Division and Bill Uber,
Management Assistant
Research, Planning & Budget Division.

Attachment

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:

Office of the City Manager

YA 0483

Item: _____
Public Safety Comte.
November 30, 1999

Attachment (A)

RD # (if known)	Offense(s)	Recovery Date
Complainant	Arresting Officer(s)	Serial No.
Recovery Location	Suspect's Birth Date	Juvenile <input type="checkbox"/> Yes <input type="checkbox"/> No

SUSPECT

LAST Name		First		Middle			
Sex U F O M	Race	Height	Weight	Hair	Eyes	PFN	CDL #
Address			City		State/Zip		

FIREARM DESCRIPTION (Must be Filled Out Completely)

Manufacturer	Serial No.	Caliber	Barrel Length
Magazine/Cylinder Capacity	Type	Model	Finish <input type="checkbox"/> Blue <input type="checkbox"/> Black <input type="checkbox"/> Silver <input type="checkbox"/> Chrome <input type="checkbox"/> Other
Country of Origin (if known)	Importer (if known)	Other Identifying Marks	

TF-654 (10/96)

FIREARM REFERRAL SLIP
OAKLAND POLICE DEPARTMENT

Item: _____
Public Safety Comm.
November 30, 1999

YA 0484

January 2003

WILLIAM E. WECKER

595 San Marin Drive
Novato, California 94945

Telephone: (415) 898-2255
Fax: (415) 898-2260
E-Mail: wecker@wecker.com

EDUCATION

B.S. (Basic Science) (1963), USAF Academy
M.S. (Operations Research) (1970), University of Michigan
Ph.D. (Statistics and Management Science) (1972), University of Michigan

EMPLOYMENT

1963-1967 Fighter pilot, USAF
1968-1969 Chief of Protocol, USAF, Berlin, Germany
1970-1972 Graduate Student, University of Michigan
1973-1976 Assistant Professor, Graduate School of Business, University of Chicago
1977-1983 Associate Professor, Graduate School of Business, University of Chicago
1984-1985 Associate Professor, Graduate School of Management, University of California, Davis
1985-1989 Professor, Graduate School of Management, University of California, Davis
1994-1998 Consulting Professor of Law, School of Law, Stanford University
1990- President, William E. Wecker Associates, Inc.

ACTIVITIES

1977-1981 Associate Editor (Theory and Methods), Journal of the American Statistical Association
1981-1999 Associate Editor, Journal of Business and Economic Statistics
1990-1992 Management Committee, Journal of Business and Economic Statistics
1976-1994 Seminar Leader, NSF/NBER Seminar on Time Series Analysis
1993-1994 National Advisory Council on Environmental Policy and Technology (Lead Subcommittee)
Member of: American Association for the Advancement of Science
American Statistical Association
Institute of Mathematical Statistics
Society for Risk Analysis

PUBLICATIONS

"A Nonparametric Approach to the Construction of Prediction Intervals for Time Series Forecasts" (with W. A. Spivey), Proceedings of the Business and Economic Statistics Section-- American Statistical Association, 1972.
"Regional Economic Forecasting: Concepts and Methodology" (with W. A. Spivey), The Regional Science Association Papers, Vol. 28, 1972, pp. 257-276.
"On the Weighted Average Cost of Capital" (with R. R. Reilly), Journal of Financial and Quantitative Analysis, January 1973, Vol. VIII, pp. 123-126.
"On Random Walks with Absorbing Barriers" (with Thomas E. Morton), Proceedings of the Business and Economic Statistics Section-- American Statistical Association, 1974.
"Prediction Methods for Censored Time Series," Proceedings of the Business and Economic Statistics Section--American Statistical Association, 1974.
"More on the Weighted Average Cost of Capital: Reply" (with R.R. Reilly), Journal of Financial and Quantitative Method, June 1975.
"Predicting Mail Order Demand for Style Goods," Proceedings of the Business and Economic Statistics Section--American Statistical Association, 1975.
"The Prediction of Turning Points," Proceedings of the Business and Economic Statistics Section-- American Statistical Association, 1976.
"Bounds on Absorption Probabilities for the n-Dimensional Random Walk" (with T. Morton), Journal of the American Statistical Association, March 1977.
"Discounting, Ergodicity and Convergence of Markov Decision Processes" (with T. Morton), Management Science, April 1977.
"Comments on 'Forecasting with Econometric Methods: Folklore versus Fact'," Journal of Business, 1978, pp. 585-586.
"Comment on 'Seasonal Adjustment When Both Deterministic and Stochastic Seasonality Are Present'," Proceedings of the NBER-CENSUS Conference on "Seasonal Analysis of Economic Time Series", U.S. Government Printing Office, Washington, D.C., 1978, pp. 274-280.
"Predicting Demand from Sales Data in the Presence of Stockouts," Management Science, 1978, Vol. 34, No. 10, pp. 1043-1054.
"The Time Series Which Is the Product of Two Stationary Time Series," Stochastic Processes and Their Application, 1978, pp. 153-157.
"Predicting the Turning Points of a Time Series," Journal of Business, January 1979, Vol. 52, pp. 35-50.

"A New Approach to Seasonal Adjustment," Proceedings of the Business and Economic Statistics Section—American Statistical Association, 1979.

"Linear and Nonlinear Regression Viewed as a Signal Extraction Problem" (with C. Ansley), Proceedings of the Business and Economic Statistics Section—American Statistical Association, 1980.

"Asymmetric Time Series," Journal of the American Statistical Association, March 1981.

"Predicting a Multitude of Time Series" (with R. A. Thisted), Journal of the American Statistical Association, September 1981.

"Applications of the Signal Extraction Approach to Regression" (with C. Ansley), Proceedings of the Business and Economic Statistics Section—American Statistical Association, 1981.

"Nonparametric Multiple Regression by Projection Iteration" (with C. Ansley), Proceedings of the Business and Economic Statistics Section—American Statistical Association, 1982.

"The Signal Extraction Approach to Nonlinear Regression and Spline Smoothing" (with C. Ansley), Journal of the American Statistical Association, March 1983.

"Extensions and Examples of the Signal Extraction Approach to Regression" (with C. Ansley), Applied Time Series Analysis of Economic Data, A. Zellner (ed.), Washington, D.C.: Bureau of the Census/ASA, 1983.

"The Signal Extraction Approach to Estimating Income and Price Elasticities: A Data Example" (with C. Ansley), Proceedings of the Business and Economic Statistics Section—American Statistical Association, 1983.

"A Nonparametric Bayesian Approach to the Calibration Problem," (with C. Ansley), Proceedings of the Business and Economic Statistics Section—American Statistical Association, 1984.

"On Dips in the Spectrum of a Seasonally Adjusted Time Series" (with C. Ansley), Journal of Business and Economic Statistics, October 1984.

"Estimating Damages in a Class Action Litigation" (with E. George), Journal of Business and Economic Statistics, April 1985.

"Statistics in Accounting, Marketing, Finance and Production" (with R. Hamada, J. Patel, R. Staelin), Proceedings of the Business and Economic Statistics Section—American Statistical Association, 1986.

"The Role of Statistics in Accounting, Marketing, Finance and Production" (with R. Hamada, J. Patel, R. Staelin), Journal of Business and Economic Statistics, 1988.

"Assessing the Accuracy of Time Series Model Forecasts of Count Observations", Journal of Business and Economic Statistics, October 1989.

"Impact of the Soviet Grain Embargo: A Comparison of Methods" (with A. Webb, et al.), Journal of Policy Modeling, pp. 361-389, 1989.

"Modeling Daily Milk Yield in Holstein Cows Using Time Series Analysis" (with H. Deluyker, et al.), Journal of Dairy Science, pp. 539 - 548, 1990.

"Controlling Emissions from Motor Vehicles: A Benefit-Cost Analysis of Vehicle Emission Control Alternatives" (with L. Lave, et al.), Environmental Science & Technology, August 1990.

"Statistical Estimation of Incremental Cost from Accounting Data" (with R. Weil), Handbook of Litigation Services for Accountants and Lawyers, John Wiley & Sons, 1990.

"Correcting for Omitted-Variables and Measurement-Error Bias in Regression with an Application to the Effect of Lead on IQ" (with M. L. Marais), Journal of the American Statistical Association, June 1998.



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

National Tracing Center Division
882 T. J. Jackson Drive
Falling Waters, West Virginia 25419

MAR 11 2003

904000:TPA
3312

Mr. Lawrence G. Keane
Vice President and General Counsel
National Shooting Sports Foundation, Inc.
11 Mile Hill Road
Newtown, Connecticut 06470-2359

Dear Mr. Keane:

This is in response to your letter dated February 21, 2003, received via facsimile, concerning some follow-up questions you have regarding my previous correspondence with Taurus Manufacturing International.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) traces over 200,000 firearms annually for Federal, State, local and foreign criminal law enforcement agencies. Firearms trace information assists the requesting law enforcement agency in its resolving the potential criminal offense in question. ATF also utilizes trace data, along with other information, for firearms trafficking investigations, including any complicity on the part of a licensee when it occurs.

ATF's obligations to investigate firearms crime is derived from its duty to enforce the several criminal statutes such as the Gun Control Act, the National Firearms Act, and certain provisions of the Arms Export Control Act. ATF enforces these requirements with respect to members of the firearms industry, along with the public at large.

Over the years, many Federal firearms licensees - manufacturers and distributors -- have provided valuable assistance to ATF special agents and inspectors in their investigation of potential violations of the Federal firearms laws to assist in stemming the trafficking of

Mr. Lawrence G. Keane

firearms to prohibited individuals. ATF has been fortunate to have enlisted the support of those lawfully engaged in the firearms business in a variety of other ways.

While important, the role of Federally licensed manufacturers and dealers in responding to trace requests is limited. Your understanding is correct that in the context of a trace request, ATF only requests manufacturers and dealers to provide trace information in a timely and accurate manner. ATF does not want licensees or members of the public to interfere with ongoing criminal investigations by undertaking their own criminal investigations. While the law and regulations enforced by ATF do not prohibit licensees from undertaking any lawful follow-up action based on firearms trace information, nonetheless we urge licensees not to undertake their own criminal investigations or take any other action that might interfere with a specific ATF or other governmental investigation unless directed to do so by a law enforcement agency.

If I can be of any further assistance, please contact me at 304-260-1510. As always, we appreciate the outstanding cooperation that has been afforded us over the years by the National Shooting Sports Foundation. Involvement by responsible industry members has played a key role in making firearms tracing such a valuable resource to the police community.

Sincerely,



Terrence P. Austin
Chief, National Tracing Center Division



National Shooting Sports Foundation, Inc.

FLINTLOCK RIDGE OFFICE CENTER • 11 MILE HILL ROAD • NEWTOWN, CT 06470-2349
: 203-426-1326 • FAX: 203-426-1667 • WEB SITE www.nssf.org • EMAIL lk@nssf.org

Lawrence G. Keane
Vice President and
General Counsel

February 21, 2003

Terrence P. Austin
Chief, National Tracing Center
882 T J Jackson Drive
Falling Waters, West Virginia 25419

Dear Mr. Austin:

I have received copies of correspondence between the Bureau of Alcohol, Tobacco & Firearms (ATF, now also referred to as ATFE) and Taurus International Manufacturing International.

In certain litigations filed against members of the firearms industry the allegation has been made that manufacturers should follow up on trace requests they receive from ATF as part of *bona fide* law enforcement investigations to somehow identify and cease distribution to federally licensed firearms dealers with a "disproportionately" high number of trace requests. This allegation has been made despite the fact that ATF has consistently emphasized in its reports pertaining to tracing

that the appearance of a Federal firearm licensee (FFL) or a first unlicensed purchaser of record in association with a crime gun or in association with multiple crime guns in no way suggests that either the FFL or the first purchaser has committed criminal acts. Rather, such information may provide a starting point for further and more detailed investigation" (Youth Crime Gun Interdiction Initiative, ATF document at 17 [Feb. 1999] <<http://www.atf.treas.gov/firearms/ycgii/update1.pdf>>).

Industry is proud of its longstanding cooperative relationship with law enforcement. *Don't Lie for the Other Guy*, our cooperative partnership to educate and train dealers on how to detect and deter illegal straw purchases of firearms, is just one example of industry cooperation with law enforcement. There are, of course, many others, like our Partnership for Progress dealer seminars and the ATF seminars at our trade show. We look forward to discussing with ATF at our next regularly scheduled meeting expanding the *Don't Lie* program as a component of Project Safe Neighborhood to further deter would-be straw purchases through public service announcements.

It has always been and remains the understanding of NSSF, and as far as we are aware it is universally understood in the industry, that law enforcement, particularly ATF,

Mr. Terrence Austin
Chief, National Tracing Center
February 21, 2003
Page 2 of 3

does not want untrained civilians to engage in investigations by somehow using the trace requests it receives from ATF to somehow try and identify those individuals or dealers that may be engaged in the illegal trafficking of firearms.

Our understanding that the proper role of industry members is to cooperate with law enforcement by providing timely and accurate information in response to a trace request, which is being made in connection with an investigation, is based on, among other things, statements over the years by ATF officials in meetings with executives from companies in the industry, ATF's own reports, which, as noted above, consistently state that "[a] crime gun trace alone does not mean that an FFL or a firearm purchaser has committed an unlawful act. Crime gun trace information is used in combination with other investigative facts in regulatory and criminal enforcement." Crime Gun Trace Reports (1999), National Report, Youth Crime Gun Interdiction Initiative, November 2000, Introduction at 4, <<http://www.atf.treas.gov/firearms/ycgii/2000/introduction.pdf>>. Our understanding was reinforced by the recent testimony of former Director Steve Higgins. Former director Higgins' testimony, along with the testimony of other law enforcement experts, was relied upon by the New York Court of Appeals in its decision in *Hamilton v. Beretta U.S.A. Corp.*, when it observed that it is neither feasible nor appropriate for the manufacturers on their own to attempt to investigate and identify corrupt dealers involved in illegal gun trafficking because such attempts would disrupt pending criminal investigations and endanger the lives of undercover officers. *See Hamilton* 96 N.Y.2d 222, 238-39, 750 N.E.2d 1055, 1065, 727 N.Y.S.2d 7, 17 (2000). Most recently our understanding was further reinforced by affidavits submitted by ATF officials in connection with the Freedom of Information Act (FOIA) request litigation entitled *Department of the Treasury v. City of Chicago*, currently pending before the United State Supreme Court.

We are unaware of any occasion where ATF or any current law enforcement official has urged members of our industry to undertake to investigate federally licensed dealers by somehow using trace information. Certainly this has never been raised by ATF at any industry - ATF quarterly meeting or during any ATF seminar at our trade show dating back to at least 1981.

Regrettably, attorneys representing plaintiffs in litigations filed against members of the firearm industry have made public statements that the industry's understanding is an industry created "myth" to hide behind. New York Times, September 30, 2002, Late Edition - Final, Section A, Page 17, Column 5. While it may seem unnecessary for ATF to provide such a statement of policy given the past interaction between ATF and industry, a clear and unambiguous statement of ATF policy on this subject would facilitate the administration of justice.

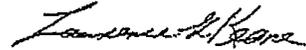
If our understanding, as outlined above, is somehow incorrect, please contact the undersigned at your earliest possible convenience. ATF's guidance and counsel will be needed to develop a joint ATF-NSSF cooperative partnership that would assist ATF in

Mr. Terrence Austin
Chief, National Tracing Center
February 21, 2003
Page 3 of 3

informing members of our industry of this policy and how licensees can implement the policy without interfering with ATF's regulatory function and the lawful distribution and sale of firearms and without interfering with on-going law enforcement investigations and without jeopardizing the lives of law enforcement officers and witnesses.

I appreciate your prompt attention to this matter and look forward to hearing from you at your earliest possible convenience.

Sincerely,



Lawrence G. Keane

LGK/mas

22

EXHIBIT "22"

EXHIBIT "22"

TURNER'S

223199

RECEIPT REQUIRED FOR ALL RETURNS

02-07-95
22299
60000
1843
18437
9.02
3-32

2-11-94

*60.00
*60.00
*60.00
*0.00

7225

3155

3724

1214 W. Francisquito (818) 917-8368

18808 Brookhurst

(714) 965-5151

491 W. Orange Show Rd. (909) 388-1090

LAYAWAY AGREEMENT

NAME _____ DATE 11 DEC. 1994
ADDRESS _____
CITY HARBOR CITY STATE CA ZIP 90710 PHONE NO. 310-3262257

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	TAURUS 8.5 - 2" BBL, Blue Finish, 38 SPL., Fixed Sights, Concealed Hammer		222 99
		Tax	18 40
		Rev. Total	241 39
S/N	MK12143	Dep	60 -
C.D.L.	A3528126 (10/96) BFSC# 094642	Bal.	181 39
D.O.B.	10-2-55		
D.R.O.S.#	R0122254 (Non Refundable DROS \$17.86)		
TIME	1425		

TERMS AND CONDITIONS

Purchaser hereby agrees to purchase of the following:

AS NOTED ABOVE

S/N: MK12143
TAURUS 85CHB
213752 H

For the consideration of 60.00 (AMOUNT OF DEPOSIT) Seller agrees to hold the above-described goods on layaway for Purchaser until 9 FEBRUARY 1995 (DATE FINAL PAYMENT DUE). The total purchase price of \$ 222.99 (TOTAL PURCHASE PRICE) includes 30.00 (HANDLING AND/OR PROCESSING CHARGES) in handling and/or processing charges. The purchaser further agrees to the following terms of sale:

- 1) All gun sales on layaways are final. There will be no refunds or exchanges.
- 2) Any and all money, including any deposits applied to a layaway purchase, will be forfeited if the total purchase for the goods is not paid by the specified time above. However, Seller will refund any layaway deposits or subsequent payments, if any, if, before the end of the date final payment is due, the goods have for any reason become no longer available in the same condition as they were at the time of sale.
- 3) No express warranties are given by Seller and no affirmation of Seller, by words or action, shall constitute a warranty. The entire risk as to the quality and performance of the goods rests with the Purchaser. Should the goods prove defective following their purchase, the Purchaser and not the Seller assumes the entire cost of all necessary servicing or repair.

AGREED: _____ (SIGNATURE OF PURCHASER)

Dec. 11, 1994 (DATE)

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
FIREARMS TRANSACTION RECORD
PART I - OVER-THE-COUNTER

TRANSFEROR'S TRANSACTION SERIAL NUMBER
11 1144

NOTE: Prepare in original only. All entries on this form must be in ink. See Notices and Instructions on back.

SECTION A - MUST BE COMPLETED PERSONALLY BY TRANSFEREE (BUYER). WHERE TRANSACTION IS A SALE, THIS SECTION MUST BE COMPLETED BY ACTUAL BUYER. READ NOTICES AND INSTRUCTIONS ON REVERSE, INCLUDING WARNING ABOUT ILLEGAL "STRAW PURCHASES" IN PARAGRAPH 2.

1. TRANSFEREE'S (Buyer's) NAME (Last, First, Middle)	<input type="checkbox"/> MALE	2. HEIGHT 5'5"	3. WEIGHT 140	4. RACE Black
	<input checked="" type="checkbox"/> FEMALE			
5. RESIDENCE ADDRESS (No., Street, City, County, State, ZIP Code)	6. DATE OF BIRTH		7. PLACE OF BIRTH	
	MONTH 10	DAY 2	YEAR 55	City: Raleigh State of Foreign Country: North Carolina

8. CERTIFICATION OF TRANSFEREE (Buyer) - An untruthful answer may subject you to criminal prosecution. Each question must be answered with a "yes" or a "no" inserted in the box at the right of the question:

a. Are you under indictment or information* in any court for a crime punishable by imprisonment for a term exceeding one year? *A formal accusation of a crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury.	NO	c. Are you a fugitive from justice?	NO
b. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? (NOTE: A "yes" answer is necessary if the judge could have given a sentence of more than one year. A "yes" answer is not required if you have been pardoned for the crime or the conviction has been expunged or set aside, or you have had your civil rights restored and, under the law where the conviction occurred, you are not prohibited from receiving or possessing any firearm).	NO	d. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	NO
		e. Have you ever been adjudicated mentally defective or have you been committed to a mental institution?	NO
		f. Have you been discharged from the Armed Forces under dishonorable conditions?	NO
		g. Are you an alien illegally in the United States?	NO
		h. Are you a person who, having been a citizen of the United States, has renounced his/her citizenship?	NO
		i. Are you subject to a court order restraining you from harassing, stalking, or threatening an intimate partner or child of such partner? (See paragraph 4 on reverse).	NO

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE ARE TRUE AND CORRECT. IF THE TRANSACTION IS A SALE, I ALSO CERTIFY THAT I AM THE ACTUAL BUYER. I ALSO UNDERSTAND THAT A PERSON WHO ANSWERS "YES" TO ANY OF THE ABOVE QUESTIONS IS PROHIBITED FROM PURCHASING AND/OR POSSESSING A FIREARM, EXCEPT AS OTHERWISE PROVIDED BY FEDERAL LAW. I ALSO UNDERSTAND THAT THE MAKING OF ANY FALSE ORAL OR WRITTEN STATEMENT OR THE EXHIBITING OF ANY FALSE OR MISREPRESENTED IDENTIFICATION WITH RESPECT TO THIS TRANSACTION IS A CRIME PUNISHABLE AS A FELONY.

TRANSFEREE'S (Buyer's) SIGNATURE - EXECUTE AT TIME OF ACTUAL TRANSFER OF FIREARM(S) DATE **2-7-95**

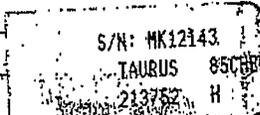
SECTION B - TO BE COMPLETED BY TRANSFEROR (SELLER). READ NOTICE AND INSTRUCTIONS ON REVERSE.

THIS PERSON DESCRIBED IN SECTION A HAS IDENTIFIED HIMSELF/HERSELF TO ME IN THE FOLLOWING MANNER:

9. TYPE OF IDENTIFICATION (Driver's license or identification which shows name, date of birth, place of residence, and signature.) CADL	10. NUMBER ON IDENTIFICATION
---	------------------------------

On the basis of (1) the statements in Section A; (2) the verification of identity noted in Section B; and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) described below, to the person identified in Section A.

11. TYPE (Pistol, Revolver, Rifle, Shotgun, etc.)	12. MODEL	13. CALIBER OR GAUGE	14. SERIAL NO.	15. MANUFACTURER (and importer, if any)
Revolver	RS	38SP	MK 12143	TAURUS 29292
2.				
3.				
4.				



Complete ATF F 3310 for multiple purchases of handguns (see item 11 on the back)

16. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR (Hand stamp may be used) TURNER'S OUTDOORMAN'S 16325 HAWTHORNE BLVD. LAWDALE, CA 90260 #95-35114	17. FEDERAL FIREARMS LICENSE NO. (Hand stamp may be used)
--	---

THE PERSON MAKING THE ACTUAL FIREARMS SALE MUST COMPLETE ITEMS 18 TH.

18. TRANSFEROR'S (Seller's) SIGNATURE - EXECUTE AT TIME OF ACTUAL TRANSFER OF FIREARMS	19. TRANSFEROR'S TITLE Sale	TRANSACTION DATE 2-7-95
--	---------------------------------------	-----------------------------------

WEST COVINA POLICE DEPARTMENT P.O. BOX 2166, 1444 W. GARVEY 91793 818-814-8500		PROPERTY REPORT		<input type="checkbox"/> ORIG <input type="checkbox"/> SUPP		CASE NO. 92-11661	
REFER OTHER REPORTS							
25	S	1	Pistol	ASTRA ^{SP} AST	A-100	S3133	227.05
BLUE		9mm Semi Auto Pistol 4" BRL.					
DISPLAY CASE		UNK.		FCN 3079228700488			
26	S	1	Pistol	S&W	3906	TDL3032	411.43
STAINLESS STEEL		9mm Semi Auto Pistol 4" BRL.					
DISPLAY CASE		UNK.		FCN 3079228700489			
27	S	1	Pistol	S&W	4516	TEE1697	453.48
STAINLESS STEEL		.45 ACP Auto Pistol 5" BRL.					
DISPLAY CASE		UNK.		FCN 3079228700496			
28	S	1	Pistol	S&W	1066	TFC5264	475.23
STAINLESS STEEL		10mm Semi Auto Pistol 4" BRL.					
DISPLAY CASE		UNK.		FCN 3079228700497			
29	S	1	Pistol	S&W	4576	TFC6763	470.27
STAINLESS STEEL		.45 ACP Semi Auto Pistol 4" BRL.					
DISPLAY CASE		UNK.		FCN 3079228700498			
30	S	1	Pistol	S&W	4576	TFC6809	470.27
STAINLESS STEEL		.45 ACP Semi Auto Pistol 4" BRL.					
DISPLAY CASE		UNK.		FCN 3079228700499			
31	S	1	Pistol	S&W	1076	TFE4660	491.49
STAINLESS STEEL		10mm Semi Auto Pistol					
DISPLAY CASE		UNK.		FCN 3079228700509			
32	S	1	Pistol	S&W	1006	TFH7147	337.49
STAINLESS STEEL		10mm Semi Auto Pistol					
DISPLAY CASE		UNK.		FCN 3079228700510			

PROPERTY TYPES SR = STOLEN & RECOVERED E = EVIDENCE F = FOUND
 S = STOLEN R = RECOVERED SK = SAFE KEEPING L = LOST

REPORTING OFFICER	ID#	DATE	REVIEWED BY	ID#	DATE
-------------------	-----	------	-------------	-----	------

COPIES: CHIEF CII PATROL DB OTHER AGENCY
 TO: DMV CAU DA

West Covina stolen guns

<input type="checkbox"/> NO PROSECUTION DESIRED. <input type="checkbox"/> TELEPHONE REPORT <input type="checkbox"/> INSURANCE REPORT <input type="checkbox"/> COURTESY REPORT <input type="checkbox"/> FORWARD TO ABC <input type="checkbox"/> FORWARD TO DMV	WEST COVINA POLICE DEPARTMENT POST OFFICE BOX 2166 91793 CIVIC CENTER, 1444 W. GARVEY AVE. (818) 814-8500	CASE NO: 92-11661
	CRIME REPORT	REFER OTHER REPORTS
		INCIDENT NO: 92-11263

CRIME 1	CODE SECTION: 459 P.C.	CRIME: BURGLARY	CLASSIFICATION: BUSINESS	PRIMARY-COUNTS: 050121/1	SECONDARY-COUNTS: 1	OTHER-COUNTS: 1		
	LOCATION (Be Specific): 1214 W. ARNASQUITO, WILLOW			OCCURRED ON/FR BETWEEN:	DATE: 9-20-92	DAY: SUN	TIME: 0200	
	FIRM NAME (at location): TURNERS GUN SHOP			DATE RPT'D: 9-20-92	TIME RPT'D: 0202	AND:	DATE:	DAY:	TIME:

VICTIM 2	NAME (Last, First, Middle): TURNERS GUN SHOP	OCCUPATION:	D.O.B.:	AGE:	SEX:	RACE:
	RESIDENCE ADDRESS:	CITY:	ZIP CODE:	RES. PHONE:	<input type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HSP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 5 CHI <input type="checkbox"/> 7 FL <input type="checkbox"/> 9 PSL <input type="checkbox"/> 4 IND <input type="checkbox"/> 6 JAP <input type="checkbox"/> 8 OTH	
	BUSINESS NAME AND ADDRESS: S-A-A	CITY:	ZIP CODE: 91791	BUS. PHONE: 818-917-8368		

WITNESS/FP/OR ADD. VICTIM 3	CODE: W1	NAME (Last, First, Middle): SIMONS, LEE (NMN)	OCCUPATION: STORE MANAGER	D.O.B.: 4-21-41	AGE: 51	SEX:	RACE:
	RESIDENCE ADDRESS: 712 FERWOOD II		CITY: WEST COVINA	ZIP CODE: 91791	RES. PHONE: 818-339-3311	<input type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HSP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 5 CHI <input type="checkbox"/> 7 FL <input type="checkbox"/> 9 PSL <input type="checkbox"/> 4 IND <input type="checkbox"/> 6 JAP <input type="checkbox"/> 8 OTH	
	BUSINESS NAME AND ADDRESS: S-A-U-1		CITY:	ZIP CODE:	BUS. PHONE:		

WITNESS/FP/OR ADD. VICTIM 4	CODE:	NAME (Last, First, Middle):	OCCUPATION:	D.O.B.:	AGE:	SEX:	RACE:
	RESIDENCE ADDRESS:		CITY:	ZIP CODE:	RES. PHONE:	<input type="checkbox"/> 1 WHT <input type="checkbox"/> 2 HSP <input type="checkbox"/> 3 BLK <input type="checkbox"/> 5 CHI <input type="checkbox"/> 7 FL <input type="checkbox"/> 9 PSL <input type="checkbox"/> 4 IND <input type="checkbox"/> 6 JAP <input type="checkbox"/> 8 OTH	
	BUSINESS NAME AND ADDRESS:		CITY:	ZIP CODE:	BUS. PHONE:		

VIC VEH 4	LICENSE #	STATE	YEAR	MAKE	MODEL	BODY STYLE:
	COLOR/COLOR:		OTHER CHARACTERISTICS (i.e., T/C Damage, Unique Marks or Paint, Etc)			DISPOSITION OF VEHICLE:

FACTORS 5	<input type="checkbox"/> 1 THERE IS A WITNESS TO THE CRIME.	EVIDENCE 6	<input type="checkbox"/> 0 NONE	<input type="checkbox"/> 12 HAIR	CASE STATUS 6.5	<input type="checkbox"/> 1 A-ACTIVE
	<input type="checkbox"/> 2 A SUSPECT WAS ARRESTED.		<input type="checkbox"/> 1 FINGER PRINTS			<input type="checkbox"/> 13 FIREARMS	☒ 2 S-SUSPENDE
<input type="checkbox"/> 3 A SUSPECT WAS NAMED.	<input type="checkbox"/> 2 TOOLS	<input type="checkbox"/> 14 PHOTOGRAPHS	<input type="checkbox"/> 3 R-RECORDS			
<input type="checkbox"/> 4 A SUSPECT CAN BE LOCATED.	<input type="checkbox"/> 3 TOOL MARKINGS	<input type="checkbox"/> 15 OTHER (Unique) DESCRIBE:	<input type="checkbox"/> 4 C-CLOSED			
<input type="checkbox"/> 5 A SUSPECT CAN BE DESCRIBED.	<input type="checkbox"/> 4 GLASS	SEE PG 3	<input type="checkbox"/> 5 K-COURTESY			
<input type="checkbox"/> 6 A SUSPECT CAN BE IDENTIFIED.	<input type="checkbox"/> 5 PAINT		<input type="checkbox"/> 6 U-UNFOUND			
<input type="checkbox"/> 7 A SUSPECT VEHICLE CAN BE IDENTIFIED.	<input type="checkbox"/> 6 BULLET CASING					
<input type="checkbox"/> 8 THERE IS IDENTIFIABLE STOLEN PROPERTY.	<input type="checkbox"/> 7 BULLET PROJECTILE					
<input type="checkbox"/> 9 THERE IS A SIGNIFICANT M.O.	<input type="checkbox"/> 8 RAPE KIT					
<input type="checkbox"/> 10 SIGNIFICANT PHYSICAL EVIDENCE IS PRESENT.	<input type="checkbox"/> 9 SEMEN					
<input type="checkbox"/> 11 THERE IS A MAJOR INJURY/SEX CRIME INVOLVED.	<input type="checkbox"/> 10 BLOOD					
<input type="checkbox"/> 12 THERE IS A GOOD POSSIBILITY OF A SOLUTION.	<input type="checkbox"/> 11 URINE					
<input type="checkbox"/> 13 FURTHER INVESTIGATION IS NEEDED.						
<input type="checkbox"/> 14 CRIME IS GANG RELATED.						
<input type="checkbox"/> 15 HATE CRIME RELATED.						

REPORTING OFFICER: SMITH	ID #: 258	DATE: 9-20-92	REVIEWED BY:	ID #: 92	DATE: 9-20
COPIES TO: <input checked="" type="checkbox"/> CHIEF <input type="checkbox"/> CII <input type="checkbox"/> PATROL <input checked="" type="checkbox"/> 09 <input type="checkbox"/> OTHER AGENCY			ROUTED BY: Roy	ENTERED BY: Roy	
<input type="checkbox"/> CHECK IF SUSPECT REPORT IS ATTACHED			CHECK IF MORE NAMES IN CONTINUATION		

23

EXHIBIT "23"

EXHIBIT "23"

1 C.D. Michel - S.BN. 144258
TRUTANICH • MICHEL, LLP
2 407 North Harbor Boulevard
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3 Telephone: 310-548-0410
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4

5 Attorneys for Defendants,
ANDREW'S SPORTING GOODS, INC.
6 dba TURNER'S OUTDOORSMAN
and S.G. DISTRIBUTING, INC.
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN DIEGO

10
11 Judicial Council Coordination Proceeding
Special Title (Rule 1550(b))
12 FIREARM CASES

JUDICIAL COUNCIL COORDINATION
PROCEEDINGS NO. 4095

13 Coordinated actions:

14
15 THE PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. the County of Los
16 Angeles, et. al.,

Superior Court of California City & County of
San Francisco No. 303753

Superior Court of California County of Los
Angeles No. BC210894

17 v.
18 ARCADIA MACHINE & TOOL, et. al.,

Superior Court of California County of Los
Angeles No. BC214794

19
20 THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through JAMES K.
HAHN, City Attorney of the City of Los
21 Angeles, et. al.,

DECLARATION OF DR. NANCY
MATHIOWETZ IN SUPPORT OF
ANDREWS KELLY OBJECTION TO
ANTICIPATED TRIAL TESTIMONY OF
PLAINTIFFS' GUN TRACE EXPERTS
GERALD A. NUNZIATO AND JOSEPH J.
VINCE, JR.

22 v.
23 ARCADIA MACHINE & TOOL, et. al.,

Date: _____, 2003
Time: _____ a.m.
Dept. 65
Hon. Vincent P. DiFiglia

24
25 THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through San
Francisco City Attorney Louise H. Renne,
26 v.

27 ARCADIA MACHINE & TOOL, et. al.
28

1 I, Nancy A. Mathiowetz, declare as follows:

2 1. I have personal knowledge of them matters set forth herein and if called to testify could
3 and would testify hereto.

4 2. I am an Associate Professor, Joint Program in Survey Methodology, University of
5 Maryland and Adjunct Associate Professor and Adjunct Associate Research Scientist, University
6 of Michigan. I received a B.S. degree from the University of Wisconsin-Madison and MS.
7 (Biostatistics) and Ph.D. (Sociology) degrees from the University of Michigan. I conduct research,
8 teach courses, and have provided expert testimony in federal court in the areas of survey
9 methodology and statistics. My curriculum vitae is attached as Exhibit 1.

10 3. Prior to drawing any inferences from a data set, it is generally accepted practice that the
11 analyst;

12 (1) Take into account the original purpose for which the data were collected,

13 (2) Understand the process by which the data were collected and compiled; the quality
14 control procedures used or not used, and the resulting effects on data validity and quality;

15 (3) Evaluate the overall validity and quality of the data set for the purposes for which the
16 data are to be used (e.g. the amount and effect of data errors, missing data, and duplicative data,
17 the representativeness of the data and any anomalies in the data); and

18 (4) Determine the appropriate uses of the data set given the above factors.

19 4. Mr. Nunziato failed to follow generally accepted procedures for database analysis. I

20 have reviewed the testimony and technique of Mr. Nunziato and find that his approach fails to
21 take into account these basic steps. I have also studied the Bureau of Alcohol Tobacco and
22 Firearms' National Firearms Tracing System (FTS) and the data supplied by Mr. Nunziato. Had
23 Mr. Nunziato applied proper analytical procedures to evaluate the trace data, he would have found
24 issues in all of the above categories that should have been addressed but were not. Proper
25 evaluation and analysis of these trace databases reveals that there are serious problems,
26 weaknesses and anomalies in these data, such that they cannot be used as Mr. Nunziato attempts
27 to use them as the basis for inferences regarding firearm dealers. From my review of the FTS data,
28 I find that it cannot be used for reliable statistical estimation due to the following reasons:

- 1 A. The FTS data are not collected in a manner consistent with the features of a
2 statistical data system and therefore can not be considered reliable for the purposes
3 of statistical estimation.
4 B. The firearms in the FTS data are not necessarily crime guns.
5 C. The FTS data do not permit unbiased comparison of trace requests across retail
6 dealers.

7
8 **5. The FTS data are not collected in a manner consistent with features of a statistical**
9 **data system.** Features of a statistical data capture system include, but are not limited to, the
10 inclusion of quality control procedures so as to insure the collection of accurate and reliable
11 information, especially among critical data elements. Such features include the consistent training
12 of personnel associated with all levels of data capture, quality control for all levels of data
13 collection and data entry, assessment of the reliability of coding systems, and the documentation
14 of the extent of missing data within the data system. These features, in general, do not exist as part
15 of the Firearms Tracing System. As a result, use of the FTS for statistical estimation can result in
16 erroneous conclusions.

17 6. I offer an example as illustrative of the type of erroneous conclusions that may result
18 from using the FTS for statistical estimation;

19 The form used to request a trace submission (ATF-F 3312:1)¹ requires the assignment
20 of a crime code. This field is noted on the form as a required field. The back of the
21 form includes a partial list of the possible crime codes that could be assigned; this list
22 does not include the code for "weapons offense"—code 5299. Among all trace
23 requests between 1990 and 2000, 42.0% are associated with code 5299, a rate three
24 and a half times that of the next most frequently assigned code ("weapons
25 possession," code 5212, which accounts for 11.8% of the trace requests). However,
26 the code 5299 has been used as a default code for missing crime codes; unlike
27 statistical data files in which imputed data are flagged for the data analyst, there is no
28 flag in the FTS data file to distinguish between those traces for which code 5299
represents the actual circumstances associated with the recovered weapon and those
cases for which 5299 was assigned due to missing data. Any analyst using the data
would therefore be unable to separate those traces classified as weapons offenses from
those trace requests for which the crime code was missing and the default value of
5299 assigned.

¹See Exhibit 2, Bureau of Alcohol, Tobacco, and Firearms (2002) Crime Gun Trace Reports
(2000) National Report. Department of the Treasury.

1 7. Examination of the FTS data reveal other problems, both at the point of data capture (the
2 original request for tracing) and with the processing of the data at the National Tracing Center,
3 including, but not limited to, missing data and inconsistent implementation of coding schemes.
4 For example, among those traces submitted between 1990 and 2000, at least 10 percent indicate
5 one or more missing data elements for data elements listed as required on the trace request form.
6 In addition, examination of the data file reveals inconsistencies in the assignment of trace result
7 status codes. For example, among those trace requests assigned a status code of B8 indicative of a
8 missing or invalid manufacturer name, 17.7% have a legitimate manufacturer code associated with
9 the trace request.

10 8. Not all guns submitted for tracing are crime guns. There are at least two sources of
11 information that indicate that not all guns submitted for tracing should be considered "crime
12 guns." These sources include the reports and depositions of various law enforcement and BATF
13 officials as well as the FTS data themselves. Examination of the various elements of the trace
14 data file (specifically the trace, weapon, individual, recovery, and dealer tables) leads one to the
15 conclusion that for a number of trace requests, the requests are associated with what I would
16 characterize as "casting a wide net" to locate a final sale associated with a firearm for which the
17 serial number is obliterated. If one looks at weapons for which the serial number has been
18 obliterated, it is not uncommon to find a series of trace requests in which the serial number for the
19 weapon varies by one digit. In these cases, the date of the trace request, the crime code associated
20 with the weapon, the birth date of the possessor of the weapon, and other information pertaining
21 to the recovery and submission of the trace request are all identical. Table 1 provides an
22 illustration of such a case.² The nature of the requests suggest that for weapons for which the serial
23 number is obliterated, not all trace requests are associated with a recovered weapon. In the
24 illustrative case provided in Table 1, we see that the ten traces are all associated with weapons for
25 which the serial numbers are obliterated; the serial numbers range from 311-96186 through 311-
26 06186, all of the same model and caliber, all associated with the same crime code (0999,

27
28 ²Table 1 is contained in Exhibit 3.

1 homicide), all recovered on the same date, same city, all in the possession of the same individual.
2 The fact that all ten trace requests are associated with weapons for which the serial numbers are
3 obliterated and that the serial numbers only vary by the 4th digit (from 0 to 9) indicates a series of
4 trace requests looking for any individual in whose hands to place the gun. From the perspective of
5 a law enforcement tool, such a broad sweeping attempt to locate the purchaser of the weapon
6 serves the very purpose for which the FTS was created. From the perspective of statistical
7 estimation, however, the result is a number of "fictitious" traces. Note that for this example, all
8 ten of the serial numbers were traced to a final sale. As a result, counts of "crime guns as well as
9 counts of "crime guns" by dealers, distributors, or manufacturer would be falsely inflated.

10 9. Thus, from my review of the FTS data, I can conclude that counts of weapons submitted
11 for tracing, counts of weapons by dealers and comparisons among retail dealers are not reliable
12 indicators of the true number or distribution of guns or handguns used in crimes.

13 10. The FTS data do not permit unbiased comparison of trace requests across retail
14 dealers. The firearms in the FTS data base do not represent a random sample and cannot be
15 considered representative of the universe of all firearms used by criminals nor any subset of that
16 population. Even for those cities participating in the Youth Crime Gun Interdiction Initiative, the
17 BATF notes "the available data do not yet constitute a fully developed statistical series from
18 which reliable comparisons can be made from one reporting period to the next or from one
19 participating jurisdiction to another . . ."³ The process by which a particular firearm is submitted
20 for tracing varies within a jurisdiction as well as across jurisdictions.⁴ This process tends to favor
21 those firearms more likely to be successfully traced.⁵ The fact that some jurisdictions participate in
22 comprehensive tracing and others do not implies that variation in the number of firearm trace
23 requests by location is, in part, simply a function of the variation in participation in

24
25 ³See Exhibit 2, Bureau of Alcohol, Tobacco, and Firearms (2002) Crime Gun Trace Reports
(2000) National Report. Department of the Treasury. See Appendix B, page 4

26 ⁴See Exhibit 4, Cook and Anthony Braga (2001) "Comprehensive Firearms Tracing: Strategic
27 and Investigative Investigative Uses of New Data on Firearms Markets." Arizona Law Review, 43: 277-
301.

28 ⁵Id.

1 comprehensive tracing. Even participation in comprehensive tracing does not insure consistency
 2 in the submission of all recovered firearms. Among jurisdictions participating in comprehensive
 3 tracing through the Youth Crime Gun Interdiction Initiative (YCGII), BATF finds significant
 4 variation in the extent of program implementation across jurisdictions.⁶ Other jurisdictions cite
 5 problems such as the double counting of firearms (City of Oakland, 2002).⁷

6 11. Inconsistencies in, and the nonrandom nature of, the process by which weapons are
 7 submitted, that is, variation in the comprehensive nature of the submission of firearms across time
 8 and jurisdictions and the sub-selection of "newer" guns for submission both within and across
 9 jurisdictions results in bias in estimates, including overall counts of traced weapons, and
 10 comparisons of trace requests across retail dealers.

11 I swear under penalty of perjury under the laws of the State of California that the foregoing
 12 is true and correct and that this declaration is executed on April 8, 2003 at Arlington, Virginia.

13
 14 
 15 Dr. Nancy Mathiowetz
 16 DECLARANT
 17
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 24

25
 26 ⁶See Exhibit 2, Bureau of Alcohol, Tobacco, and Firearms (2000) Crime Gun Trace Reports
 (1999) National Report. See Appendix B.

27 ⁷See Exhibit 5; "...increased incidence of double counting of the gun data at the National
 28 Tracing Center in Virginia, which contributes to an inaccurate skewing of the gun numbers" (City of
 Oakland, July 23, 2002)

EXHIBIT "1"

Nancy A. Mathiowetz

Education

University of Wisconsin, Madison, Wisconsin
B.S., Sociology (with honors), 1978
University of Michigan, Ann Arbor, Michigan
M.S., Biostatistics, 1983
Ph.D., Sociology, 1988

Professional Experience

2001- Associate Professor, Joint Program in Survey Methodology, University of Maryland; Adjunct Associate Research Scientist (Institute for Social Research) and Adjunct Associate Professor (Sociology Department). The University of Michigan
1999- Affiliate Faculty, School of Public Affairs, University of Maryland
1995-2001 Assistant Professor, Joint Program in Survey Methodology, University of Maryland; Adjunct Assistant Research Scientist (Institute for Social Research) and Adjunct Assistant Professor (Sociology Department). The University of Michigan
1997-1998 ASA/NSF Fellowship, Bureau of Labor Statistics and Bureau of the Census
1992 Guest Professor, Zentrum für Umfragen, Methoden und Analysen, Germany
1992-1995 Deputy Director, Division of Statistics and Research Methodology. Agency for Health Care Policy and Research
1993-1995 Adjunct Assistant Professor. Joint Program in Survey Methodology.
1990-1992 Special Assistant to the Associate Director, Statistical Design, Methodology, and Standards. U.S. Bureau of the Census.
1987-1990 Senior Research Analyst. National Center for Health Services Research
1984-1987 Senior Research Associate. Westat, Inc.
1978-1984 Research Assistant. Survey Research Center, Institute for Social Research
1977-1978 Research Assistant. National Opinion Research Center.

Books and Monographs

Nancy Mathiowetz and Gooloo Wunderlich (2000) *Survey Measurement of Work Disability: Summary of a Workshop*. Washington, D.C.: National Academy Press.

Paul Biemer, Robert Groves, Lars Lyberg, Nancy Mathiowetz, and Seymour Sudman (eds.), *Measurement Errors in Surveys*, John Wiley and Sons, 1991.

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Nancy A. Mathiowetz and E. Pat Ward, *Linking the National Medical Expenditure Survey with the National Health Interview Survey: Analysis of Field Trials*. Vital and Health Statistics, Series 2, No. 102, Washington, D.C.: U.S. Government Printing Office, 1987.

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Nancy A. Mathiowetz

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- Nancy A. Mathiowetz and Tamra J. Lair (1994) "Getting Better? Changes or Errors in the Measurement of Functional Limitations" *Journal of Economic and Social Measurement*, Vol. 20:237-262.
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Nancy A. Mathiowetz

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Nancy A. Mathiowetz

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Nancy A. Mathiowetz

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- Joel Leon, Tamra Lair, Pamela Farley Short, and Nancy A. Mathiowetz (1989) "1987 National Estimates of the Functionally Disabled Elderly: Policy Implications of Varying Definitions of Disability," Winter Meetings of the American Statistical Association.
- Nancy A. Mathiowetz (1988) "Forgetting Events in Autobiographical Memory: Findings from a Health Care Survey," *Proceedings of the Section on Survey Research Methods*, American Statistical Association.
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- Nancy A. Mathiowetz and Greg J. Duncan (1984) "Temporal Patterns of Response Error in Retrospective Reports of Unemployment and Occupation," *Proceedings of the Section on Survey Research Methods*, American Statistical Association.
- Nancy A. Mathiowetz and Charles F. Cannell (1980) "Coding Interviewer Behavior as a Method of Evaluating Performance," *Proceedings of the Section on Survey Research Methods*, American Statistical Association.
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Editorial Activities

- Associate Editor, *Public Opinion Quarterly*
Associate Editor, *Journal of Official Statistics*
Reviewer, *Journal of the American Statistical Association*
Reviewer, *Survey Methodology*
Reviewer, *Journals of Gerontology*
Reviewer, *Reference Manual on Scientific Evidence*, Federal Judicial Center

Nancy A. Mathiowetz

Teaching

Courses

- Data Collection Methods in Survey Research
- Questionnaire Design
- Survey Management
- Survey Design Seminar
- Survey Practicum
- Fundamentals in Survey Methodology

Graduate Student Advising

- Julie Weeks, Sociology, Ph.D. Committee, 1999-2000
- Jill Walston, Education Measurement and Statistics, Ph.D. Committee, 1999-2000
- Jason Schuknecht, Government and Politics, Ph.D. Committee, 2000-

Invited Lectures, Short Courses and Workshops

- Methodological Issues in the Measurement of Disability, United Nations, November, 2000
- Survey Design for Response Quality in Household Surveys, 2000, Invited two-day workshop, Statistics Sweden (October, 2000)
- Survey Management, 1999, one-day short course, Department of Agriculture
- Survey Management, 1998, one-week course, Summer Institute in Survey Research Techniques, Institute for Social Research, University of Michigan
- Survey Management, 1998, two-day short course, JPSM Short Course
- An Introduction to Pretesting, two-day short course, 1997, JPSM Short Course
- Invited Lecture, Dartmouth College, 1997
- Telephone Survey Design, one-week course, Summer Institute in Survey Research Techniques, Institute for Social Research, University of Michigan
- Invited Scholar, Iowa State University, 1996
- Questionnaire Design, 1995, half-day course, American Association of Public Opinion Research

Professional Activities

American Statistical Association

- Member, Survey Review Committee, 2001-2003
- Member, Census Advisory Committee, 2000-2002
 - Member, Subcommittee on the Evaluation of the Census 2000 Questions on Race and Ethnicity
- Member, Committee on Statistics and Disability, 2000-2002
- Member, Committee on Meetings, 1997-2001
- Member, E.C. Bryant Scholarship Committee, 1997-2000
- Program Chair, Section on Survey Research Methods, 1995-1996
- Program Chair-Elect, Section on Survey Research Methods, 1994-1995
- Member, Continuing Education Committee, 1988-1990
- Chair, Continuing Education Winter Conference, 1988-1989
- Member, Survey Research Methods Technical Advisory Committee on SIPP, 1986-1990

Nancy A. Mathiowetz

American Association for Public Opinion Research
Secretary-Treasurer, 1995-1996
Chair, Education Committee, 1995-2001
Associate Secretary-Treasurer, 1994-1995
Membership Chair, 1990-1991
Associate Membership Chair, 1989-1990

Advisory Committees

National Advisory Board, Institute for Research on Poverty, University of Wisconsin, Wisconsin Works
Child Support Demonstration, 1998-
National Gambling Commission, Technical Advisory Panel, 1998
National Longitudinal Survey of Children and Families in the Child Welfare System, Technical Advisory
Panel, 1998-
Substance Abuse and Mental Health Services Administration, Technical Advisory Committee, 1997
National Longitudinal Surveys Technical Review Committee, Bureau of Labor Statistics, 1993-1999
Bureau of Labor Statistics, Invited Panel Member, Questionnaire Design Advisory Conference for the
Consumer Expenditure Survey and Current Population Survey, 1987

Grants Review

Russell Sage Foundation, 2000
College of Agriculture and Natural Resources, University of Maryland, 2000
National Science Foundation, 1998-
National Institute of Health, Reviewer, Mental Health AIDS and Immunology Review Committee, 1996

Reports Review

U.S. Department of Agriculture, Reviewer, Continuing Survey of Food Intake, 1996
National Academy of Sciences, Reviewer, Report on Survey of Scientists and Engineers, 1991

Conference Committees

Health Survey Methods Conference, Organizing Committee, 1998-1999

International Conference on Measurement Errors in Surveys, Organizing Committee, 1991

Miscellaneous

Federal Committee on Statistical Methodology, Member, Subcommittee on Statistical Training, 1995-1999
Social Science Research Council, Invited Participant, Workshop on the Cognition and Measurement of
Pain, 1987
Social Science Research Council, Invited Participant, Seminar on Effect of Theory-Based Schemas on
Retrospective Data, 1987

Depositions and Trial Testimony

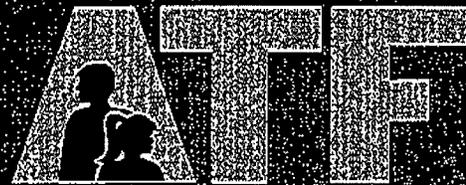
2003	Miles, et al v. Philip Morris, Inc.
2002	People , et al. v. Arcadia Machine and Tool, et al.
2002	Betty Bullock v. Philip Morris, Incorporated
2001	Blue Cross and Blue Shield of New Jersey, Inc. v. Philip Morris, Incorporated, et al. 98 Civ. 3287 (JBW)
1999	Disposable Contact Lens, Antitrust Litigation MDL Docket No. 1030
1998	State of Oklahoma, et al. v. R. J. Reynolds, et al.

Nancy A. Mathiowetz

Case Number CJ96-1499-L(H)

EXHIBIT "2"

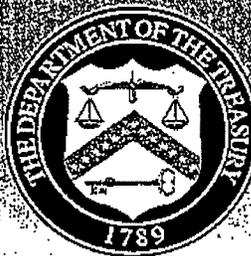
Crime Gun Trace Reports (1999) National Report



The Youth Crime Gun
Interdiction Initiative

November 2000

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms



Manufacturer, Model, Caliber/Gauge, and Type of Firearms

New Specificity. Information on the specific models of crime guns is being provided for the first time this year. *Tables 8a and 8b* specify traced handguns and long guns by manufacturer's model, based on data from nine cities where traces reported the model at least 75 percent of the time: *Atlanta, GA; Charlotte-Mecklenburg, NC; Gary, IN; Jersey City, NJ; Miami, FL; New Orleans, LA; Omaha, NE; Richmond, VA; and Seattle, WA.*

Significance of Model Information. Manufacturer and caliber information focus law enforcement on the major types of crime guns. Model information allows law enforcement to identify crime guns with greater specificity. Manufacturers that have been in business for many years have produced numerous models of firearms in certain frequently traced calibers. Other manufacturers are more recently established, out of business, and/or have manufactured only a few models. Therefore, when crime gun information is available by manufacturer only, the role of some models of crime gun may not be apparent. When model information is available, the placement of particular manufacturers' firearms on the list of most frequently traced firearms can change substantially.

Handgun Models. As shown in *Table 8a*, the most frequently traced handgun model overall

and in each possessor age group is the Lorcin Engineering L380 .380 caliber semiautomatic pistol. The second most frequently traced handgun is the Lorcin Engineering L9 9mm semiautomatic pistol. By contrast, while the Smith & Wesson .38 caliber revolver was the most frequently traced firearm by manufacturer and caliber (*Table 5*), no single model appears with comparable frequency. When model information is included, the Ruger 9mm semiautomatic pistol that appeared in third place on *Table 5* is shown to be two different weapons, the Model P95 and the Model P89, among the most frequently traced handgun models. Raven Arms .25 caliber semiautomatic pistols, among the top 10 crime guns by manufacturer and caliber (*Table 5*), include the Model MP25, the fourth most frequently traced model. Bryco Arms .380 caliber and 9mm semiautomatic pistols appeared on the top 10 lists for juveniles and youths (*Table 5*); by model, the Model 9, Model 38, and Model 48 were among the top 10 youth crime guns, with the latter also a most frequently traced crime gun among juveniles and overall. Among youth, nine of the top 10 crime guns are 9mm or .380 caliber, with the exception of the Smith & Wesson Sigma .40 caliber semiautomatic pistol. By model, an addition to the top 10 for all age groups is the Hi-Point C 9mm semiautomatic pistol.

Table 8a: Top Ten Handguns by Manufacturer, Model, Caliber, and Type by Age Group of Possessor, for Selected Cities

Juvenile (ages 17 & under)					
Manufacturer	Model	Caliber	Type	Number	Percent of Guns
Lorcin Engineering	L380	.380	Semiautomatic Pistol	23	7.0
Raven Arms	MP25	.25	Semiautomatic Pistol	11	3.4
Davis Industries	P380	.380	Semiautomatic Pistol	9	2.8
Lorcin Engineering	L25	.25	Semiautomatic Pistol	7	2.1
Charter Arms	Undercover	.38	Revolver	6	1.8
Lorcin Engineering	L9	9mm	Semiautomatic Pistol	6	1.8
Smith & Wesson	36	.38	Revolver	6	1.8
Bryco Arms	48	.380	Semiautomatic Pistol	5	1.5
Bryco Arms	9	9mm	Semiautomatic Pistol	5	1.5
Hi-Point	C	9mm	Semiautomatic Pistol	5	1.5
Total with Model Information				327	100.0



Foreword by the Director of the Bureau of Alcohol, Tobacco and Firearms

ATF established the Youth Crime Gun Interdiction Initiative (YCGII) in 1996 to focus special agent and inspector resources on reducing youth gun violence. To increase our effectiveness, we resolved to equip our investigators and their State and local counterparts with more facts about how violent youth obtained guns. We asked our colleagues in State and local law enforcement to help us systematically "follow the gun" used in crime to help identify violent criminals and their illegal suppliers by tracing all crime guns with the National Tracing Center.

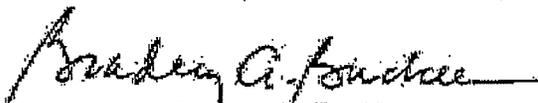
These crime gun traces, which use a gun's serial number to track its transfers from manufacturer to retail purchase, lead law enforcement to sources of illegal diversion, gun traffickers, and violent criminals, and contribute to successful prosecutions. This report provides examples of successful cases against such offenders. In the past, the case an agent made with trace information would likely have been the last case using that information. Every investigator would start a new case relying on new leads. As these *Crime Gun Trace Reports* demonstrate, that era is over in law enforcement. Today, law enforcement officials can and do access, search, and analyze investigative and case information contributed by hundreds of their colleagues, to gain additional investigative leads and strategic perspective.

Recently, we examined our firearms investigative docket and learned that over a quarter of ATF's investigations into the illegal diversion of guns involved felons. This allowed us to confirm what ATF agents and their State and local colleagues have known but not previously documented — there is a sizable illegal market in firearms involving felons, juveniles, and other illegal possessors and traffickers of firearms. It includes corrupt federally licensed dealers who ignore the results of background checks, straw purchasers, unlicensed sellers, thieves, and traffickers in stolen firearms, among others.

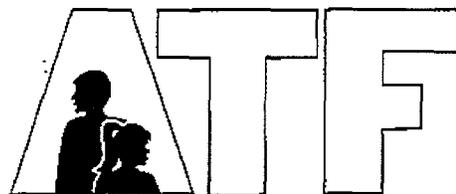
Collecting and analyzing information from thousands of crime gun traces supplied by Federal, State, and local law enforcement are helping us gain a more precise picture of that crime gun market and provide investigative and strategic direction to enforcement aimed at gun crime. This year's reports, the third annual publication of *Crime Gun Trace Reports*, include this *National Report* and a series of individual *City Reports*, which provide complete information on the trace results in those cities. These reports are available at www.atf.treas.gov.

Of great value to law enforcement are the lists of guns that repeatedly show up in crimes and that do so rapidly after purchase, suggesting criminal intent associated with the original transaction. Every city has its own crime guns and patterns, reflecting local conditions, but certain local, regional, and national patterns are evident. This information permits law enforcement officials to tailor investigative strategies to the most violent criminals and juveniles, local "hot spots," and illegal sources of guns. Knowing the changing trends in crime guns is also vital to ensuring officer safety.

Crime gun tracing and its complementary tool, ballistics identification, are rapidly transforming Federal, State, and local firearms enforcement. We cannot completely stop violent criminals from using illegal means to acquire guns, but we can track their methods with greater precision than ever before, intervene to stop trafficking schemes, investigate both illegal suppliers and their criminal buyers, and fully enforce our Nation's firearms laws to deter gun criminals and hold them accountable. We are at the beginning of the new era of using available crime gun and ballistics information to solve and prevent gun crimes. We present this year's *Crime Gun Trace Reports* as an information cornerstone of our efforts to reduce violent crime, disarm the criminal, and better protect our Nation's youth.


Bradley A. Buckles

Crime Gun Trace Reports (1999) National Report



The Youth Crime Gun
Interdiction Initiative

November 2000
Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms



CRIME GUN TRACE REPORTS (1999)

National Report

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1 — Introduction

This is the third year of ATF's publication of the National Tracing Center (NTC)'s *Crime Gun Trace Reports*. The reports provide extensive analyses of crime gun traces submitted in calendar year 1999 by law enforcement officials in selected cities throughout the country participating in ATF's Youth Crime Gun Interdiction Initiative. The analysis of a large number of individual traces from many similar jurisdictions helps identify consistent crime gun patterns that may not be apparent from information in a single trace or traces from a single jurisdiction or State. With information about patterns and trends, more violent criminals can be arrested more efficiently, more focused regulatory enforcement can be undertaken, and more gun crime and violence can be prevented.

Two Report Formats. Crime gun tracing as a law enforcement tool has grown sufficiently to provide the 2000 *Crime Gun Trace Reports* in two formats:

- The *National Report* provides national analysis based on findings from crime gun traces in 32 of the 79 cities in the U.S. with populations of 250,000 or more. These cities comprise 67 percent of the population of cities of this size.
- The 36 separate *City Reports* provide detailed information on the trace results in the 32 large cities and four cities with populations between 100,000 and 250,000. To provide a national context for local information, the *City Reports* also contain the *National Report*.

Information for Law Enforcement, the Firearms Industry, and the Public. The *Crime Gun Trace Reports* have three audiences. They provide crime gun information to the *Federal, State, and local law enforcement agencies* that submit trace requests, boosting their information resources for arresting gun criminals, responding to gun violence, and establishing a benchmark for crime gun measurements. They inform *federally licensed firearms dealers* of crime gun patterns, allowing them to build sounder and safer businesses. They inform the *public, Congress, and State and local authorities*, building cooperation by communicating what ATF agents, inspectors, and State and local law enforcement investigating violent criminals see in their everyday enforcement operations.

Reinforcing Law Enforcement Collaboration. As a result of the collaboration of thousands of law enforcement and regulatory personnel and

the FFLs that routinely respond to the National Tracing Center's inquiries, the *Crime Gun Trace Reports* provide an overview of crime guns throughout the country in significantly greater detail than previously available. ATF's primary operational focus is on the Federal offender. By reporting trace information in standardized form, ATF intends to enable State and local law enforcement officials and FFLs, as well as other Federal officials, to evaluate the information independently and to gain perspective on their local circumstances in order to adjust enforcement and preventive strategies accordingly.

How Law Enforcement Can Use this Report. Local law enforcement executives and Federal, State, and local prosecutors and investigators can make many uses of these reports. They furnish information relating to the following questions, among others: 1. *How many crime guns are being recovered from different age groups of offenders?* 2. *What kinds of guns are being recovered in my area?* 3. *What types of crimes are associated with these recovered crime guns?* 4. *Are the source areas in the county or State, or from out of State?* 5. *What types of guns are moving the fastest from the retail seller to recovery in crime?* 6. *Which guns may pose a special hazard to law enforcement officers?*

Using this information, law enforcement managers can decide what aspects of the firearms market deserve priority focus, by age group, by source area, or by type of crime, or any combination of these. Once these priorities are determined, information about specific crime guns and offenders can be obtained using all available investigative resources, including debriefing of arrestees, undercover and confi-

dential informant operatives; Project Online LEAD; Brady background check denial information; stolen firearms information; and special analyses by the Crime Gun Analysis Branch and equivalent analytic services in local police departments.

The combination of strategic information such as provided in these reports and investigative information will allow Federal, State, and local law enforcement officers to make the best use of available resources. Based on these factors, ATF and local law enforcement may decide to undertake criminal prosecution against traffickers, including felons, straw purchasers, firearms thieves, and unlicensed dealers, or regulatory actions against Federal firearms licensees.

Contents of the Reports. The *National* and *City Reports* include information about:

- **Highlights:** The *National* and *City Reports* each contain sections with highlights of the findings in the reports, focused on crime gun information relevant to law enforcement officials;
- **Possessors:** the age group and crimes of the crime gun possessors;

- **Crime guns:** the types, manufacturers, calibers, and, in some cities, models of the most frequently traced crime guns, including the most frequently traced crime guns for each city;
- **Gun trafficking indicators:** the time-to-crime and geographic sources of crime guns, multiple sales information, and percentage of crime guns with obliterated serial numbers;
- **Enforcement information:** successful Federal, State, and local investigations of the illegal diversion of firearms;
- **Information for law enforcement executives:** information and responses to frequently asked questions about crime gun tracing and related enforcement operations;
- **Crime gun tracing information:** number of traces submitted, degree of completeness of information provided, disposition of traces, and current and future developments in crime gun tracing; and
- **Technical information:** back-up information about the analysis, figures, and tables in the reports.

Youth Crime Gun Interdiction Initiative Cities

Atlanta	Georgia	Miami	Florida
Baltimore	Maryland	Milwaukee	Wisconsin
Birmingham	Alabama	Minneapolis	Minnesota
Boston	Massachusetts	New Orleans	Louisiana
Bridgeport*	Connecticut	New York	New York
Charlotte-Mecklenburg	North Carolina	Oakland	California
Chicago	Illinois	Omaha	Nebraska
Cincinnati	Ohio	Philadelphia	Pennsylvania
Cleveland	Ohio	Phoenix	Arizona
Dallas	Texas	Portland	Oregon
Denver/Aurora	Colorado	Richmond*	Virginia
Detroit	Michigan	Salinas**	California
Gary*	Indiana	San Antonio	Texas
Houston	Texas	San Jose	California
Jersey City*	New Jersey	Seattle**	Washington
Las Vegas	Nevada	St. Louis	Missouri
Los Angeles	California	Tampa	Florida
Louisville	Kentucky	Tucson	Arizona
Memphis	Tennessee	Washington	District of Columbia

* City reports were compiled for four cities with populations smaller than 250,000, but trace requests from these cities were not included in most of the tables in the national report. Gary, Indiana and Jersey City, New Jersey were included in the national analysis of the occurrence of specific firearm models because these cities supplied unusually complete data.

** Salinas and Seattle traced too few guns during 1999 to be included in the national report. A small number of trace requests from Seattle were included in the analysis of specific firearm models because this information was unusually complete on the traces submitted by Seattle.

The Youth Crime Gun Interdiction Initiative

The annual *Crime Gun Trace Reports* began in 1997 as part of ATF's Youth Crime Gun Interdiction Initiative (YCGII), a youth-focused firearms enforcement program that is a component of ATF's overall firearms enforcement program, the Integrated Violence Reduction Strategy. For this reason, YCGII is referred to throughout this report.

Participating jurisdictions. While many law enforcement agencies trace some crime guns, agencies participating in YCGII commit to instituting comprehensive tracing of all crime guns, providing the maximum investigative leads for law enforcement officials, and permitting optimal strategic analysis. These cities receive special support from ATF. All 36 cities with *City Reports* participate in YCGII. As more law enforcement agencies acquire crime gun tracing as an investigative tool, or implement State comprehensive crime gun tracing laws, ATF expects to include trace information from these jurisdictions in the annual *Crime Gun Trace Reports*.

National Tracing Center and Crime Gun Analysis Branch: field support. The National Tracing Division staff conducts traces, analyzes the results, provides case leads, crime gun mapping, and jurisdictional analysis for ATF agents and inspectors and for other law enforcement agencies, and prepares the *Crime Gun Trace Reports*. The YCGII staff at the National Tracing Center provides trace support for all ATF firearms enforcement programs and locally based gun enforcement initiatives. A national update on crime gun tracing is included in the *National Report*, and city information in each *City Report*.

In the field: investigations, inspections, trace support, and training. In the field, YCGII is an enforcement collaboration among Federal, State, and local law enforcement agencies, and ATF agents and inspectors. The primary role of the YCGII field staff is to conduct criminal investigations and regulatory inspections. YCGII also provides joint training in tracing, serial number restoration, and gun enforcement investigative methods to ATF agents and their State and local partners. YCGII staff also assist local law enforcement agencies to establish crime gun tracing, with technical support and training.

YCGII's special focus on juvenile and youth gun crime. As the *National Report* shows, juveniles (ages 17 and under) accounted for 9 percent of traced crime guns, and youth (ages 18-24) accounted for 34 percent of traced crime guns. The Federal Bureau of Investigation (FBI)'s *Supplemental Homicide Reports* show that gun homicides committed by juveniles and youth have declined 41 percent, from 11,657 in 1993 to 6,863 in 1998, but they still accounted for 57 percent of all gun homicides in 1998. ATF agents and inspectors participating in YCGII have a special responsibility for developing investigative information and carrying out enforcement actions involving juveniles and youth. Because juveniles are prohibited from acquiring and possessing handguns without parental involvement, some form of illegal diversion is almost always implicated in an investigation involving a juvenile's possession of a handgun, making crime handgun tracing especially critical. The *Crime Gun Trace Reports*, therefore, focus throughout on the variations in the crime guns and sources of illegal supply to juveniles, youth, and adults.

Following the Gun to Successful Firearms Enforcement

Crime gun tracing. Crime gun tracing is a law enforcement tool developed by ATF to investigate violations of the Nation's firearms laws. A crime gun trace identifies the Federal firearms licensee (FFL) who is the original retail seller of the firearm and the firearm's retail purchaser by tracking the manufacturer, caliber, and serial number on transfer documentation from the manufacturer or importer through the wholesaler to the retail seller and first purchaser. *A crime gun trace alone does not mean that an FFL or firearm purchaser has committed an unlawful act. Crime gun trace information is used in combination with other investigative facts in regulatory and criminal enforcement.* Crime gun tracing has three primary purposes:

- **Identifying individual armed criminals for prosecution.** Like a fingerprint or other identifying evidence, a crime gun trace is used in individual cases to link a firearm offender to his or her weapon, or identify the illegal supplier of a firearm to the criminal, juvenile, or other person prohibited from possessing a firearm. Such investigative work is conducted by local officials and by ATF.
- **Proactive local investigative and strategic analysis to target armed violent criminals and gun traffickers for prosecution.** When officials in a jurisdiction trace all recovered crime guns, law enforcement officials are able to detect patterns in the buying and selling of crime guns in their areas (pattern and trend analysis). This information combined with other indicators leads to the arrest of additional traffickers and armed felons and to regulatory enforcement actions against Federal firearms licensees violating the firearms laws and trafficking illegally. Analysis and mapping of local crime gun patterns is done by ATF at the Crime Gun Analysis Branch and in the field and by State and local law enforcement officials with access to ATF's Online LEAD crime gun information system, or using State firearms information systems.
- **Crime Gun Trace Reports to assist law enforcement officials in placing local crime guns in a regional and national strategic enforcement context.** Analysis of all available comprehensive trace information, locally and nationally, informs Federal, State, and local authorities of the source and market areas for crime guns, and other regional patterns. This information enables ATF to target criminal and regulatory resources, and assist Federal, State, and local law enforcement officials to develop national, regional, and local strategic responses to gun crime. ATF is uniquely qualified to conduct such analysis because it is the repository for crime gun traces and related information from all jurisdictions that trace crime guns.

Ballistics identification in relation to crime gun tracing. Many agencies are now using both crime gun tracing and ballistics identification to support firearm investigations. An expended cartridge or bullet may be recovered in addition to or in the absence of a crime gun. Once entered in an imaging database, the recovered cartridge or bullet can be matched to previously entered ballistics images to identify repeat uses of the same firearm. Currently, ballistics images also can provide the basis for a crime gun trace only if the firearm with which they are associated has been previously traced and a cartridge or bullet from that firearm entered into a local database of the National Integrated Ballistics Information Network. Ballistics Imaging technology does not automatically submit the crime gun to be traced through the National Tracing Center. In the future, expansion of the crime gun tracing system to include trace information derived from ballistics images as well as recovered firearms will allow additional firearms crimes to be solved and a more complete understanding of how violent offenders and prohibited persons illegally obtain firearms.

2 — General Findings

2-1 Introduction

This chapter presents seven sections of analysis of crime gun information submitted by participating jurisdictions. It contains tables and figures that describe: *first*, characteristics of crime gun possessors; *second*, the relationship between crime gun purchasers and crime gun possessors; *third*, the types of crime guns possessed, by type, caliber, manufacturer, and model; *fourth*, the relationships between possessor's age, weapon type, and the speed with which crime guns move from first retail sale to criminal use and recovery by law enforcement; *fifth*, the geographic sources of traced firearms; *sixth*, the number of crime guns with obliterated serial numbers; and *seventh*, information about multiple sales and crime guns.

Following the Gun to the Criminal and the Criminal Supplier. This section of the report provides an overview of key crime gun patterns, based on the collection and analysis of thousands of traces, to assist law enforcement officials at the Federal, State, and local levels in assessing the local crime gun problem and deciding how best to deploy limited criminal and regulatory enforcement resources against gun criminals.

National Findings. These general findings are based on 64,637 crime gun trace requests from the 32 jurisdictions participating in the Youth Crime Gun Interdiction Initiative that have a population of 250,000 inhabitants or more. These jurisdictions comprise 48 percent of the 67 U.S. jurisdictions with a population over 250,000; the population of these 32 jurisdictions is more than two-thirds of the 47 million persons living in U.S. cities having over 250,000 inhabitants. While not yet meeting the program's long-term goal of complete national geographic coverage, this sample provides a reasonable basis for national analyses of crime

gun trace information. To give perspective on the national findings, variations among cities are highlighted throughout.

Presentation by Possessor Age Group. To show age differences in crime gun information, this report puts the 64,637 trace requests into three age groups—*juveniles* (ages 17 & under), *youth* (ages 18-24), and *adults* (ages 25 & older). The total for all age groups is also included, and some of the analyses also provide information about the trace requests for which age is unknown.

Annual Reports. For the first time, ATF is presenting these findings on a calendar year basis. This comprehensive crime gun trace information from a large number of jurisdictions complements the Federal Bureau of Investigation (FBI) *Uniform Crime Reports*, the *National Crime Victimization Survey* of the Bureau of Justice Statistics, ATF's reporting on firearms commerce and firearms investigations,³ and other efforts to improve understanding of violent crime in the United States.

³ *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, June 2000; *Commerce in Firearms in the United States (1999)*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, February 2000.

2-2 Age of Possessors

Possessor Age Information. Information on the age of the crime gun possessor was included in 40,730 (63 percent) of the 64,637 trace requests received from participating jurisdictions.

Ages 18 to 20. As displayed in *Figure 1*, the single most frequent age of crime gun possessors was 19, followed closely by ages 20 and 18. There was a significant increase in the number of traces from 131 at age 13 to 2,204 at age 19. Each year, more than 14,000 crime guns are recovered from individuals between the ages of 18 and 24, the peak years for being a crime gun possessor. The number of crime gun trace requests drops steadily from 1,699 at age 24 to 895 for possessors at age 30, and at the age of 50, there were only 298 trace requests.⁴

Juvenile, Youth, and Adult Crime Guns. As presented in *Table 1*, among the trace requests for which the possessor's age was known, adult possession accounted for almost 57 percent of the trace requests, youth possession accounted for 34 percent, and the juvenile category accounted for over 9 percent.

City Variations. The age distribution of crime gun possessors can vary considerably from the national averages across cities. In certain cities, firearms were recovered predominantly from adults. For example, adults comprised 82 percent of gun possessors in *San Jose, CA*; 72 percent of the gun possessors in *Miami, FL*; 71 percent of the gun possessors in *Houston, TX*; and 70 percent of the gun possessors in *Cleveland, OH* and *Phoenix, AZ*. In other cities,

firearms were most frequently recovered from youth. Youth comprised 48 percent of the gun possessors in *Jersey City, NJ*; 47 percent of the gun possessors in *Washington, DC* and *Charlotte-Mecklenburg, NC*; and 46 percent of the gun possessors in *Boston, MA*.

Juvenile and Youth Crime Guns Remain a Problem. The FBI's *Supplemental Homicide Reports* show that gun homicides committed by juveniles and youth have declined 41 percent, from 11,657 in 1993 to 6,863 in 1998. They remain a significant problem, however, accounting for 57 percent of all gun homicides in 1998 for which the age of the offender is known. Juveniles alone accounted for 12 percent of these homicides in 1998.⁵

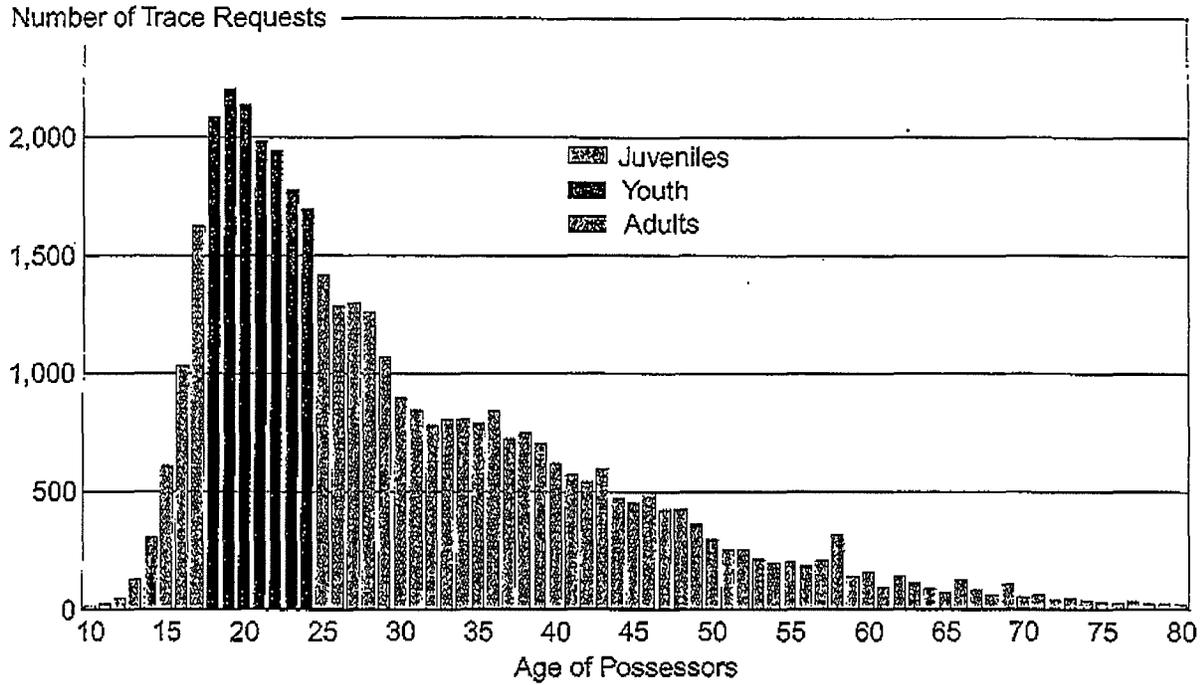
Parallel with Violent Crime Data. While ATF crime gun tracing is not complete, crime gun information closely parallels data gathered on violent crime from other sources. In 1998, according to the FBI's *Uniform Crime Reports*, for those offenders where an age is known, individuals 18 years of age were arrested more frequently than persons of any other age for murder, forcible rape, robbery, and aggravated assault. Individuals 19 years of age were the next most likely to be arrested for murder, rape, and aggravated assault, and individuals 20 years of age were ranked third for murder and aggravated assault. Individuals ages 18 to 20 accounted for 30 percent of all persons arrested for murder, 14 percent for forcible rape, 22 percent for robbery, and 12 percent for aggravated assault.⁶

⁴ For a detailed listing of the number of trace requests by age, see Appendix B, Technical Note 6.

⁵ James A. Fox and Marianne W. Zawitz, *Homicide Trends in the U.S.*, Bureau of Justice Statistics, February 1, 2000, pg 87.

⁶ FBI *Uniform Crime Reports 1998*, Table 38, p. 220.

Figure 1: Age of Crime Gun Possessor



This graph is based on 40,635 trace requests that indicate the possessor's age. Possessors younger than 10 and older than 80 are not included in this graph.

Table 1: Age Group of Crime Gun Possessor

Trace Requests for which Possessor's Age can be Determined		40,730	100.0%
Crime Gun Trace Requests with:			
Juvenile Possessor	(Ages 17 & Under)	3,790	9.3%
Youth Possessor	(Ages 18-24)	13,838	34.0%
Adult Possessor	(Ages 25 & Older)	23,102	56.7%

2-3 When the Crime Gun Purchaser Is the Crime Gun Possessor

Most Crime Guns Are Not Possessed by Their First Purchasers. In about 89 percent (19,196 of 21,594) of the trace requests where the crime gun possessor and the purchaser are known, they are not the same individuals. There is little variation by firearm type. This shows the importance of a full investigation of the chain of possession of crime guns.

Transfers of a Firearm beyond the Initial Purchase by a Retail Customer Usually Cannot Be Followed to the Criminal Possessor Using Serial Numbers and Transfer Documentation Alone. Federal law does not require unlicensed sellers to perform Brady background checks or maintain transfer records for tracing, and firearm owners are not required to keep a record of the serial number of their firearms or to report lost or stolen firearms. Therefore, it is generally impossible for a National Tracing Center (NTC) crime gun trace alone to identify purchasers beyond the initial retail purchaser. If a crime gun is not recovered from its original purchaser, it has been transferred at least once in the secondary market, that is, by someone other than an FFL. These transfers may be lawful or unlawful. The crime gun may have been transferred by a straw purchaser; re-sold by an unlicensed seller or as a used gun by an FFL; borrowed, traded,

or given as a gift; stolen by its criminal possessor; or stolen and trafficked, among other possibilities.

Investigative Methods for Tracking the Chain of Transfers from Retail Sale to the Crime Gun Possessor. *FFL reporting to the NTC.* ATF, in 2000, began requiring certain FFLs who failed to cooperate with crime gun traces as well as those with 10 or more crime gun traces with a time-to-crime of 3 years or less, to report certain firearms transaction information to the NTC to permit crime gun tracing. *State documentation.* States may impose additional firearm transfer documentation requirements that law enforcement agencies may use to trace firearms purchased in-State. *Investigative tracing.* For traces of crime guns recovered from juveniles and traces involving certain crimes, ATF agents, often working with State and local law enforcement officials in YCGII cities, will follow the gun through the chain of possession to an illegal supplier by performing an investigative trace. Investigative tracing uses interviews and other investigative techniques to track the gun through the entire chain of transfers to the criminal possessor. Investigative tracing is a resource-intensive investigative method that is not practicable for all gun crimes.

2-4 Firearm Type, Caliber, Manufacturer, and Model

Trace Request Information. Trace requests are required to include the *type, caliber, manufacturer, and serial number* of the crime gun because this information is necessary to trace a firearm from manufacturer and wholesale distributor to the point of sale. Information about the particular *model* of the firearm is not required but is provided consistently in some jurisdictions and is proving useful. (See Appendix C, ATF Firearm Trace Request Form.)

Classification in this Report. Generally, crime guns described in this report are classified by the different kinds of information provided on the ATF trace form. For some of the tables and figures in this report, firearms are placed into two basic groups: *handguns* and *long guns*. Handguns include *semiautomatic pistols, revolvers, and derringers*. Long guns include *shotguns* and *rifles*. All other firearms are accounted for in an "Other" category.

Patterns in Types of Crime Guns. Classifying crime guns by type, caliber, manufacturer, and model allows law enforcement to differentiate among firearms. When large numbers of trace requests are analyzed, the patterns in crime gun types emerge. With more comprehensive information, more complete analysis is possible. In this report, different patterns are highlighted by focusing separately on type, caliber, manufacturer, and model.

Targeting Criminals, Protecting Officer Safety. Detailed information about crime guns enables law enforcement to target criminal and regulatory resources on the sources of those crime guns. As criminals shift illegal sources, law enforcement officials can target the new sources, and deter and make more difficult criminal acquisition. Knowledge of what crime guns criminals are using is also an important consideration for State and local law enforcement in assessing potential departmental safety measures.

Firearm Type

Handguns, Especially Semiautomatic Pistols. As displayed in *Figure 2* and *Table 2*, traced crime guns are largely handguns (77 percent) and, among handguns, largely semiautomatic pistols, which alone account for half (50 percent) of all crime guns traced.

Juveniles and Youth with Handguns, Adults with More Long Guns. The dominance of handguns and semiautomatic pistols is especially present among juveniles and youth. Semiautomatic pistols are more prevalent among juveniles (57 percent) and youth (60 percent) than among adults (47 percent). A substantial portion of firearm traces, 21 percent, involves a shotgun or a rifle, but juveniles or youth infrequently possess these long guns. Adults are nearly twice as likely (24 percent) as juveniles (13 percent) to possess a recovered long gun.

Unknown Age Group Resembles Adults. When the age of the crime gun possessor is unknown, the distribution of firearm types among trace requests is similar to the distribution among crime guns recovered from adults; semiautomatic pistols are the most common crime gun but a substantial proportion of long guns is also found.

City Variations. The distribution of semiautomatic pistols, revolvers, shotguns, and rifles among adult, youth, and juvenile possessors was remarkably stable across participating

cities, but there were some important differences in a few cities.

- For example, 97 percent of the firearms submitted for tracing by the *Atlanta, GA* Police Department were handguns. Semiautomatic pistols were clearly the weapon of choice in Atlanta; 79 percent of youth recoveries, 72 percent of juvenile recoveries, and 69 percent of adult recoveries in Atlanta were semiautomatic pistols.
- Trace requests in *Phoenix, AZ* and *Philadelphia, PA* also revealed a high percentage of semiautomatic pistol recoveries across all age groups.
- In some cities, there were higher percentages of semiautomatic pistol recoveries in only one age group. For example, 67 percent of guns recovered from youth in *Milwaukee, WI* and 61 percent of guns recovered from youth in *Portland, OR* were semiautomatic pistols.
- Revolvers were the most frequently recovered firearms from juveniles in *Houston, TX* (40 percent) and in *Tampa, FL* (47 percent).
- Long guns were also more frequently recovered from youth and juveniles in *San Jose, CA*; *Houston, TX*; and *San Antonio, TX* when compared with participating cities overall.

Figure 2: Major Gun Types by Age Group of Possessor

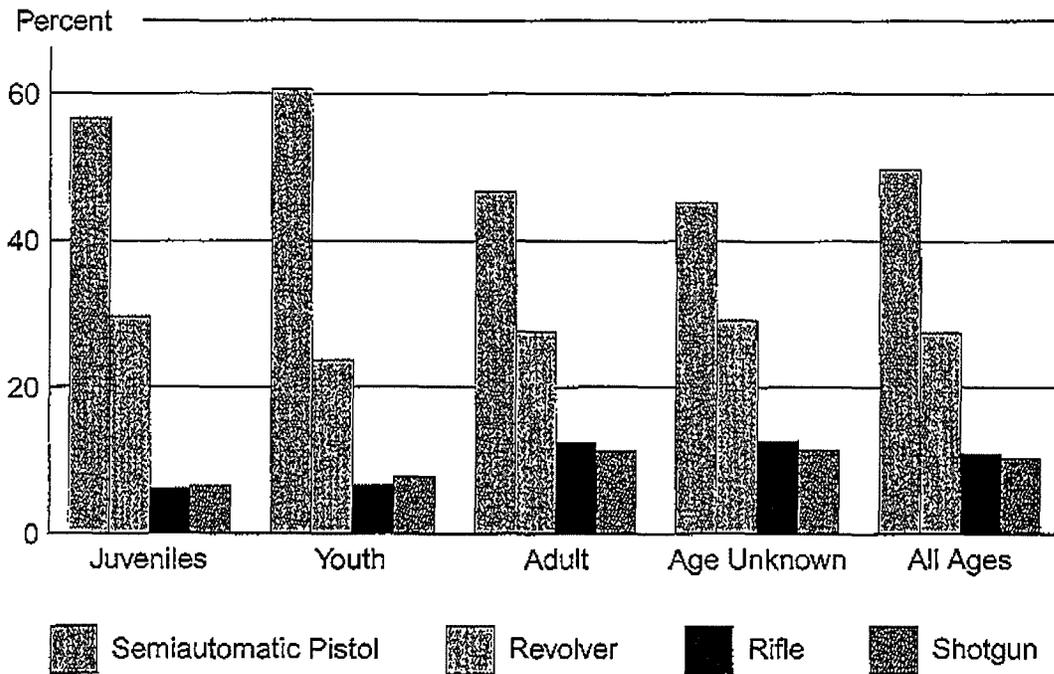


Table 2: Firearm Type by Age Group of Possessor

Firearm Type	Juveniles (ages 17 & under)		Youth (ages 18-24)		Adult (ages 25 & over)		Age Unknown		All Ages	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All Firearm Types	3,790	100.0	13,838	100.0	23,102	100.0	23,907	100.0	64,637	100.0
Semiautomatic Pistol	2,149	56.7	8,351	60.3	10,777	46.6	10,814	45.2	32,091	49.6
Revolver	1,119	29.5	3,296	23.8	6,385	27.6	6,941	29.0	17,741	27.4
Rifle	231	6.1	938	6.8	2,902	12.6	3,023	12.6	7,094	11.0
Shotgun	246	6.5	1,092	7.9	2,626	11.4	2,764	11.6	6,728	10.4
Other	45	1.2	161	1.2	412	1.8	365	1.5	983	1.5

Type and Caliber/Gauge of Firearms

Most Frequently Traced Handguns and Long Guns by Type and Caliber. *Table 3 and Figure 3* rank handgun types and calibers for which the most trace requests were submitted for individual age groups and all ages combined. *Table 4 and Figure 4* rank long gun types and calibers by the most frequent to the tenth most frequent for all age groups.

Four Main Handguns. When crime guns are described by type and caliber, they are notably concentrated. As shown in *Table 3*, four handgun types and calibers accounted for 62 percent

of all handgun trace requests:

- 9mm semiautomatic pistols
- .38 caliber revolvers
- .380 caliber semiautomatic pistols
- .25 caliber semiautomatic pistols

Youth and 9mm Semiautomatic Pistols.

While the 9mm semiautomatic pistol is the most frequent handgun type among all age groups (23 percent), this is especially so among youth, where this one handgun type accounted for 28 percent of all trace requests.

Table 3: Top Ten Handguns by Type and Caliber and by Age Group of Possessor

Handgun Type and Caliber	Juvenile (ages 17 & under)	
	Number	Percent
Semiautomatic Pistol 9mm	629	19.0
Semiautomatic Pistol .380	528	16.0
Semiautomatic Pistol .25	483	14.6
Revolver .38	457	13.8
Revolver .22	272	8.2
Semiautomatic Pistol .22	216	6.5
Revolver .32	186	5.6
Revolver .357	151	4.6
Semiautomatic Pistol .45	112	3.4
Semiautomatic Pistol .32	92	2.8
All Handguns	3,308	100.0

Handgun Type and Caliber	Youth (ages 18-24)	
	Number	Percent
Semiautomatic Pistol 9mm	3,260	27.6
Semiautomatic Pistol .380	1,780	15.1
Revolver .38	1,499	12.7
Semiautomatic Pistol .25	1,124	9.5
Semiautomatic Pistol .45	771	6.5
Revolver .357	713	6.0
Revolver .22	575	4.9
Semiautomatic Pistol .22	532	4.5
Semiautomatic Pistol .40	477	4.0
Semiautomatic Pistol .32	316	2.7
All Handguns	11,791	100.0

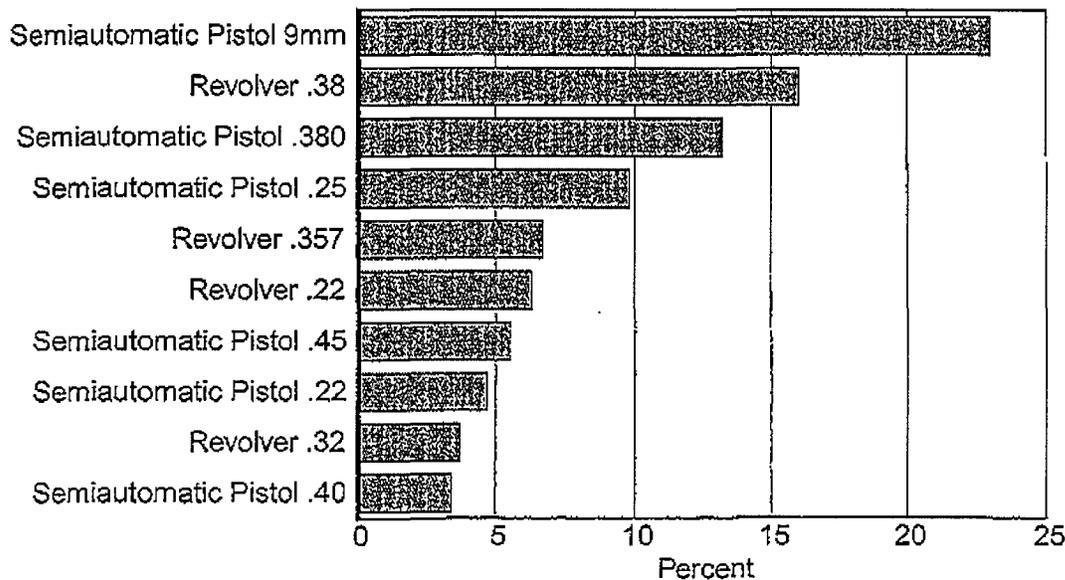
Handgun Type and Caliber	Adult (ages 25 & over)	
	Number	Percent
Semiautomatic Pistol 9mm	3,976	22.7
Revolver .38	2,903	16.6
Semiautomatic Pistol .380	2,212	12.6
Semiautomatic Pistol .25	1,570	9.0
Revolver .357	1,334	7.6
Revolver .22	1,076	6.1
Semiautomatic Pistol .45	983	5.6
Semiautomatic Pistol .22	739	4.2
Semiautomatic Pistol .32	631	3.6
Semiautomatic Pistol .40	625	3.6
All Handguns	17,526	100.0

Handgun Type and Caliber	Age Unknown	
	Number	Percent
Semiautomatic Pistol 9mm	3,815	21.2
Revolver .38	3,249	18.0
Semiautomatic Pistol .380	2,164	12.0
Semiautomatic Pistol .25	1,764	9.8
Revolver .22	1,289	7.2
Revolver .357	1,213	6.7
Semiautomatic Pistol .45	904	5.0
Semiautomatic Pistol .22	876	4.9
Revolver .32	745	4.1
Semiautomatic Pistol .40	545	3.0
All Handguns	18,024	100.0

Table 3: Top Ten Handguns by Type and Caliber and by Age Group of Possessor (Continued)

Handgun Type and Caliber	All Ages	
	Number	Percent
Semiautomatic Pistol 9mm	11,680	23.0
Revolver .38	8,108	16.0
Semiautomatic Pistol .380	6,684	13.2
Semiautomatic Pistol .25	4,941	9.8
Revolver .357	3,411	6.7
Revolver .22	3,212	6.3
Semiautomatic Pistol .45	2,770	5.5
Semiautomatic Pistol .22	2,363	4.7
Revolver .32	1,878	3.7
Semiautomatic Pistol .40	1,699	3.4
All Handguns	50,676	100.0

Figure 3: Top Ten Handguns by Type and Caliber for All Ages



Type and Caliber/Gauge of Firearms (Continued)

Two Main Long Guns. As shown in *Table 4* and *Figure 4*, there is even greater concentration among long guns recovered as crime guns than among handguns. Two long gun types, the 12 gauge shotgun and the .22 caliber rifle, accounted for 12 percent of all trace requests and more than 57 percent of all long gun trace requests.

Juveniles and Youth. The concentration of the 12 gauge shotgun and .22 caliber rifle is greater within the juvenile (66 percent) and youth (61 percent) age groups than among adults (56 percent).

Table 4: Top Ten Long Guns by Type and Caliber/Gauge by Age Group of Possessor

Long Gun Type and Caliber/Gauge		Juvenile (ages 17 & under)	
		Number	Percent
Shotgun	12 GA	187	39.2
Rifle	.22	129	27.0
Shotgun	20 GA	39	8.2
Rifle	7.62mm	28	5.9
Shotgun	.410 GA	14	2.9
Rifle	9mm	10	2.1
Rifle	.223	7	1.5
Rifle	.30-30	7	1.5
Rifle	.30	7	1.5
Shotgun	16 GA	6	1.3
All Long Guns		477	100.0

Long Gun Type and Caliber/Gauge		Youth (ages 18-24)	
		Number	Percent
Shotgun	12 GA	856	42.2
Rifle	.22	374	18.4
Rifle	7.62mm	262	12.9
Shotgun	20 GA	143	7.0
Rifle	9mm	72	3.5
Rifle	.223	55	2.7
Shotgun	.410 GA	51	2.5
Rifle	.30-30	45	2.2
Rifle	.30	35	1.7
Shotgun	16 GA	32	1.6
All Long Guns		2,030	100.0

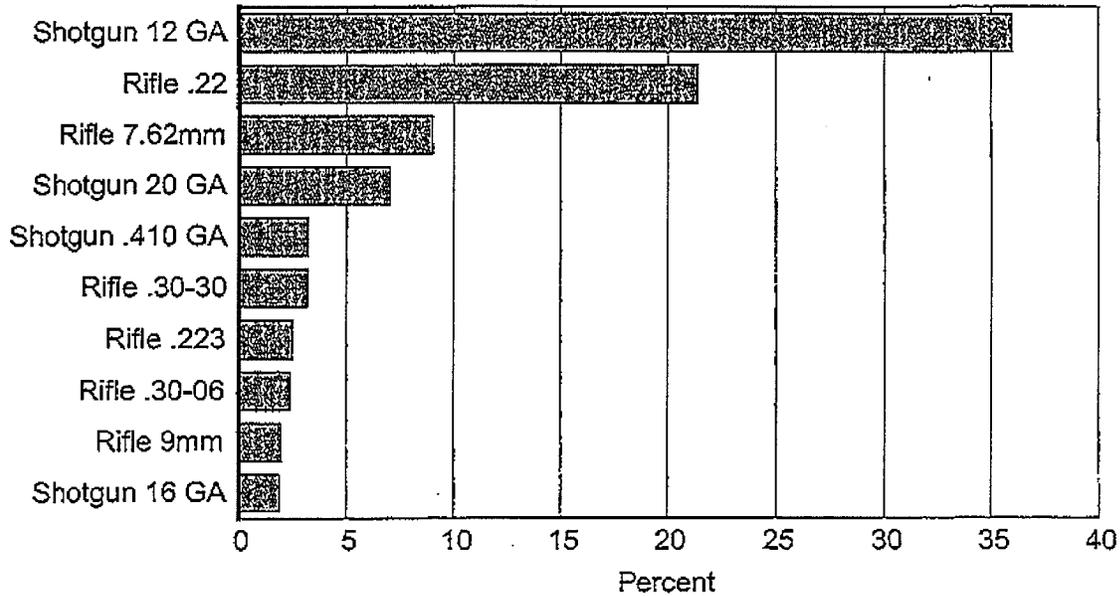
Long Gun Type and Caliber/Gauge		Adult (ages 25 & over)	
		Number	Percent
Shotgun	12 GA	1,938	35.1
Rifle	.22	1,128	20.4
Rifle	7.62mm	468	8.5
Shotgun	20 GA	367	6.6
Rifle	.30-30	207	3.7
Shotgun	.410 GA	181	3.3
Rifle	.30-06	161	2.9
Rifle	.223	138	2.5
Shotgun	16 GA	111	2.0
Rifle	.30	106	1.9
All Long Guns		5,528	100.0

Long Gun Type and Caliber/Gauge		Age Unknown	
		Number	Percent
Shotgun	12 GA	2,000	34.6
Rifle	.22	1,330	23.0
Rifle	7.62mm	486	8.4
Shotgun	20 GA	413	7.1
Shotgun	.410 GA	202	3.5
Rifle	.30-30	185	3.2
Rifle	.223	139	2.4
Rifle	.30-06	138	2.4
Shotgun	16 GA	120	2.1
Rifle	.30	104	1.8
All Long Guns		5,787	100.0

Table 4: Top Ten Long Guns by Type and Caliber/Gauge by Age Group of Possessor (Continued)

Long Gun Type and Caliber/Gauge	All Ages	
	Number	Percent
Shotgun 12 GA	4,981	36.0
Rifle .22	2,961	21.4
Rifle 7.62mm	1,244	9.0
Shotgun 20 GA	962	7.0
Shotgun .410 GA	448	3.2
Rifle .30-30	444	3.2
Rifle .223	339	2.5
Rifle .30-06	327	2.4
Rifle 9mm	279	2.0
Shotgun 16 GA	269	1.9
All Long Guns	13,822	100.0

Figure 4: Top Ten Long Guns by Type and Caliber/Gauge for All Ages



Manufacturer, Caliber/Gauge, and Type of Firearms

Most Frequently Traced Firearms, Handguns, and Long Guns. *Table 5* ranks frequently traced *firearms* by manufacturer, caliber/gauge, and type for each age group. *Table 6* ranks revolvers and semiautomatic pistols for all age groups by the frequency with which they occur in firearm trace requests and *Table 7* ranks shotguns and rifles.

Crime Guns Concentrated. Ten firearms by manufacturer, caliber, and type accounted for 24 percent (15,211) of all trace requests (64,637). Over 1,500 different firearms and 87 calibers accounted for the remaining crime guns (49,426).

Most Frequently Traced Crime Guns. Smith & Wesson .38 revolvers (2,968 trace requests) top the list for *all age groups combined* and ranked in the top three crime guns traced in each age group. Among *juveniles* and *youth*, the Lorcin Engineering .380 semiautomatic pistol was the firearm most frequently traced. Among *adults* and *all age groups combined*, this same firearm is the second most frequently listed. The only long gun in the top 10 traced firearms among *all age groups combined* was the Mossberg 12 gauge shotgun (1,287 trace requests). Among *adults*, the Marlin .22 caliber rifle ranked ninth (370 trace requests).

Table 5: Top Ten Crime Guns by Manufacturer, Caliber/Gauge, and Type by Age Group of Possessor

Juvenile (ages 17 & under)				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
Lorcin Engineering	.380	Semiautomatic Pistol	165	4.4
Smith & Wesson	.38	Revolver	160	4.2
Raven Arms	.25	Semiautomatic Pistol	138	3.6
Davis Industries	.380	Semiautomatic Pistol	92	2.4
Bryco Arms	.380	Semiautomatic Pistol	90	2.4
Bryco Arms	9mm	Semiautomatic Pistol	87	2.3
Lorcin Engineering	.25	Semiautomatic Pistol	79	2.1
Smith & Wesson	9mm	Semiautomatic Pistol	67	1.8
Ruger	9mm	Semiautomatic Pistol	64	1.7
Lorcin Engineering	9mm	Semiautomatic Pistol	57	1.5

Table 5: Top Ten Crime Guns by Manufacturer, Caliber/Gauge, and Type by Age Group of Possessor (Continued)

Youth (ages 18-24)				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
Lorcin Engineering	.380	Semiautomatic Pistol	541	3.9
Ruger	9mm	Semiautomatic Pistol	520	3.8
Smith & Wesson	.38	Revolver	504	3.6
Smith & Wesson	9mm	Semiautomatic Pistol	349	2.5
Bryco Arms	9mm	Semiautomatic Pistol	329	2.4
Bryco Arms	.380	Semiautomatic Pistol	321	2.3
Davis Industries	.380	Semiautomatic Pistol	318	2.3
Raven Arms	.25	Semiautomatic Pistol	303	2.2
Smith & Wesson	.357	Revolver	270	2.0
Mossberg	12GA	Shotgun	255	1.8

Adult (ages 25 & over)				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
Smith & Wesson	.38	Revolver	1,007	4.4
Lorcin Engineering	.380	Semiautomatic Pistol	619	2.7
Ruger	9mm	Semiautomatic Pistol	573	2.5
Smith & Wesson	.357	Revolver	508	2.2
Mossberg	12GA	Shotgun	499	2.2
Smith & Wesson	9mm	Semiautomatic Pistol	498	2.2
Raven Arms	.25	Semiautomatic Pistol	465	2.0
Taurus	.38	Revolver	406	1.8
Marlin	.22	Rifle	370	1.6
Rossi	.38	Revolver	368	1.6

All Ages				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
Smith & Wesson	.38	Revolver	2,968	4.6
Lorcin Engineering	.380	Semiautomatic Pistol	1,911	3.0
Ruger	9mm	Semiautomatic Pistol	1,636	2.5
Raven Arms	.25	Semiautomatic Pistol	1,394	2.2
Smith & Wesson	9mm	Semiautomatic Pistol	1,376	2.1
Smith & Wesson	.357	Revolver	1,335	2.1
Mossberg	12GA	Shotgun	1,287	2.0
Bryco Arms	.380	Semiautomatic Pistol	1,134	1.8
Davis Industries	.380	Semiautomatic Pistol	1,107	1.7
Bryco Arms	9mm	Semiautomatic Pistol	1,063	1.6

Manufacturer, Caliber/Gauge, and Type of Firearms (Continued)

City Variations. The top 10 firearms were well represented among the most frequently recovered firearms in all participating cities, but the specific mix of firearms in a particular city could differ from the national top 10 crime guns. Local law enforcement agencies should be aware that manufacturers and calibers of firearms not listed in the overall top 10 crime guns may comprise an important part of the local illegal gun market for a particular age group within their city. Three firearms were not represented in the overall top 10 recovered crime guns for any age group, but were frequently recovered crime guns in many jurisdictions:

- the North China Industries 7.62mm rifle, a firearm frequently recovered from adults, youth, and/or juveniles in 12 cities (*Birmingham, AL; Charlotte-Mecklenburg, NC; Dallas, TX; Detroit, MI; Gary, IN; Jersey City, NJ; New Orleans, LA; Portland, OR; Tucson, AZ; Richmond, VA; San Antonio, TX; and St. Louis, MO*);
- the Glock G.m.b.H. 9mm semiautomatic pistol, a firearm frequently recovered from adults, youth, and/or juveniles in 10 cities (*Boston, MA; Bridgeport, CT; Denver/Aurora, CO; Gary, IN; Los Angeles, CA; Louisville, KY; Las Vegas, NV; Miami, FL; Philadelphia, PA; and Phoenix, AZ*); and
- the Hi-Point 9mm semiautomatic pistol, a firearm frequently recovered from adults, youth, and/or juveniles in seven cities (*Atlanta, GA; Baltimore, MD; Cincinnati, OH; Cleveland, OH; Philadelphia, PA; Tampa, FL; and Tucson, AZ*).

Most Frequently Traced Handguns. As shown in *Table 6*, 10 handguns by manufacturer, type, and caliber accounted for 29 percent (14,918) of handgun trace requests (50,676). Three handguns manufactured by Smith & Wesson, the .38 caliber and .357 caliber revolvers and the 9mm semiautomatic pistol, ranked in the top 10 most frequently traced handguns. Two handguns manufactured by Bryco Arms, the .380 caliber and the 9mm semiautomatic pistol, are also included in the top 10 most frequently traced handguns.⁷

Most Frequently Traced Long Guns. As shown in *Table 7*, 10 long guns accounted for 45 percent (6,240) of all long gun trace requests (13,822). Among all age groups, the Mossberg 12 gauge shotgun represented 9 percent of long gun trace requests. The imported North China Industries 7.62mm rifle constituted 6 percent (873) of all long gun trace requests, the third most frequent trace requests for long guns among all age groups.

⁷ See Section 4-4 for a discussion of manufacturer ranking when the specific model of firearm is considered, in contrast to a ranking of firearms by *manufacturer and caliber*, as here.

Manufacturer, Caliber/Gauge, and Type of Firearms (Continued)

Table 6: Top Ten Handguns by Manufacturer, Caliber, and Type

Handguns				
Manufacturer	Caliber	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
Smith & Wesson	.38	Revolver	2,968	5.9
Lorcin Engineering	.380	Semiautomatic Pistol	1,911	3.8
Ruger	9mm	Semiautomatic Pistol	1,636	3.2
Raven Arms	.25	Semiautomatic Pistol	1,394	2.8
Smith & Wesson	9mm	Semiautomatic Pistol	1,376	2.7
Smith & Wesson	.357	Revolver	1,335	2.6
Bryco Arms	.380	Semiautomatic Pistol	1,134	2.2
Davis Industries	.380	Semiautomatic Pistol	1,107	2.2
Bryco Arms	9mm	Semiautomatic Pistol	1,063	2.1
Taurus	.38	Revolver	994	2.0
All Handguns			50,676	100.0

Table 7: Top Ten Long Guns by Manufacturer, Caliber/Gauge, and Type

Long Guns				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
Mossberg	12 GA	Shotgun	1,287	9.3
Marlin	.22	Rifle	907	6.6
North China Industries	7.62mm	Rifle	873	6.3
Remington Arms	12 GA	Shotgun	705	5.1
Winchester	12 GA	Shotgun	639	4.6
Savage	12 GA	Shotgun	448	3.2
Remington Arms	.22	Rifle	396	2.9
Ruger	.22	Rifle	360	2.6
Winchester	.22	Rifle	338	2.4
Maverick Arms	12 GA	Shotgun	287	2.1
All Long Guns			13,822	100.0

Table 8a: Top Ten Handguns by Manufacturer, Model, Caliber, and Type by Age Group of Possessor, for Selected Cities (Continued)

Youth (ages 18-24)					
Manufacturer	Model	Caliber	Type	Number	Percent of Guns
Lorcin Engineering	L380	.380	Semiautomatic Pistol	96	5.4
Lorcin Engineering	L9	9mm	Semiautomatic Pistol	65	3.7
Ruger	P95	9mm	Semiautomatic Pistol	49	2.8
Davis Industries	P380	.380	Semiautomatic Pistol	36	2.0
Hi-Point	C	9mm	Semiautomatic Pistol	34	1.9
Ruger	P89	9mm	Semiautomatic Pistol	33	1.9
Bryco Arms	9	9mm	Semiautomatic Pistol	29	1.6
Bryco Arms	48	.380	Semiautomatic Pistol	28	1.6
Bryco Arms	38	.380	Semiautomatic Pistol	27	1.5
Smith & Wesson	Sigma	.40	Semiautomatic Pistol	26	1.5
Total with Model Information				1,775	100.0

Adult (ages 25 & over)					
Manufacturer	Model	Caliber	Type	Number	Percent of Guns
Lorcin Engineering	L380	.380	Semiautomatic Pistol	142	5.0
Ruger	P89	9mm	Semiautomatic Pistol	74	2.6
Raven Arms	MP25	.25	Semiautomatic Pistol	62	2.2
Lorcin Engineering	L9	9mm	Semiautomatic Pistol	59	2.1
Davis Industries	P380	.380	Semiautomatic Pistol	48	1.7
Ruger	P95	9mm	Semiautomatic Pistol	41	1.4
Taurus	85	.38	Revolver	37	1.3
Rossi	M68	.38	Revolver	33	1.2
Hi-Point	C	9mm	Semiautomatic Pistol	32	1.1
Glock G.m.b.H.	22	.40	Semiautomatic Pistol	31	1.1
Total with Model Information				2,854	100.0

All Ages					
Manufacturer	Model	Caliber	Type	Number	Percent of Guns
Lorcin Engineering	L380	.380	Semiautomatic Pistol	411	5.1
Lorcin Engineering	L9	9mm	Semiautomatic Pistol	199	2.5
Ruger	P89	9mm	Semiautomatic Pistol	167	2.1
Raven Arms	MP25	.25	Semiautomatic Pistol	158	1.9
Davis Industries	P380	.380	Semiautomatic Pistol	153	1.9
Ruger	P95	9mm	Semiautomatic Pistol	128	1.6
Hi-Point	C	9mm	Semiautomatic Pistol	105	1.3
Bryco Arms	48	.380	Semiautomatic Pistol	98	1.2
Taurus	85	.38	Revolver	93	1.1
Lorcin Engineering	L25	.25	Semiautomatic Pistol	90	1.1
Total with Model Information				8,106	100.0

Long Gun Models. As shown in *Table 8b*, consistent with manufacturer information shown in *Table 7*, the Marlin 60 .22 caliber rifle was the most frequently traced long gun for adults, followed by the Mossberg 500 12 gauge shotgun. Also included on the adult list was the Colt AR15 .223 caliber rifle. Among *youth*, the North China Industries SKS 7.62mm rifle led the list, followed by the Mossberg 500 12 gauge shotgun, and the very similar Maverick Arms 88 12 gauge shotgun. Also on the list: the Remington 870 12 gauge shotgun; the North China Industries MAK90 rifle and SKS 7.62mm rifle; and the Hi-Point 995 9mm rifle.

Officer Safety. ATF is providing officer safety information relating to crime guns for the first time this year in order to assist State and local

law enforcement managers in assessing potential departmental safety measures. *Table 8b* shows that for all age groups, the North China Industries Model SKS 7.62mm caliber rifle is the rifle model most frequently encountered by law enforcement officers. The North China Industries Model MAK90 7.62mm caliber rifle is also encountered in significant numbers, and the Colt Model AR15 .223 caliber rifle is among the long guns most frequently recovered from adult possessors.⁸ These rifles, as well as most other rifles, will pose an enhanced threat to law enforcement, in part, because of their ability to expel projectiles at velocities that are capable of penetrating the type of soft body armor typically worn by the average police officer.

Table 8b: Top Ten Long Guns by Manufacturer, Model, Caliber/Gauge, and Type by Age Group of Possessor, for Selected Cities

Juvenile (ages 17 & under)					
Manufacturer	Model	Caliber/Gauge	Type	Number	Percent of Guns
North China Industries	SKS	7.62mm	Rifle	8	19.5
Ruger	10/22	.22	Rifle	5	12.2
Mossberg	500	12 GA	Shotgun	4	9.8
Ithaca Gun Company	37	12 GA	Shotgun	2	4.9
Total with Model Information				327	100.0

⁸ The North China Industries model SKS 7.62 has been barred from importation into the United States since May 1994 when the President banned the importation of munitions from China. Letter to Secretary of the Treasury Lloyd M. Bentsen from Secretary of State Warren Christopher, May 28, 1994.

The Colt AR-15 is a semiautomatic assault weapon as defined in the Gun Control Act of 1968. 18 U.S.C. 921(a)(30). It is generally unlawful to possess or transfer these firearms. 18 U.S.C. 922(v)(1). This prohibition, however, does not apply to any AR-15 that was lawfully possessed on or before Sept. 13, 1994. 18 U.S.C. 921(v)(2).

The North China Industries MAK90 has been barred from importation since May 1994 when the President banned the importation of munitions from China. In addition, in 1998, it was determined that this firearm was not generally recognized as particularly suitable for sporting purposes and, therefore, could not be legally imported into the United States. 18 U.S.C. 925(d)(3). *Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Weapons*, April 1998, Department of the Treasury.

Table 8b: Top Ten Long Guns by Manufacturer, Model, Caliber/Gauge, and Type by Age Group of Possessor, for Selected Cities (Continued)

Youth (ages 18-24)					
Manufacturer	Model	Caliber/Gauge	Type	Number	Percent of Guns
North China Industries	SKS	7.62mm	Rifle	33	13.3
Mossberg	500	12 GA	Shotgun	28	11.3
Maverick Arms	88	12 GA	Shotgun	15	6.0
Remington Arms	870	12 GA	Shotgun	13	5.2
North China Industries	MAK90	7.62mm	Rifle	11	4.4
Hi-Point	995	9mm	Rifle	10	4.0
Winchester	1300	12 GA	Shotgun	6	2.4
Marlin	60	.22	Rifle	4	1.6
Ruger	10/22	.22	Rifle	4	1.6
Universal Firearms	M1	.30	Rifle	4	1.6
Total with Model Information				248	100.0

Adult (ages 25 & over)					
Manufacturer	Model	Caliber/Gauge	Type	Number	Percent of Guns
Marlin	60	.22	Rifle	33	6.2
Mossberg	500	12 GA	Shotgun	32	6.0
Remington Arms	870	12 GA	Shotgun	22	4.1
North China Industries	SKS	7.62mm	Rifle	18	3.4
Ruger	10/22	.22	Rifle	12	2.2
Hi-Point	995	9mm	Rifle	11	2.1
Winchester	94	.30-30	Rifle	11	2.1
Maverick Arms	88	12 GA	Shotgun	10	1.9
Colt	AR15	.223	Rifle	9	1.7
North China Industries	MAK90	7.62mm	Rifle	9	1.7
Total with Model Information				536	100.0

All Ages					
Manufacturer	Model	Caliber/Gauge	Type	Number	Percent of Guns
Mossberg	500	12 GA	Shotgun	105	6.5
North China Industries	SKS	7.62mm	Rifle	97	6.0
Remington Arms	870	12 GA	Shotgun	68	4.2
Marlin	60	.22	Rifle	66	4.1
Maverick Arms	88	12 GA	Shotgun	49	3.0
Ruger	10/22	.22	Rifle	41	2.5
Hi-Point	995	9mm	Rifle	34	2.1
North China Industries	MAK90	7.62mm	Rifle	31	1.9
Winchester	1300	12 GA	Shotgun	29	1.8
Winchester	94	.30-30	Rifle	20	1.2
Total with Model Information				1,609	100.0

2-5 Time-to-Crime

Time-to-Crime. An important consideration in understanding firearms trafficking is the length of time from a firearm's first retail sale by a Federal firearm licensee (FFL) to its recovery by law enforcement as a crime gun. A short time-to-crime can be an indicator of illegal firearms trafficking. Focusing on these firearms alone can produce significant trafficking trends and patterns. Investigating crime guns with short time-to-crime allows law enforcement to seek out sources of crime guns and disrupt the flow of illegal firearms trafficking.

Limitation on Time-to-Crime Information for Used Crime Guns. Since an NTC trace generally extends only to the first retail purchaser, a trace of a gun sold used by an unlicensed seller or FFL usually will not show a fast time-to-crime, even if it was recovered by law enforcement shortly after its most recent transfer. Therefore, the time-to-crime measure as an indicator of trafficking is clearest when applied to guns sold new by FFLs.

Percentage of Traces with Time-to-Crime. To compute time-to-crime, both the date the firearm was recovered and the date it was purchased from a retail FFL must be known. Sufficient information to compute a time-to-crime was provided for 50 percent (32,573) of the crime gun traces (64,637). These traces are analyzed in this section.

Reporting Median Time-to-Crime. Throughout this report, the average time-to-crime for specific guns, for age groups, and for other sets of traces is reported by the median. The median is the actual time-to-crime value of the middle gun in a group when all of the guns in

that group have been sorted in order by time-to-crime. The median is a particularly useful measure of central tendency when a variable has a small subset of cases with extreme values; such as the case with time-to-crime.

Many New Crime Guns. The illegal market in guns involves new guns, used guns, and stolen guns. *Figure 5* displays the cumulative percent of crime guns by years since purchase, and shows that nearly a third (32 percent, 10,275) of recovered crime guns for which a time-to-crime could be computed (32,597) had been purchased for the first time within 3 years of their recovery. Since these crime guns were all recovered in 1999, nearly one-third of the crime guns with known time-to-crime entered firearm commerce in 1996 or later.

Many Very Short Time-to-Crime Guns. Crime guns with very short time-to-crime represent a priority for further investigation, as the original transaction may have involved illegal diversion that is continuing. As shown in *Figure 6*, about 15 percent (4,791) of the crime guns recovered in 1999 for which a time-to-crime could be computed had a time-to-crime of 12 months or less. Another 9 percent (2,930) of the recovered crime guns had a time-to-crime of over 1 year and up to 2 years.⁹

Relatively Short Time-to-Crime for All Crime Guns. As shown in *Figure 5*, half of the crime guns recovered in 1999 had a time-to-crime of 5.7 years or less.¹⁰ This is a relatively short period of time. Gun owners surveyed in 1994 indicated that they had owned their firearm an average of 13 years.¹¹

⁹ The exact numbers and percents for *Figures 5 and 6* can be found in Appendix B, Technical Note 7. Additional time-to-crime estimates are included in Appendix B, Technical Note 8.

¹⁰ Calculation of time-to-crime in years is based on an initial calculation of the number of days between purchase date and recovery date. Days-to-crime is converted to years by dividing by 365.25, and rounded to one decimal point.

¹¹ Phillip J. Cook and Jens Ludwig, *Guns in America*, Police Foundation 1997.

Figure 5: Cumulative Percentage of Traced Crime Guns by Time-to-Crime

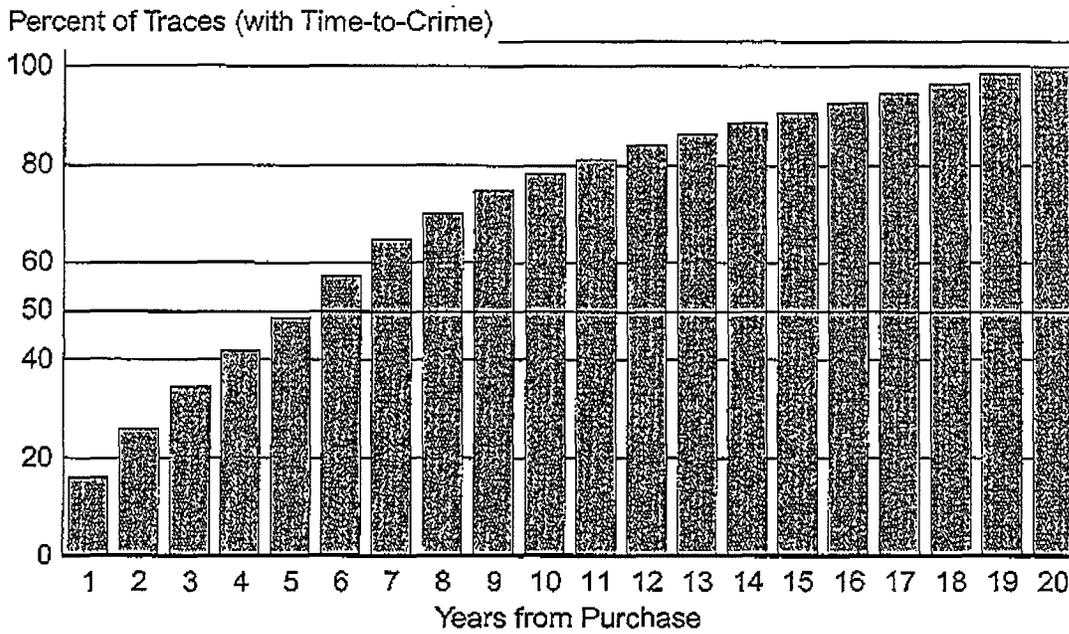
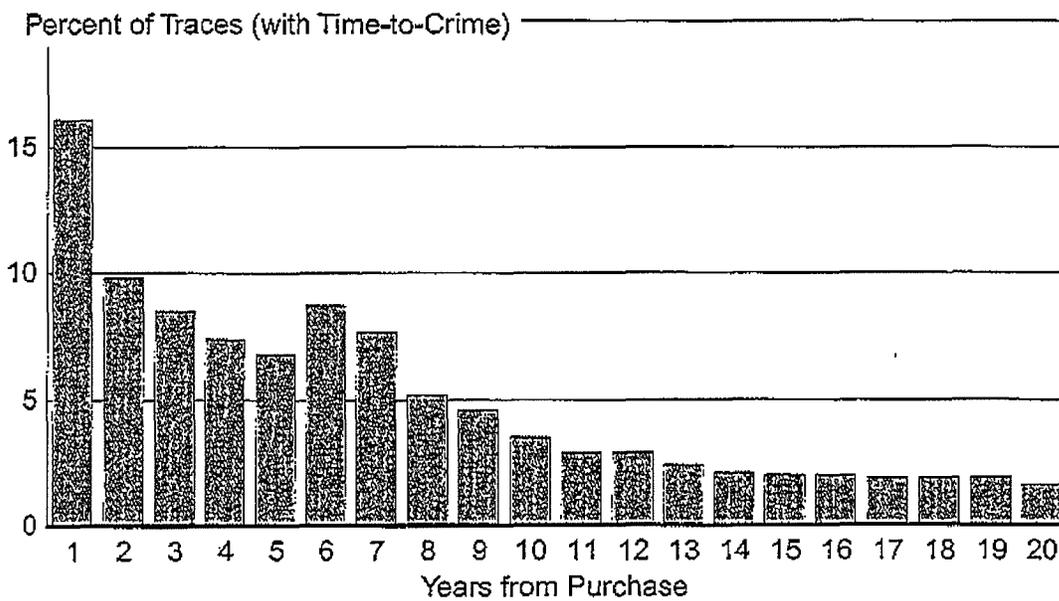


Figure 6: Percentage of Traced Crime Guns by Time-to-Crime



Time-to-Crime by Firearm Type and Age Group of Possessor

Variation by Firearm Type and Age Group. Time-to-crime varies with the type of firearm and the age of the possessor.

Semiautomatic Pistols in Contrast to Revolvers. As shown in *Table 9* and *Figure 7*, while the median time-to-crime for semiautomatic pistols (21,095) is 4.3 years, for revolvers (7,912) the median time-to-crime is 11.7 years.

Juvenile, Youth, and Adult Crime Guns Contrasted. As shown in *Table 9*, the median time-to-crime for crime guns possessed by *youth* is 4.8 years, a year and a half shorter than for crime guns possessed by *juveniles* (6.3 years), and a little less than a year shorter than for *adults* (5.6 years).

Juveniles. As shown in *Table 9* and *Figure 8*, juveniles tend to possess firearms that have a long time-to-crime. Their median time-to-crime is the longest of all age groups, and this is true if the firearm in their possession is a semiautomatic pistol, a revolver, or a rifle. Revolvers recovered by law enforcement from juveniles have a median time-to-crime of more than 15 years. An exception to the pattern is that the small number of shotguns and "Other" firearms possessed by juveniles have a shorter time-to-crime than other age groups.

Shortest and Longest Time-to-Crime Guns. As shown in *Table 9*, semiautomatic pistols

recovered from youth have the shortest median time-to-crime, 3.6 years (5,620 traces). Thus, half of the semiautomatic pistols recovered from youth in 1999 were sold in 1995 or later. The longest median time-to-crime is observed for revolvers possessed by juveniles, 15.3 years (433 traces). Time-to-crime information alone cannot determine whether these recovered semiautomatic pistols were obtained through illegal diversion or purchased new from FFLs by youth crime gun possessors. This is the type of question that law enforcement officials must further investigate. Since nearly 89 percent of all traced crime guns changed hands at least once before recovery by law enforcement, it can be assumed that illegal diversion plays a significant role in youth crime gun acquisition.

City variations. The median time-to-crime for recovered crime guns varied across the YCGII cities. Certain cities had a median time-to-crime that was notably shorter than the YCGII city average of 5.7 years. These cities included *Gary, IN* (2.9 years); *Atlanta, GA* (3.2 years); *Portland, OR* (3.2 years); *St. Louis, MO* (3.2 years); and *Milwaukee, WI* (3.6 years). Other cities had a median time-to-crime that was much longer than the YCGII city average. These cities included *New York, NY* (7.2 years); *Oakland, CA* (7.3 years); *Boston, MA* (7.6 years); *Jersey City, NJ* (7.8 years); and *San Jose, CA* (8.9 years).

Table 9: Median Time-to-Crime in Years by Firearm Type and Age Group of Possessor

Type of Weapon	Juvenile (Ages 17 & Under)	Youth (Ages 18-24)	Adult (Ages 25 & Older)	Age Unknown	All Ages
Semiautomatic Pistol	5.2	3.6	4.3	4.8	4.3
Revolver	15.3	11.6	10.6	12.4	11.7
Rifle	8.6	5.7	7.1	7.9	7.0
Shotgun	6.0	5.8	7.6	8.0	7.1
Other	5.1	7.4	6.0	7.0	6.3
Total	6.3	4.8	5.6	6.1	5.7

Figure 7: Median Time-to-Crime by Firearm Type

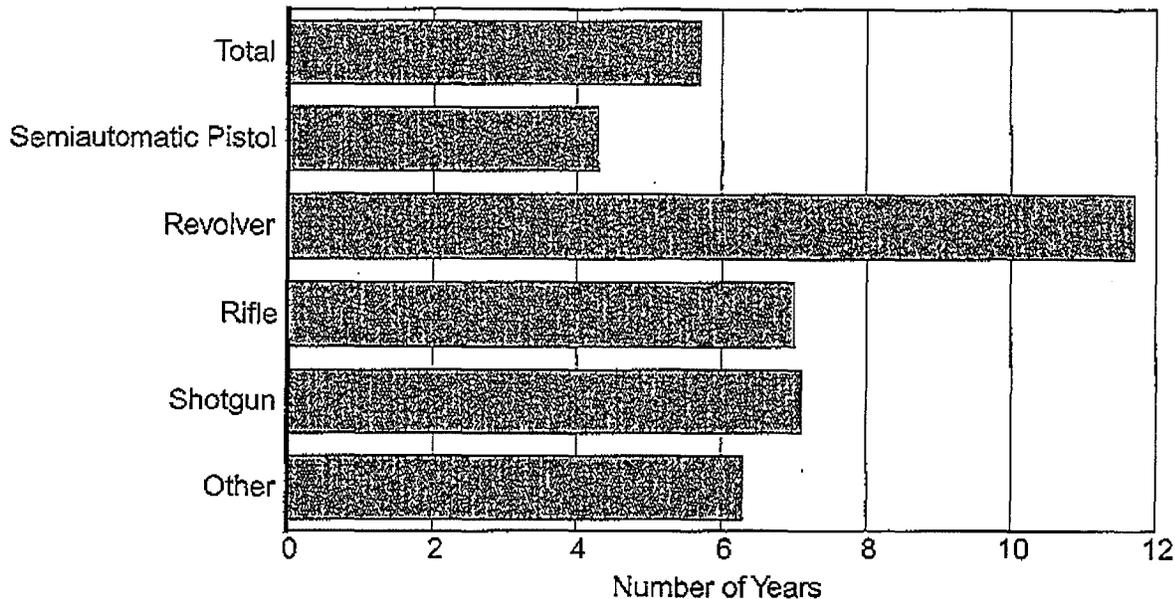
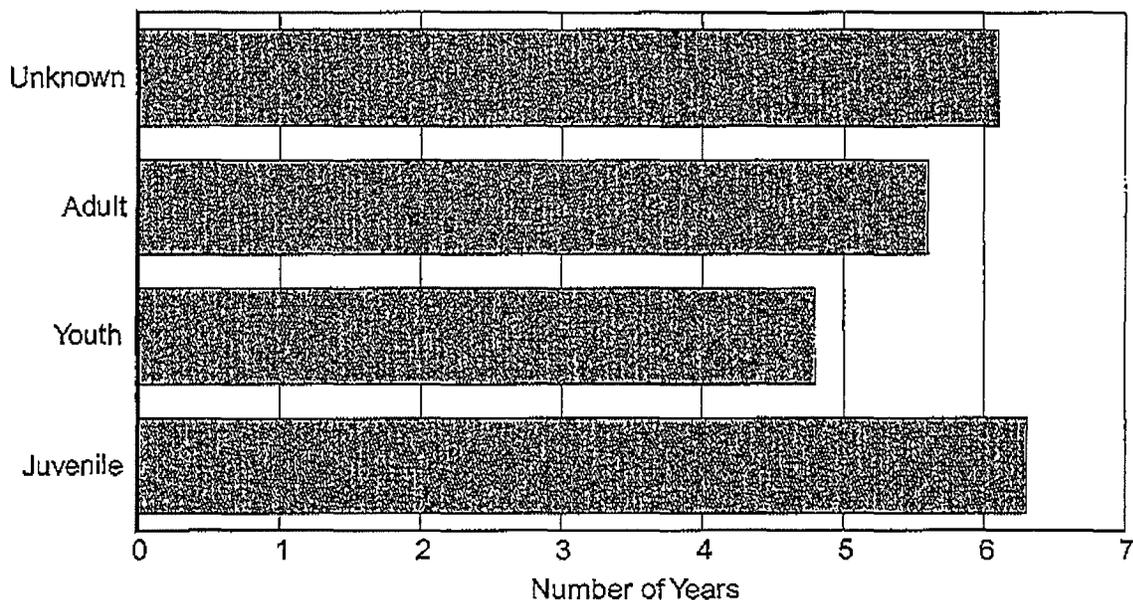


Figure 8: Median Time-to-Crime by Age Group of Possessor



Top Ten Crime Guns by Manufacturer, Caliber, Type, and Time-to-Crime

Time-to-Crime Varies Significantly Among Crime Guns. As shown in *Table 10*, there are significant differences in time-to-crime among crime guns classified by manufacturer.

Short Time-to-Crime Guns. As shown in *Table 10*, Bryco Arms 9mm semiautomatic pistols had the fastest median time-to-crime for all ages combined, just over 1.5 years, and 68 percent (526 of 770) had a time-to-crime of 3 years or less; the shortest time-to-crime was 0 days. Bryco Arms .380 caliber semiautomatic pistols had a slightly longer time-to-crime of 2.5 years; 54 percent (499 of 917) of these crime guns had a time-to-crime of 3 years or less. Other firearms with relatively fast median time-to-crime include the Ruger 9mm semiautomatic pistol, median time-to-crime of nearly 3 years; and the Lorcin Engineering .380 semiautomatic pistol, median time-to-crime of 3.5 years.

Longer Time-to-Crime Guns. As shown in *Table 10*, the Smith & Wesson .38 caliber re-

volver had a median time-to-crime of just over 13 years; only 10 percent of the Smith and Wesson .38 caliber revolvers had a median time-to-crime of 3 years or less. The Smith & Wesson .357 caliber revolver had a median time-to-crime of just over 12 years, and the Smith & Wesson 9mm semiautomatic pistol had a median time-to-crime of just over 4.5 years. Only 2 percent of the Raven Arms .25 caliber semiautomatic pistols had a median time-to-crime of 3 years or less. In the case of this firearm, long time-to-crime can be correlated to its production history; Raven Arms stopped manufacturing firearms in 1991.¹² Therefore, many of these firearms were likely to have been re-sold as used by FFLs and/or transferred by unlicensed persons.

Long Gun Time-to-Crime. As shown in *Table 10*, the Mossberg 12 gauge shotgun, the only long gun among the most frequently traced firearms, had a median time-to-crime of 5.5 years; 32 percent of these guns had a time-to-crime of 3 years or less.

Table 10: Time-to-Crime for Top Ten Crime Guns by Age Group of Possessor

Juvenile (ages 17 & under)			Number of Crime Guns		Median Time-to-Crime in Years	Time-to-Crime of 3 Years or less		Fastest Case (in days)***
			All	With Time-to-Crime*		Number	Percent**	
Manufacturer	Caliber	Type of Crime Gun						
Lorcin Engineering	.380	Semiautomatic Pistol	165	118	3.5	50	42.4	1
Smith & Wesson	.38	Revolver	160	47	15.3	3	6.4	231
Raven Arms	.25	Semiautomatic Pistol	138	110	12.1	5	4.5	31
Davis Industries	.380	Semiautomatic Pistol	92	75	6.0	11	14.7	59
Bryco Arms	.380	Semiautomatic Pistol	90	69	2.8	38	55.1	2
Bryco Arms	9mm	Semiautomatic Pistol	87	63	1.6	41	65.1	5
Lorcin Engineering	.25	Semiautomatic Pistol	79	53	6.2	16	30.2	9
Smith & Wesson	9mm	Semiautomatic Pistol	67	42	6.1	13	31.0	71
Ruger	9mm	Semiautomatic Pistol	64	41	4.0	14	34.1	7
Lorcin Engineering	9mm	Semiautomatic Pistol	57	43	1.6	31	72.1	12

* Time-to-crime can only be calculated when a trace is completed and a recovery date is submitted.

** The denominator used to calculate this result is the total number of trace requests where a time-to-crime was established.

*** A time-to-crime of 0 days indicates the recovery of a firearm during or immediately following a sale from a Federal firearms licensee.

¹² Fjestad, S. P., *Blue Book of Gun Values, 2000*, 21st ed. p. 1011. Minneapolis, MN: Bluebook Publications.

Table 10: Time-to-Crime for Top Ten Crime Guns by Age Group of Possessor (Continued)

Youth (ages 18-24)			Number of Crime Guns		Median Time-to-Crime in Years	Time-to-Crime of 3 Years or less		Fastest Case (in days)***
Manufacturer	Caliber	Type of Crime Gun	All	With Time-to-Crime*		Number	Percent**	
Lorcin Engineering	.380	Semiautomatic Pistol	541	430	3.6	186	43.3	3
Ruger	9mm	Semiautomatic Pistol	520	393	2.2	234	59.5	1
Smith & Wesson	.38	Revolver	504	168	13.1	16	9.5	38
Smith & Wesson	9mm	Semiautomatic Pistol	349	237	4.3	92	38.8	1
Bryco Arms	9mm	Semiautomatic Pistol	329	234	1.2	167	71.4	2
Bryco Arms	.380	Semiautomatic Pistol	321	255	2.0	148	58.0	0
Davis Industries	.380	Semiautomatic Pistol	318	248	5.2	83	33.5	1
Raven Arms	.25	Semiautomatic Pistol	303	217	12.2	6	2.8	238
Smith & Wesson	.357	Revolver	270	145	13.4	17	11.7	9
Mossberg	12GA	Shotgun	255	172	4.3	71	41.3	0

Adult (ages 25 & over)			Number of Crime Guns		Median Time-to-Crime in Years	Time-to-Crime of 3 Years or less		Fastest Case (in days)***
Manufacturer	Caliber	Type of Crime Gun	All	With Time-to-Crime*		Number	Percent**	
Smith & Wesson	.38	Revolver	1,007	351	12.6	45	12.8	2
Lorcin Engineering	.380	Semiautomatic Pistol	619	526	3.7	224	42.6	0
Ruger	9mm	Semiautomatic Pistol	573	478	3.3	223	46.7	4
Smith & Wesson	.357	Revolver	508	326	11.9	52	16.0	6
Mossberg	12GA	Shotgun	499	327	5.9	84	25.7	13
Smith & Wesson	9mm	Semiautomatic Pistol	498	355	5.0	114	32.1	7
Raven Arms	.25	Semiautomatic Pistol	465	331	11.0	2	0.6	44
Taurus	.38	Revolver	406	266	6.0	74	27.8	2
Marlin	.22	Rifle	370	198	12.4	31	15.7	12
Rossi	.38	Revolver	368	251	6.2	62	24.7	21

All Ages			Number of Crime Guns		Median Time-to-Crime in Years	Time-to-Crime of 3 Years or less		Fastest Case (in days)***
Manufacturer	Caliber	Type of Crime Gun	All	With Time-to-Crime*		Number	Percent**	
Smith & Wesson	.38	Revolver	2,968	960	13.1	101	10.5	2
Lorcin Engineering	.380	Semiautomatic Pistol	1,911	1,522	3.5	667	43.8	0
Ruger	9mm	Semiautomatic Pistol	1,636	1,303	2.9	658	50.5	1
Raven Arms	.25	Semiautomatic Pistol	1,394	991	11.6	19	1.9	1
Smith & Wesson	9mm	Semiautomatic Pistol	1,376	942	4.6	324	34.4	1
Smith & Wesson	.357	Revolver	1,335	802	12.1	115	14.3	6
Mossberg	12GA	Shotgun	1,287	837	5.5	265	31.7	0
Bryco Arms	.380	Semiautomatic Pistol	1,134	917	2.5	499	54.4	0
Davis Industries	.380	Semiautomatic Pistol	1,107	876	5.6	232	26.5	0
Bryco Arms	9mm	Semiautomatic Pistol	1,063	770	1.6	526	68.3	0

* Time-to-crime can only be calculated when a trace is completed and a recovery date is submitted.

** The denominator used to calculate this result is the total number of trace requests where a time-to-crime was established.

*** A time-to-crime of 0 days indicates the recovery of a firearm during or immediately following a sale from a Federal firearms licensee.

Manufacturer, Model, Caliber/Gauge, Type of Firearms, and Time-to-Crime

Limited Model Information. *Table 11a* shows time-to-crime for the most frequently traced firearms by specific model. Traces are analyzed from nine cities: Atlanta, GA; Charlotte-Mecklenburg, NC; Gary, IN; Jersey City, NJ; Miami, FL; New Orleans, LA; Omaha, NE; Richmond, VA; and Seattle, WA. Models vary greatly in their time-to-crime.

Short Time-to-Crime Youth Handgun Models. Youth crime guns are heavily concentrated in the medium and high caliber semiautomatic pistols with relatively short time-to-crime. As shown in *Table 11a*, 7 of the 10 most frequently traced youth crime gun models have a median time-to-crime of less than 2 years. These short time-to-crime gun models are overwhelmingly 9mm and .380 caliber semiautomatic pistols, including the Lorcin Engineering L9 (0.6 year), the Ruger P95 (1.1 years), the Hi-Point C (0.8 year), the Bryco Arms 9 (0.5 year), the Bryco Arms 48 (0.5 year), and the Bryco Arms 38 (1.5 years). In addition, the more powerful Smith & Wesson Sigma .40 caliber semiautomatic has an extremely fast median time-to-crime of 0.8 years. Due to their short time-to-crime, many of these guns that were seized from a youth who did not purchase them have the potential to provide valuable trafficking leads.

Mixed Time-to-Crime for Adult Handgun Models. As shown in *Table 11a*, the most frequently traced adult crime guns are a more varied mix of firearms with typically a longer median time-to-crime. The Lorcin Engineering L9 (1 year), the Ruger P95 (1 year), and the Hi-Point C (1.2 years) have a time-to-crime of less than 2 years. The other medium caliber semiautomatic pistols, including the Ruger P89 (3.9 years), the Lorcin Engineering L380 (3.1 years), and the Davis Industries P380 (5.8 years) all have a longer time-to-crime. The list also includes the Raven Arms MP25 with a 10.9 year median time-to-crime, and the Taurus 85 and Rossi M68 with a median time-to-crime of 6.4 and 3.6 years, respectively. The Glock G.m.b.H. 22 has a significantly longer time-to-crime (2.9 years) than its counterpart on the youth list, the Smith & Wesson Sigma (0.8 years).

Mixed Time-to-Crime for Juvenile Handgun Models. Juveniles resemble adults more than youths in the models of handgun that they possess, but juvenile crime guns tended to have a longer time-to-crime than adult crime guns. As shown in *Table 11a*, the most frequently traced juvenile crime guns included fewer medium caliber, short time-to-crime semiautomatic pistols than the youth list, and included more small caliber weapons, and more revolvers with a longer time-to-crime. Several of the medium caliber semiautomatic pistols, including the Lorcin Engineering L380, (3.1 years) and the Lorcin Engineering L9 (1.5 years) have a median time-to-crime that is longer than in the youth and adult categories. There are two .25 caliber semiautomatic pistols, the Raven Arms MP25 (8.6 years) and the Lorcin Engineering L25. (6.3 years). The list also contains a pair of .38 caliber revolvers, the Charter Arms Undercover (18.2 years) and the Smith & Wesson 36 (16.6 years). Those with a shorter median time-to-crime, the Bryco Arms 9 semiautomatic pistol (0.2 year), the Bryco Arms 48, (1.1 years) and the Hi-Point C semiautomatic pistol (2.2 years), also tend to have a short time-to-crime in other age categories.

Time-to-Crime Among Long Gun Models. As shown in *Table 11b*, the long gun models for adults with the shortest median time-to-crime and, therefore, greatest investigative potential are the Hi-Point 995 rifle and the Maverick 88 shotgun, 1.2 and 2.0 years time-to-crime, respectively. Adults and youth are similar in their involvement with long guns, though youth long guns have somewhat shorter time-to-crime. Among the shortest time-to-crime youth models, the Winchester 1300 shotgun had a median time-to-crime of 0.2 years, and the Mossberg 500 shotgun had a median time-to-crime of 3.9 years. Long gun models most frequently recovered from adults or youth include rifles that are primarily sporting designs, the Marlin 60, the Ruger 10/22, and the Winchester 94, with a median time-to-crime of greater than 10 years.

Table 11a: Top Ten Handguns by Manufacturer, Model, Caliber, and Type by Age Group of Possessor with Median Time-to-Crime, for Selected Cities

Juvenile (ages 17 & under)					
Manufacturer	Model	Caliber	Type	Median	Number
Lorcin Engineering	L380	.380	Semiautomatic Pistol	3.1	23
Raven Arms	MP25	.25	Semiautomatic Pistol	8.6	11
Davis Industries	P380	.380	Semiautomatic Pistol	6.4	9
Lorcin Engineering	L25	.25	Semiautomatic Pistol	6.3	7
Charter Arms	Undercover	.380	Revolver	18.2	6
Lorcin Engineering	L9	9mm	Semiautomatic Pistol	1.5	6
Smith & Wesson	36	.38	Revolver	16.6	6
Bryco Arms	48	.380	Semiautomatic Pistol	1.1	5
Bryco Arms	9	9mm	Semiautomatic Pistol	0.2	5
Hi-Point	C	9mm	Semiautomatic Pistol	2.2	5

Youth (ages 18-24)					
Manufacturer	Model	Caliber	Type	Median	Number
Lorcin Engineering	L380	.380	Semiautomatic Pistol	2.6	96
Lorcin Engineering	L9	9mm	Semiautomatic Pistol	0.6	65
Ruger	P95	9mm	Semiautomatic Pistol	1.1	49
Davis Industries	P380	.380	Semiautomatic Pistol	6.0	36
Hi-Point	C	9mm	Semiautomatic Pistol	0.8	34
Ruger	P89	9mm	Semiautomatic Pistol	4.4	33
Bryco Arms	9	9mm	Semiautomatic Pistol	0.5	29
Bryco Arms	48	.380	Semiautomatic Pistol	0.5	28
Bryco Arms	38	.380	Semiautomatic Pistol	1.5	27
Smith & Wesson	Sigma	.40	Semiautomatic Pistol	0.8	26

Adult (ages 25 & over)					
Manufacturer	Model	Caliber	Type	Median	Number
Lorcin Engineering	L380	.380	Semiautomatic Pistol	3.1	142
Ruger	P89	9mm	Semiautomatic Pistol	3.9	74
Raven Arms	MP25	.25	Semiautomatic Pistol	10.9	62
Lorcin Engineering	L9	9mm	Semiautomatic Pistol	1.0	59
Davis Industries	P380	.380	Semiautomatic Pistol	5.8	48
Ruger	P95	9mm	Semiautomatic Pistol	1.0	41
Taurus	85	.38	Revolver	6.4	37
Rossi	M68	.38	Revolver	3.6	33
Hi-Point	C	9mm	Semiautomatic Pistol	1.2	32
Glock G.m.b.H.	22	.40	Semiautomatic Pistol	2.9	31

Table 11a: Top Ten Handguns by Manufacturer, Model, Caliber, and Type by Age Group of Possessor with Median Time-to-Crime, for Selected Cities (Continued)

All Ages					
Manufacturer	Model	Caliber	Type	Median	Number
Lorcin Engineering	L380	.380	Semiautomatic Pistol	3.0	411
Lorcin Engineering	L9	9mm	Semiautomatic Pistol	0.9	199
Ruger	P89	9mm	Semiautomatic Pistol	4.3	167
Raven Arms	MP25	.25	Semiautomatic Pistol	10.3	158
Davis Industries	P380	.380	Semiautomatic Pistol	5.8	153
Ruger	P95	9mm	Semiautomatic Pistol	1.0	128
Hi-Point	C	9mm	Semiautomatic Pistol	1.6	105
Bryco Arms	48	.380	Semiautomatic Pistol	0.9	98
Taurus	85	.38	Revolver	6.2	93
Lorcin Engineering	L25	.25	Semiautomatic Pistol	5.5	90

Table 11b: Top Ten Long Guns by Manufacturer, Model, Caliber/Gauge, and Type by Age Group of Possessor with Median Time-to-Crime, for Selected Cities

Juvenile (ages 17 & under)					
Manufacturer	Model	Caliber/Gauge	Type	Median	Number
North China Industries	SKS	7.62mm	Rifle	4.8	8
Ruger	10/22	.22	Rifle	2.3	5
Mossberg	500	12 GA	Shotgun	4.6	4

Youth (ages 18-24)					
Manufacturer	Model	Caliber/Gauge	Type	Median	Number
North China Industries	SKS	7.62mm	Rifle	5.1	33
Mossberg	500	12 GA	Shotgun	3.9	28
Maverick Arms	88	12 GA	Shotgun	1.3	15
Remington Arms	870	12 GA	Shotgun	6.6	13
North China Industries	MAK90	7.62mm	Rifle	4.7	11
Hi-Point	995	9mm	Rifle	0.9	10
Winchester	1300	12 GA	Shotgun	0.2	6
Marlin	60	.22	Rifle	4.5	4
Ruger	10/22	.22	Rifle	6.0	4

Table 11b: Top Ten Long Guns by Manufacturer, Model, Caliber/Gauge, and Type by Age Group of Possessor with Median Time-to-Crime, for Selected Cities (Continued)

Adult (ages 25 & over)					
Manufacturer	Model	Caliber/Gauge	Type	Median	Number
Marlin	60	.22	Rifle	10.3	33
Mossberg	500	12 GA	Shotgun	8.4	32
Remington Arms	870	12 GA	Shotgun	5.8	22
North China Industries	SKS	7.62mm	Rifle	4.6	18
Ruger	10/22	.22	Rifle	11.5	12
Hi-Point	995	9mm	Rifle	1.2	11
Winchester	94	30-30	Rifle	17.1	11
Maverick Arms	88	12 GA	Shotgun	2.0	10
Colt	AR15	.223	Rifle	6.3	9
North China Industries	MAK90	7.62mm	Rifle	4.6	9

All Ages					
Manufacturer	Model	Caliber/Gauge	Type	Median	Number
Mossberg	500	12 GA	Shotgun	5.0	105
North China Industries	SKS	7.62mm	Rifle	4.9	97
Remington Arms	870	12 GA	Shotgun	6.7	68
Marlin	60	.22	Rifle	9.5	66
Maverick Arms	88	12 GA	Shotgun	1.6	49
Ruger	10/22	.22	Rifle	10.8	41
Hi-Point	995	9mm	Rifle	1.0	34
North China Industries	MAK90	7.62mm	Rifle	5.1	31
Winchester	1300	12 GA	Shotgun	3.3	29
Winchester	94	30-30	Rifle	18.0	20

2-6 Geographic Sources of Traced Firearms

Most Crime Guns Originally Purchased from Local Federal Firearms Licensees. As shown in *Table 12*, about 62 percent of crime guns were first purchased from FFLs in the State in which the guns were recovered by law enforcement officials.

Differences Among Age Groups with Crime Gun Geographic Sources. As *Table 12* shows, while in-State crime guns predominated for all age groups, this is more so for adult crime gun possessors than for youth or juveniles.

Youth Crime Gun Geographic Sources. As shown in *Table 12*, more youth crime guns (40 percent) than adult crime guns (34 percent) were first purchased from out-of-State FFLs.

Many In-State Crime Guns Come from Nearby Counties. As shown in *Table 13*, the source FFLs were within the same counties as the recovery cities for over a quarter of the crime guns (26 percent), nearly 11 percent of source FFLs were in adjacent counties in the same State or a neighboring State (9 percent).

Juvenile Crime Gun Geographic Sources. Crime guns recovered from juveniles were more likely (46.8 percent) than guns recovered from youth or adults to come from out-of-State FFLs.

City Variations. Cities vary significantly in the geographic sources of crime guns.

- Six cities had 80 percent or more of their traceable crime guns first sold by FFLs in the State in which the city was located: *Birmingham, AL; Gary, IN; Houston, TX; Miami, FL; New Orleans, LA; and San Antonio, TX.*
- Four of these six cities (*Birmingham, AL; Gary, IN; Houston, TX; and Miami, FL*) had at least 40 percent of their in-State traceable crime guns originated from the

county in which the recovery city was located. *Houston, TX* had the highest percentage of in-State crime guns originating from the same county (69 percent).

- For five cities, FFLs in the State where the city is located were the source of fewer than half of traced crime guns: *Boston, MA; Detroit, MI; Jersey City, NJ; Las Vegas, NV; and New York City, NY.*
- *Boston, MA; Jersey City, NJ; and New York City, NY* had a noteworthy number of guns originating both from within their respective States and from southern States such as Virginia, North Carolina, Georgia, and Florida.
- Many of the traceable crime guns recovered in *Detroit, MI* were first sold at FFLs in Michigan (47 percent); however, a noteworthy percentage of traceable crime guns were also first sold at FFLs in Ohio (12 percent).
- *Chicago, IL* is part of both regional and national patterns. Of guns recovered in *Chicago*, 9 percent were first sold by FFLs in the neighboring State of Indiana. Many guns originated with FFLs in the South, with Mississippi supplying 8 percent. FFLs in Kentucky, Florida, Alabama, and Arkansas supplied an additional 8 percent.
- *Las Vegas, NV* had a notable number of guns from California FFLs (23 percent). Under half (49 percent) of the firearms were purchased from FFLs in Nevada.
- As a result of strict regulations on the sale and possession of firearms in *Washington DC*, FFLs in Maryland and Virginia were the sources of 55 percent of the traceable crime guns recovered in Washington, DC.

Table 12: Intrastate and Interstate Sources of Crime Guns

Number	Juvenile	Youth	Adult	All Ages
	(ages 17 & under)	(ages 18-24)	(ages 25 & over)	
In-State	1,199	5,422	9,808	24,504
Out-of-State	1,056	3,646	5,013	15,293
Total	2,255	9,068	14,821	39,797

Percent	Juvenile	Youth	Adult	All Ages
	(ages 17 & under)	(ages 18-24)	(ages 25 & over)	
In-State	53.2	59.8	66.2	61.6
Out-of-State	46.8	40.2	33.8	38.4
Total	100.0	100.0	100.0	100.0

Table 13: County, State, and Interstate Sources of Crime Guns

Juvenile (ages 17 & under)		
Source	Total	Percent
Within Same County	528	23.4
Adjoining County	145	6.4
Other County-Same State	526	23.3
Adjoining County-Other State	43	1.9
Other County-Other State	1,013	44.9
Total with Known Source	2,255	100.0

Adult (ages 25 & over)		
Source	Total	Percent
Within Same County	4,245	28.6
Adjoining County	1,404	9.5
Other County-Same State	4,159	28.1
Adjoining County-Other State	238	1.6
Other County-Other State	4,775	32.2
Total with Known Source	14,821	100.0

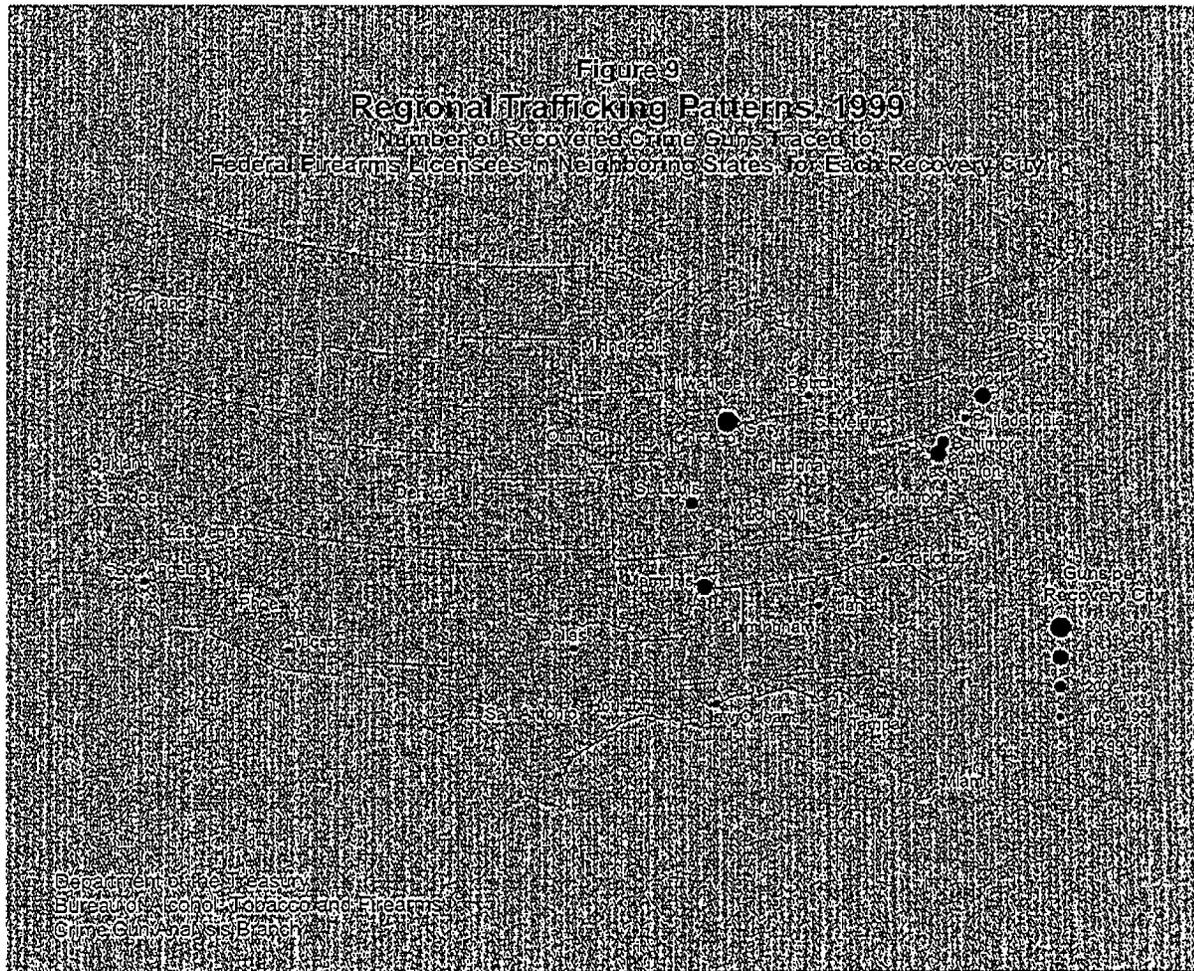
Youth (ages 18-24)		
Source	Total	Percent
Within Same County	2,421	26.7
Adjoining County	814	9.0
Other County-Same State	2,187	24.1
Adjoining County-Other State	148	1.6
Other County-Other State	3,498	38.6
Total with Known Source	9,068	100.0

All Ages		
Source	Total	Percent
Within Same County	10,305	25.9
Adjoining County	3,561	8.9
Other County-Same State	10,638	26.7
Adjoining County-Other State	649	1.6
Other County-Other State	14,644	36.8
Total with Known Source	39,797	100.0

Regional and National Geographic Source Patterns

Source to Recovery Patterns. The State that contains a city is generally its most important source of crime guns. Many guns move from regional and national sources, however. *Figures A and B* show the relative contribution of these sources. Regional trafficking consists of guns moving to a city from a neighboring State, while national trafficking involves guns moving from more distant States.

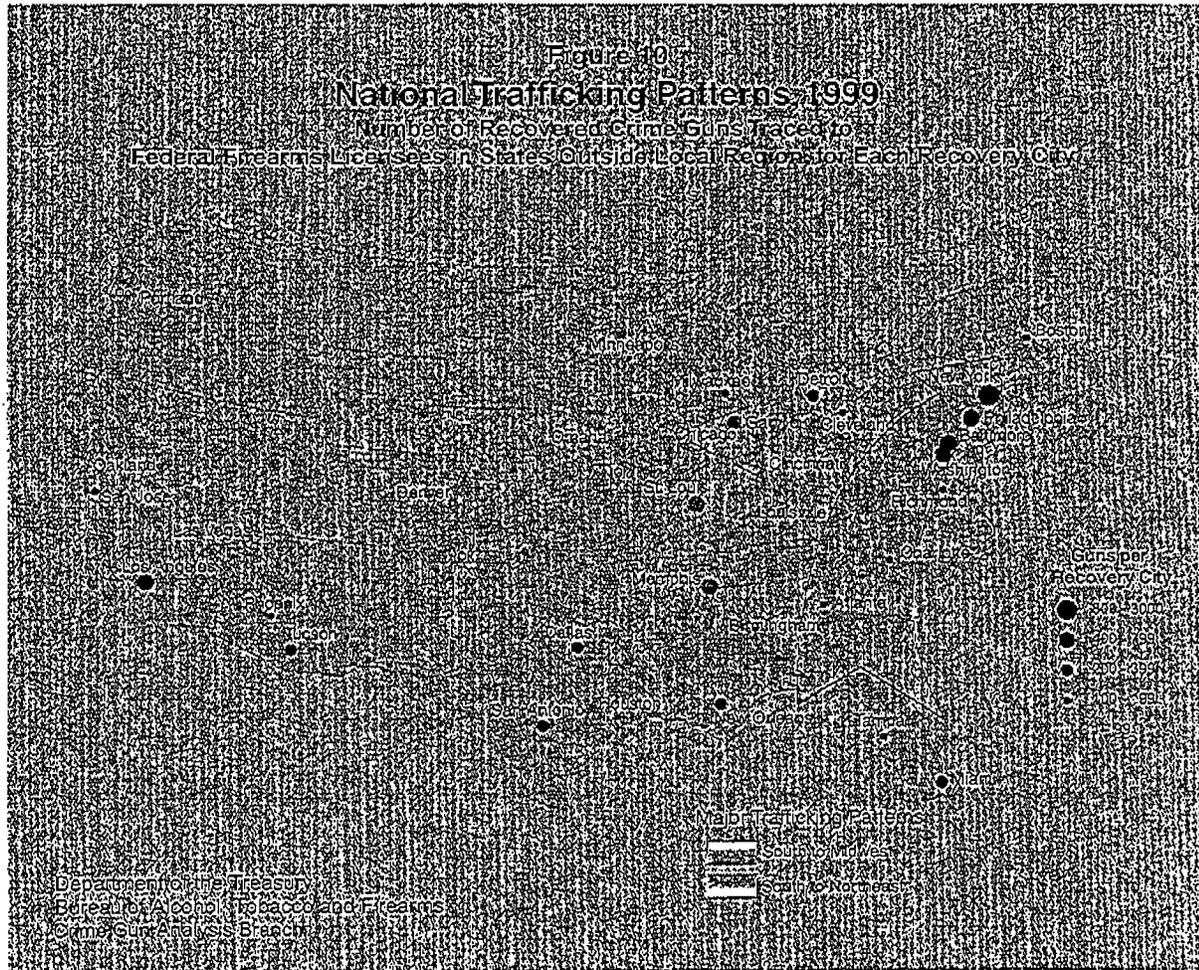
Regional Patterns. *Figure 9* shows that in 16 of the cities, the crime guns were originally purchased in significant numbers at FFLs in States in the region in which the city is located: Atlanta, GA; Baltimore, MD; New York, NY; St. Louis, MO; Chicago, IL; Dallas, TX; Portland, OR; Tucson, AZ; Cincinnati, OH; Charlotte-Mecklenburg, NC; Detroit, MI; and Washington, DC.



Regional and National Geographic Source Patterns (Continued)

Two National Patterns. Figure 10 illustrates that some cities form part of larger national patterns. The most important interstate pattern is a south-north pattern along the East Coast, of crime guns first purchased at FFLs in the South, and recovered by law enforcement

in Washington, DC; Baltimore, MD; Philadelphia, PA; and New York, NY. There is also a central south-north pattern, with guns first sold by FFLs in the South being recovered in Memphis, TN; St. Louis, MO; and especially Chicago, IL.



2-7 Crime Guns with Obliterated Serial Numbers

Results of Traces from Eleven Cities. Since tracing of crime guns with obliterated serial numbers is not conducted consistently by law enforcement agencies, this report presents information from 11 cities which submitted requests for at least 85 of their crime guns with obliterated serial numbers: *Baltimore, MD; Boston, MA; Chicago, IL; Detroit, MI; Los Angeles, CA; Memphis, TN; Milwaukee, WI; New York City, NY; Philadelphia, PA; St. Louis, MO; and Washington, DC.* No rifles, shotguns, or combination guns were included in this analysis because some older long guns were manufactured without serial numbers. Unique serial numbers were not mandated on all firearms until passage of the Gun Control Act (GCA) in 1968, and it is not always possible to distinguish certain pre-GCA firearms from post-GCA firearms with the information provided.

Characteristics of Crime Guns with Obliterated Serial Numbers. As shown in *Table 14*, in the 11 cities that were analyzed, 9 percent of semiautomatic pistols and nearly 5 percent of revolvers traced had obliterated serial numbers. Only a handful of derringers (29 of 519) had their serial numbers obliterated.

Obliteration Is Far More Common Among Youth and Juvenile Crime Guns. As shown in *Table 14*, obliteration is more common among crime guns recovered from youth and juveniles than from adults. Ten percent of semiautomatic pistols recovered from youth and juveniles had obliterated serial numbers. There is little varia-

tion by possessor's age in the percentage of revolvers with obliterated serial numbers.

Tracing Crime Guns with Obliterated Serial Numbers. The obliteration of the serial number on a crime gun is a key criminal indicator of trafficking, because it shows that someone in the chain of possession assumes that the gun will be used for a crime, may have to be discarded by a criminal, or may be recovered by the police. If an obliterated serial number can be restored by a trained firearms examiner, tracing can proceed, with the result of possibly identifying participants in a serious criminal conspiracy. The tracing of guns with obliterated serial numbers is not conducted consistently by law enforcement agencies, however; not all jurisdictions are aware of the potential to restore and trace guns with obliterated serial numbers, and not all jurisdictions have the resources to do so. *Even if the serial number is not restored, ATF urges law enforcement agencies to submit informational traces so that information on firearm type, possessors, their associates, and recovery locations can be analyzed for trafficking leads.*

Federal Felony - 5 Years' Imprisonment. Possession of a gun with an obliterated serial number is itself a Federal felony punishable by 5 years' imprisonment. Law enforcement should keep this in mind when debriefing individuals found in possession of guns with obliterated serial numbers.

Table 14: Obliterated Serial Number Firearms, for Selected Cities

All Handguns for Eleven Selected Cities

	Juvenile (ages 17 & under)	Youth (ages 18-24)	Adult (ages 25 & over)	All Ages
Semiautomatic Pistol	1,612	5,489	6,472	20,262
Revolver	866	2,365	3,838	11,791
Derringer	30	93	212	519
Total	2,508	7,947	10,522	32,572

Handguns with Obliterated Serial Numbers

	Juvenile (ages 17 & under)	Youth (ages 18-24)	Adult (ages 25 & over)	All Ages
Semiautomatic Pistol	164	565	381	1,827
Revolver	45	133	166	553
Derringer	0	9	3	29
Total	209	707	550	2,409

Percentage of Handguns Having Obliterated Serial Numbers

	Juvenile (ages 17 & under)	Youth (ages 18-24)	Adult (ages 25 & over)	All Ages
Semiautomatic Pistol	10.2	10.3	5.9	9.0
Revolver	5.2	5.6	4.3	4.7
Derringer	0.0	9.7	1.4	5.6
Total	8.3	8.9	5.2	6.8

2-8 Multiple Sales

Multiple Sales Behind 22 Percent of Traced Handguns. National Tracing Center processing of multiple sales report data, with the potential for use in combination with the Firearms Tracing System, was implemented in late 1998. This is the first year ATF has been able to provide specific data on handguns recovered in crime that were first sold in multiple sales. For all 32 cities combined, multiple sales handguns accounted for 22 percent (525) of all handguns first sold at retail in 1999 and traced in 1999 (2,378).

Link Between Multiple Sales and Obliteration. Among all traced handguns, those originally purchased in multiple sales transactions

were particularly likely to have obliterated serial numbers. Multiple sales handguns made up 51 percent (18) of all traced handguns with obliterated serial numbers that were first sold at retail in 1999 and were the subject of a trace request that same year (35). This means that, among handguns both sold and traced in 1999, those recovered and traced with obliterated serial numbers were 2.3 times as likely to have been from a multiple sale (51 percent) as were all handguns together (22 percent). Additional attention will be given to this issue as more data on multiple sales and better data on obliteration becomes available.

3 — Enforcement Information

The trace information collected and analyzed in the annual *Crime Gun Trace Reports* is used in Federal, State, and local investigations of the illegal diversion of firearms, particularly involving felons, youth offenders, and juveniles. During the period 1996-1998, approximately 60 percent of ATF's firearms trafficking investigations involved crime gun tracing and 68 percent involved State and local law enforcement agencies.¹³

Recent Investigations Involving Trafficked Firearms. During the first 2 quarters of Fiscal Year 2000, ATF's 23 Field Divisions initiated 874 illegal firearms trafficking investigations, involving 231 youth and juvenile firearms possessors, 161 youth and juvenile firearms traffickers, 54 youth and juvenile straw purchasers, and 11 youth and juvenile firearms burglars. Nearly 40 percent (348) of these investigations have been forwarded by ATF agents to Federal, State, and local prosecutors for prosecution. These 348 investigations yielded a total of 460 defendants, including 205 illegal firearms possessors, 133 illegal firearms traffickers, 101 straw purchasers, 16 corrupt licensed dealers, and 11 firearms burglars. ATF agents estimated that some 14,600 firearms were trafficked in these 874 firearms trafficking investigations. Because 60 percent of the investigations are still in progress, it is likely that the ATF agents will uncover higher numbers of trafficked firearms as their investigations develop further. Based on previous analysis, ATF has found that nearly a quarter of its trafficking investigations involve convicted felons illegally buying, selling, or possessing firearms. During the first 2 quarters of Fiscal Year 2000, ATF agents also initiated 242 investigations into *prohibited persons in possession of firearms* (18 U.S.C. Sec. 922(g)).

The Illegal Market in Firearms. Trace information and analysis of cases are contributing to a more precise picture of the structure of the illegal firearms market that supplies guns to criminals, unauthorized juveniles, and other prohibited persons. This section describes aspects of the illegal market illuminated by crime gun tracing and cases developed as part

of the Youth Crime Gun Interdiction Initiative, the youth-focused component of ATF's firearms enforcement program.

Trafficking and Illegal Diversion of Firearms. Virtually all crime guns start off as legally owned firearms. For this reason, the term "firearms trafficking," in contrast to the common reference to drug trafficking, refers to the illegal diversion of a legal product from lawful commerce into unlawful commerce, often for profit. ATF also uses the term "diversion." A broader term than trafficking, diversion encompasses any movement of firearms from the legal to illegal marketplace through an illegal method or for an illegal purpose. For example, a criminal who steals a firearm from a Federal firearms licensee (FFL) for his own personal use is participating in the illegal diversion of firearms, but he is not a trafficker. Thus, while the theft of firearms may involve a criminal stealing one or more firearms for his own use, or may involve subsequent trafficking, addressing stolen firearms is an important part of a firearms trafficking strategy because theft constitutes one means of the illegal supply of firearms.

Types of Trafficking. Firearms trafficking includes:

- **Trafficking in new firearms**, interstate and intrastate, including by federally licensed firearms dealers, large-scale straw purchasers or straw purchasing rings, or small-scale straw purchasers from gun stores, gun shows, or other premises;
- **Trafficking in secondhand firearms**, interstate and intrastate, including by licensed firearms dealers, including pawnbrokers; large-scale straw purchasers or

¹³ *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, June 2000.

straw purchasing rings; or small-scale straw purchasers, unlicensed sellers, including at gun shows, flea markets, or through newspaper ads, gun magazines, the Internet, and personal associations, and bartering and trading within criminal networks; and

- **Trafficking in new and secondhand stolen firearms**, involving guns stolen from federally licensed dealers, including pawnbrokers, manufacturers, wholesalers, and importers, theft from common carriers, home invasions, and vehicle theft.

Case Examples

Trafficking in New and Secondhand Firearms by Corrupt Federal Firearms Licensee. *St. Louis, Missouri.* ATF analyses of firearms trace data revealed that hundreds of crime guns were traced to Marshal's Gun Shop, a Federal firearms licensee. From January 1988 through March 1999, approximately 611 crime guns were traced back to Marshal's. Although some were secondhand guns, most were new. They included Mossberg 12 gauge shotguns, Davis Industries .380 and 9mm caliber semiautomatic pistols, Lorcin Engineering .380 caliber semiautomatic pistols, Smith & Wesson .38 caliber revolvers, Ruger 9mm caliber semiautomatic pistols, Glock G.m.b.H. .40 and .45 caliber semiautomatic pistols, Maverick Arms 12 gauge shotguns, and North China Industries 7.62x39mm caliber rifles.

Many of these guns were recovered from youth under the age of 24 and in different States. Over 200 were sold through straw purchases to convicted felons, gang members, youth, and juveniles. Several of the trafficked firearms were subsequently recovered in a variety of crimes, including drug violations, unlawful use of a weapon, homicides, robberies, and assaults.

On August 5, 1999, the 69-year-old owner of the gun store pled guilty to violations of 18 U.S.C. Sec. 922 (m), *knowingly making false entries in required records*, and was sentenced to 6 months' imprisonment and 3 years' supervised

release. The two employees pled guilty to violations of 18 U.S.C. Sec. 922 (m) in Spring 1999 and were sentenced to 3 years' supervised release.

Interstate Trafficking by Large-Scale Straw Purchaser Buying from an Unlicensed Gun Show Dealer. *Philadelphia, Pennsylvania.* This investigation began on May 8, 1998, as a result of a request by the Philadelphia School Board Investigations Unit to trace two firearms recovered on school grounds. In the early morning hours of December 14, 1997, Philadelphia Police Officers arrested two 18-year-old males for discharging firearms in the schoolyard of William Penn High School. Both firearms had the serial numbers obliterated. The Philadelphia Police Firearms Identification Unit was able to restore the serial numbers of the firearms. ATF then initiated a trace of the firearms and determined that an individual residing in Greensboro, North Carolina, purchased both firearms just 48 hours prior to their recovery.

During the course of the investigation, which involved both crime gun tracing and Project LEAD, ATF uncovered a trafficking conspiracy. The individuals trafficked an estimated 50-70 firearms purchased from an unlicensed dealer at gun shows. In addition to these recoveries, three additional firearms with obliterated serial numbers purchased by the Philadelphia defendant were recovered by the Philadelphia Police in firearms offenses. The defendants from whom the firearms were recovered were ages 19, 24, and 25. One additional firearm was recovered by the New York City Police Department.

By infiltrating the organization, an undercover operative was able to purchase approximately 24 firearms from this organization. The type of firearms included: 15 Lorcin Engineering 9mm caliber semiautomatic pistols, three Intratec 9mm caliber semiautomatic pistols, one Glock G.m.b.H. .357 SIG caliber semiautomatic pistol, one Lama .45 caliber semiautomatic pistol, one Bryco Arms 9mm caliber semiautomatic pistol, one Hi-Point 9mm caliber rifle, and two North China Industries 7.62x39mm caliber rifles. All of the undercover purchases took place in Philadelphia. All but two of the purchased firearms had serial numbers obliterated.

On March 2, 1999, a resident of West Philadelphia and the purchaser of the firearms from Greensboro, North Carolina, were indicted by a Federal Grand Jury in the Eastern District of Philadelphia for *conspiring to engage in the business of dealing in firearms without a license, aiding and abetting, and receiving firearms while under indictment.*

On March 10, 1999, the Philadelphia Firearms Trafficking Task Force arrested them both for firearms violations. On April 23, 1999, the Philadelphia defendant pled guilty to *conspiracy* (18 U.S.C. Sec. 371), *engaging in the business of dealing firearms without a license* (18 USC 922 (a) (1) (A)), *aiding and abetting* (18 U.S.C. Sec. 2), and *unlawful interstate shipment of firearms* (18 U.S.C. Sec. 922 (n)). On September 24, 1999, he was sentenced to 46 months' incarceration, 3 years' supervised release, \$500 fine, and 100 hours of community service. On July 28, 1999, the North Carolina defendant pled guilty to *conspiracy* (18 U.S.C. Sec. 371), *engaging in the business of dealing firearms without a license* (18 U.S.C. Sec. 922 (a) (1) (A)), and *aiding and abetting* (18 U.S.C. Sec. 2). He was sentenced on October 29, 1999, to 24 months' imprisonment, 3 years' supervised release, a \$500 fine, and a \$200 special assessment fee.

In-State Trafficking in New Firearms by Small-Scale Family Member Straw Purchaser for Juvenile Gang Offenders. *Milwaukee, Wisconsin.* Between 1997 and 1998, guns recovered in various crimes and police actions were traced and entered into Project LEAD. The incidents included a search warrant for drugs, a search warrant for a suspect in a shooting, and recovery of a gun when a suspect pursued by police discarded the weapon. In partnership with the Milwaukee Police Department, ATF reviewed the Multiple Sales Database and found that these firearms were purchased as part of multiple sales. ATF subsequently examined the business records of the FFL where the guns were purchased. In February 1999, a 21-year-old made a multiple purchase of three handguns from the FFL and ordered four more handguns. After he took delivery of the four handguns, he was interviewed. He admitted that he had solicited his

uncle to straw purchase handguns for himself and his cousin when they were underage. The uncle had straw purchased 11 handguns for his nephews, both at the time under the age of 21 and members of street gangs. The new firearms included Keltec Industries Inc. 9mm caliber semiautomatic pistols, a Heritage Manufacturing 9mm caliber semiautomatic pistol, a Tanfoglio .45 caliber semiautomatic pistol, a Star .45 caliber semiautomatic pistol, a Taurus .45 caliber semiautomatic pistol, a Lorcin Engineering .380 caliber semiautomatic pistol, a Haskell .45 caliber semiautomatic pistol, a Tanfoglio 9mm caliber semiautomatic pistol, a Tanfoglio .45 caliber semiautomatic pistol, and a Bryco Arms 9mm caliber semiautomatic pistol. The cousin was a member of the Black Gangster Disciples and wanted firearms to continue a "gang war" with members of the Vice Lords. The cousin, while armed with one of the firearms acquired by his uncle, was killed by members of the Vice Lords.

The 21-year-old defendant pled guilty to *conspiracy* (18 U.S.C. Sec. 371) and to *falsifying ATF Form 4473* (18 U.S.C. 922 (a) (6)) and cooperated with the Government. In September 1999, he was sentenced to 15 months' imprisonment and 3 years' supervised release. The uncle, who had no prior criminal record, was found guilty of *conspiracy* (18 U.S.C. Sec. 371) and *falsifying ATF Form 4473* (18 U.S.C. Sec. 922 (a) (6)) for his straw purchase activities. In October 1999, he was sentenced to 37 months' imprisonment, 3 years' supervised release, and fined \$1,000.

Trafficking in New and Secondhand Firearms by Unlicensed Seller and Convicted Felon through Magazines and Gun Shows. *Louisville, Kentucky.* ATF regulatory inspectors examined an FFL's multiple sales and business records and found that certain individuals had acquired 70 firearms in 2 years. NCIC and Project LEAD searches showed that 11 of the 70 firearms had been recovered by the Louisville Police Department or traced. These firearms, some of which were recovered in the possession of youth, included semiautomatic pistols such as the Raven Arms .25 caliber, the Ruger 9mm caliber, the Davis Industries .32 caliber, the Colt .380 caliber, as well as .38 caliber revolvers made by Smith & Wesson.

In March 1997, ATF initiated a case against a convicted felon and another individual. The investigation showed that they had purchased the new and secondhand firearms from nearby FFLs and resold the firearms in-State and out-of-State at gun shows and through a local trade publication, the "Bargain Mart." At times, the men placed up to 20 ads offering firearms for sale every week. ATF agents executed two search warrants in June 1997 at the defendants' residences and seized approximately 64 firearms.

One defendant pled guilty to *conspiracy* (18 U.S.C. Sec. 371), *engaging in the business of dealing in firearms without a license* (18 U.S.C. Sec. 922 (a)(1)(A)), and *sale of a firearm to a prohibited person* (18 U.S.C. Sec. 922 (d)). In February 1999, he was sentenced to 6 months' home incarceration and 3 years' probation. He received a downward departure of seven levels in his sentence as a result of the cooperation he provided to the Government. The second defendant pled guilty to *conspiracy* (18 U.S.C. Sec. 371), *engaging in the business of dealing in firearms without a license* (18 U.S.C. 922 (a)(1)(A)), and *felon in possession* (922 (g)). On August 28, 1998, he was sentenced to 24 months' imprisonment and 3 years' supervised release.

In-State and Interstate Trafficking in Firearms Stolen by Juvenile and Adult from Residences. *Cincinnati, Ohio.* In November 1998, a juvenile and an adult stole 15 firearms from a residence in Fairfield, Ohio. With the help of three other juveniles, the firearms were sold to an individual who was subsequently arrested for receiving stolen property. This individual admitted selling at least 13 of the firearms to individuals in Cincinnati and other areas of Ohio as well as West Virginia. Most of the stolen firearms have been recovered and subsequently traced by ATF. Further investigation conducted by the Fairfield, Ohio Police Department and ATF revealed that the juveniles had been involved in many home burglaries, some of which involved the theft of additional firearms.

The stolen firearms included: a North China Industries SKS 7.62x39mm caliber rifle, a North China Industries MAK- 90 7.62x39mm

caliber rifle, a Sears, Robuck & Company, JC Higgins brandname .30-06 caliber rifle, a Remington .35 caliber rifle, a Remington 16 gauge shotgun, a Mossberg .410 gauge shotgun, a Savage/Stevens .22 caliber rifle, a Savage/Stevens 16 gauge shotgun, a WW II Japanese 7.7mm military rifle, an unidentified Marakov type 9x18mm caliber semiautomatic pistol, a Smith & Wesson .38 caliber revolver, a Smith & Wesson .32 caliber revolver, a Taurus .357 caliber revolver, a Ruger .22 caliber pistol, and a Harrington & Richardson, Inc. .32 caliber revolver. The juveniles, as well as the adult who participated in the theft of the 15 firearms, were all prosecuted in State Court. In September 1999, the individual who trafficked the firearms to Ohio and West Virginia pled guilty in Federal Court to a violation of 18 U.S.C. Sec. 922 (a)(5), *illegal transportation of firearms*. In January 2000, he was sentenced to 180 days' home incarceration and 3 years' probation.

Interstate Bartering and Trading New and Secondhand Firearms Stolen from Federally Licensed Firearms Dealer for Drugs. *Cincinnati, Ohio.* In April 1999, Cincinnati police officers stopped a vehicle and arrested four individuals from Kentucky and two Cincinnati residents. The four individuals aged 16, 18, 21, and 27, were transporting 26 handguns. The recovered firearms were run through NCIC records by Kentucky State Police, which revealed these new and secondhand guns had been stolen 2 days earlier from a federally licensed gun dealer in Flemingsburg, Kentucky. A 23-year-old co-conspirator was subsequently arrested and it was learned that the individuals were transporting the guns from Kentucky into Cincinnati, Ohio, for the purpose of trading them for drugs.

The handguns recovered in their vehicle were: an IMI .40 caliber semiautomatic pistol, a Smith & Wesson .22 caliber semiautomatic pistol, a Sig Sauer 9mm caliber semiautomatic pistol, a Smith & Wesson 9mm caliber semiautomatic pistol, a Smith & Wesson .22 caliber semiautomatic pistol, an FEG .380 caliber semiautomatic pistol, a Llana 9mm caliber semiautomatic pistol, a Bersa .380 caliber semiautomatic pistol, an Auto Ordnance .45 caliber semiautomatic pistol, a Ruger 9mm

caliber semiautomatic pistol, a Beretta .40 caliber semiautomatic pistol, an FEG .380 caliber semiautomatic pistol, an Accu-Tek .380 caliber semiautomatic pistol, a Charter Arms .22 caliber revolver, a Smith & Wesson .38 caliber revolver, a Smith & Wesson .357 caliber revolver, a Taurus .357 caliber revolver, a Rossi .38 caliber revolver, a Colt .357 caliber revolver; a Smith & Wesson .38 caliber revolver, an AMT .40 caliber pistol, a Smith & Wesson 9mm caliber semiautomatic pistol, a Smith & Wesson .357 caliber revolver, a Smith & Wesson

.38 caliber revolver, and a Colt .44 Magnum caliber revolver. Three of the four co-defendants from Kentucky pled guilty to carrying concealed weapons and possession of stolen property in the Court of Common Pleas, Cincinnati, Hamilton County, Ohio. Their sentences ranged from 18 months to 7 years. The 23-year-old co-conspirator pled guilty in Federal Court to violations of 18 U.S.C. Sec. 922 (u), *theft from an FFL*, and 18 U.S.C. Sec. 2, *aiding and abetting*. He received 18 months' incarceration.

4 — Information for Law Enforcement Executives

This section answers frequently asked questions from law enforcement executives about the Youth Crime Gun Interdiction Initiative, comprehensive tracing, and ATF's firearms enforcement programs.

What is a crime gun trace?

A crime gun trace by ATF's National Tracing Center (NTC) seeks to identify the Federal firearms licensees (FFLs) who first came in contact with the firearm, i.e. manufacturer, wholesaler, retailer, and the individual who first purchased the firearm from the retail dealer.

In addition, for certain FFLs, the NTC may also be able to provide trace information for firearms re-sold as used guns and subsequently recovered by law enforcement. Finally, ATF special agents and their State and local counterparts sometimes conduct investigative traces which seek to identify the complete chain of possessors from initial retail purchase to recovery by law enforcement.

What is the investigative value of a crime gun trace?

A firearms trace acts as an avenue to obtain additional investigative leads which may tie the suspect to the firearm itself, and to other crimes otherwise unknown if the gun had not been traced. *The appearance of an FFL or a first purchaser in association with a crime gun or in association with multiple crime guns does not show that either the FFL or first purchaser has committed unlawful acts. Rather, such information may provide a starting point for further and more detailed investigations.*

How does my agency submit a crime gun trace request to the NTC?

Traces can be submitted by fax (1-800-578-7223). In emergencies, trace requests can be made by telephone (1-800-788-7133). Trace forms can be obtained by calling the ATF Distribution Center (703-455-7801), by calling your local ATF office, or through the Internet at www.atf.treas.gov.

Will my department be charged for an NTC trace?

The NTC will trace any and all crime guns submitted for tracing at no charge.

What is *comprehensive* crime gun tracing?

Comprehensive crime gun tracing occurs when law enforcement authorities in a given jurisdiction routinely submit the serial number, manufacturer, model, caliber, and weapon type of all firearms recovered in their jurisdiction to ATF's NTC.

For more complete analysis, law enforcement authorities may submit information on the possessor of the firearm (when there is a possessor), associate (any individual who may be associated with the possessor at the time of recovery), and recovery date and address.

What is the investigative value to my department of comprehensive crime gun tracing?

Large numbers of traces can be analyzed to develop proactive leads to gun traffickers, armed offenders, and illegal possessors of firearms. When the NTC compiles comprehensive crime gun trace information for a law enforcement agency, it can furnish information relating to the following questions: 1. *What kinds of guns are being recovered in my area?* 2. *What types of crimes are associated with these recovered crime guns?* 3. *Who are the dealers that are the source of crime guns recovered in my area?* 4. *Who are the individuals supplying firearms to the criminals and juveniles in my area?* 5. *Where are the recovery locations?* 6. *Are the source areas in the county or the State, or from out-of-State?* 7. *Where should my resources be concentrated to stem the flow of firearms to my streets?*

5 — Progress and Plans: The Strategic Use of Crime Gun Information

This section describes the progress made in comprehensive crime gun tracing during the past year. Crime gun tracing is voluntary for most law enforcement agencies. Through the Youth Crime Gun Interdiction Initiative (YCGII) and other firearms enforcement programs, ATF in 1996 began a concerted effort to work with other law enforcement organizations to maximize the utility of this critical investigative tool. To develop and encourage crime gun tracing, ATF continues to strive to improve the tracing process, the quantity, quality, and delivery of crime gun information, and related investigative services to ATF agents and their State and local partners.

5-1 Level and Quality of Crime Gun Tracing

Number of Crime Guns Traced. The number of firearm traces submitted to the National Tracing Center (NTC) increased from 197,537 traces in 1998 to 206,070 traces in 1999; a 4 percent increase. Law enforcement officials in the 38 participating YCGII cities submitted approximately 66,787 crime gun trace requests between January 1, 1999 and December 31, 1999, 32 percent of the total number of crime gun trace requests submitted to the NTC during this period. The 12 new YCGII cities submitted 11,885 trace requests.

Comprehensive Crime Gun Tracing. Police departments that join the YCGII make a commitment to trace *all* crime guns recovered in their jurisdictions in order to maximize investigative leads and permit analysis of local crime gun patterns by age group. While other law enforcement agencies are making similar commitments and meeting them successfully, the annual *Crime Gun Trace Reports* currently include only YCGII cities. ATF makes a special effort to ensure the accuracy of the information collected for these reports. While the NTC cannot determine definitively whether all recovered crime guns are being traced, an evaluation can be made based on the number of trace requests, the tracing infrastructure in the law enforcement agencies, and on information obtained from local officials. On this basis, the NTC determined that during 1999, 24 of the 38 cities participating in YCGII were tracing comprehensively. These cities were *Baltimore, MD; Boston, MA; Charlotte-Mecklenburg, NC; Chicago, IL; Cincinnati, OH;*

Cleveland, OH; Dallas, TX; Gary, IN; Jersey City, NJ; Memphis, TN; Miami, FL; Milwaukee, WI; Minneapolis, MN; New Orleans, LA; New York, NY; Philadelphia, PA; Portland, OR; Richmond, VA; San Antonio, TX; San Jose, CA; St. Louis, MO; Tampa, FL; Tucson, AZ; and Washington, DC. Of the remaining 14 cities, 12 cities provided a sufficiently substantial number of traces for a city-based analysis, and two cities submitted insufficient trace requests to complete a *City Report* but were included in the *National Report*. In each *City Report*, *Table H* reports each city's number of trace submissions.

State Comprehensive Crime Gun Tracing Laws. Four States recently have enacted firearms tracing laws: California (California Penal Code section 11108.3 (1998)), Connecticut (Connecticut General Statute, sec. 54-36n (1998)), North Carolina (114-10. Division of Criminal Statistics, Session Laws 1999-225, s. 1 (1999)) and Illinois (720 ICLS 5/24-8 (1998)) (juvenile crime guns only). Maryland is instituting Statewide comprehensive tracing by Executive Order 01.01.1998.20. Comprehensive tracing has been achieved in New Jersey through the initiative of law enforcement authorities. ATF is working with appropriate authorities in these States to assist in implementing their tracing laws.

Number of Completed Traces. The NTC is continually improving its ability to diagnose the reasons for missing crime gun trace information to learn what type of crime gun information is most consistently missing or inaccurately reported, and to determine whether the failure to match serial numbers is due to oblit-

eration, faulty recording, incorrect Federal Firearms Licensee (FFL) records, or data mismanagement. This effort is shown in *Tables I and J* of the *City Reports*, and summarized nationally here.

Increased FFL identification rate. For trace requests where the NTC initiated a trace, the NTC identified Federal firearms licensees for 75 percent (44,369) of crime guns. This represents an improvement over the 66 percent rate reported in 1998's *Crime Gun Trace Reports*.

Obstacles to identifying purchasers. As in 1998, the NTC identified retail purchasers for over half (52 percent, 35,006) of the crime guns. Where a trace was initiated by the NTC, purchasers were not identified for several reasons, including:

- problem with crime gun serial number (13 percent)
- records on this crime gun unavailable (7 percent)
- problem with importer name (7 percent)
- problem with manufacturer name (4 percent)
- records not available (1 percent)
- expiration of 20-year record retention requirement (1 percent).

Uninitiated traces. The NTC did not initiate a trace for about a tenth (11 percent, 7,513) of the trace requests, for several reasons, including:

- firearms manufactured before 1969 and not traceable through Out-of-Business records (9 percent)
- trace request submitted for informational purposes only (2 percent)
- other reasons (0.5 percent)

The initiation of 90 percent of the trace requests from YCGII jurisdictions is an improvement over prior years and this improvement is attributable, in part, to a policy instituted by the NTC in 1999 of initiating traces on all crime gun trace requests, including older firearms that were previously untraced.

Other limitations. With sufficient information about the crime gun, the NTC can identify the first retail purchaser of crime guns. In most cases, it cannot identify retail purchasers of crime guns re-sold by FFLs as used guns, or of crime guns acquired as used guns from unlicensed sellers. As a result of the structure of the firearms laws, an NTC trace usually stops at the first retail purchase of the firearm recovered by law enforcement.

5-2 Investigative Support for State and Local Law Enforcement Agencies

Trace Analysis, Mapping, and Investigative Support. The NTC Crime Gun Analysis Branch (CGAB) has been increasingly active in responding to requests from law enforcement agencies for assistance in developing strategic overviews of the local crime gun problem and in law enforcement investigations and regulatory inspections. In 1999, the CGAB completed over 30 crime gun mapping requests, including 10 YCGII cities; 130 requests for crime gun trace information; 650 requests for queries of the Firearms Tracing System (FTS) concerning individuals; 600 requests for queries concerning FFLs; 230 proactive referrals to investigators on suspected firearms traffickers; 20 presentations in 1999 on crime gun trace analysis through crime gun mapping and Online LEAD to YCGII cities, and prepared the *Crime Gun Trace Reports*.

Field Resource: Online LEAD. Online LEAD is the current version of Project LEAD, ATF's crime gun trafficking information system. In 1999, the number of ATF investigators using Online LEAD increased from less than 100 to approximately 1,400 users. In November 1999, Online LEAD was deployed to all ATF field offices to enable ATF agents, inspectors, and local task force officers to access crime gun trace and related multiple sales information directly from their desktop computers using the ATF Intraweb, with over 200 users from YCGII cities receiving access. ATF investigators in all locations can now access not only local but all nationwide crime gun information, facilitating

regional and interstate investigations. Also in 1999, the NTC added a number of enhancements to make the system more user friendly, including additional information fields and queries aimed at the local investigator.

New Features in the Crime Gun Trace Reports. This year's reports are provided on a calendar year basis for the first time. ATF is presenting a *National Report* for the first time, based on traces from a significant number of cities with a population of 250,000 or more. Other significant improvements include the addition of: analysis of models of crime guns for nine cities that provided adequate information (*National Report*); new information relevant to officer safety (*National and City Reports*) and on crime guns purchased in multiple sales (*National Report*); maps showing crime gun sources (*National and City Reports*); reporting on instances where the purchaser is the crime gun possessor (*City Reports, Table A*); median time-to-crime (*City Reports, Table E*); county level geographic source information (*City Reports, Table G*); trace completion rates for possessor age, recovery location, manufacturer, and importer (*City Reports, Table H*); and additional analysis of reasons for lack of trace completion (*City Reports, Table J*).

Training: Firearms Tracing and Illegal Trafficking Investigations. In 1999, ATF developed a training CD-ROM to help train Federal, State, and local law enforcement officers participating in YCGII in firearms identification and tracing procedures. ATF field agents learned how to use the YCGII Instructor CD-ROM and then delivered it locally. Because of the important role of firearms trafficking investigations in the reduction of violent crime, the International Association of Chiefs of Police, in a program funded by the Department of Justice's Bureau of Justice Assistance, in 1999 continued to provide training at the NTC for police departments interested in starting comprehensive crime gun tracing and trafficking enforcement programs.

Training: Restoration of Obliterated Serial Numbers. ATF continues to work with police departments and law enforcement laboratories to restore obliterated serial numbers on crime

guns and to develop local coordinated enforcement efforts to trace and proactively target leads derived from recovered crime guns with obliterated serial numbers. ATF has developed a 3-day session of instructional and hands-on training for State and local investigators and firearm examiners covering the importance of restoring obliterated serial numbers and tracing those firearms. Thirteen schools were held in fiscal year 2000, five in YCGII cities.

5-3 Improvements in the Tracing Process and Tracing Support for State and Local Law Enforcement Agencies

Currently, a routine firearm trace takes an average of 10 and a half business days to complete. Urgent traces are completed within 24 hours. In 1999, ATF continued to take steps to shorten the time it takes to complete a routine trace, and facilitate law enforcement agencies' ability to submit and receive trace information.

The Transition to Paperless Tracing. The NTC supports the receipt of batches of trace requests via electronic file transfer from Federal, State, and local law enforcement agencies. This firearms tracing process was designed specifically for those agencies which are already utilizing some type of automated system, i.e., property, incident, or ballistics database. The process simply involves the user extracting the data the NTC requires to initiate a firearms trace, creating a formatted data file, and then sending that "batch" of data via a modem to the NTC. This system was designed to decrease the turnaround time for routine traces, report the trace results faster, cut down on the number of errors, and offer a user-friendly alternative to manual trace request submission.

In 1999, the NTC made ETSS available to all ATF Field Offices by downloading the software from the NTC page on the ATF Intranet. Upon request, law enforcement agencies can upload ETSS by CD-ROM. Currently 62 State and local law enforcement agencies, including agencies in 35 of the 38 YCGII cities, have ETSS access.

Access 2000: Firearms Industry Cooperation. Access 2000 is an ATF produced system that allows a manufacturer, importer, or wholesaler to download a subset of their firearms data into a stand-alone personal computer. ATF tracers can then dial up and query on a specific serial number in order to obtain a disposition on the firearm. Access 2000 also allows 24-hour access to manufacturer, importer, or wholesaler records and is, therefore, particularly useful for urgent traces. The system speeds the trace process from 1 to 3 days by eliminating the step of calling or faxing the manufacturer, importer, or wholesaler and waiting for the results of the crime gun's disposition, while also reducing firearms industry trace-related costs. In 1999, use of Access 2000 increased from 6 to 10 manufacturers and/or wholesalers, and now includes 9 manufacturers: Beretta U.S.A. Corp., H&R 1871 Inc., Smith & Wesson, Taurus, Heckler & Koch, Marlin, Mossberg, Colt, and Glock G.m.b.H.; and two major wholesalers: RSR Wholesale Guns and Davidson's Supply Company.

Multiple Sales Records and Crime Gun Tracing. The NTC continues to use multiple sales records to speed crime gun tracing. FFLs are required by law to report multiple sales transactions of handguns and to forward those records to the NTC. To facilitate crime gun tracing, the NTC began maintaining multiple sales information in a Multiple Sales Database linked to the FTS. When a crime gun trace request is received, the serial number is entered into the FTS. If the serial number entered matches a serial number in the Multiple Sales Database, the crime gun trace request can be closed immediately with the multiple sales purchaser information without time-consuming telephone calls to FFLs. In 1999, approximately 3 percent of 1999 YCGII traces were completed with purchaser information from a multiple sales transaction. Because the Multiple Sales Database was established in November 1998, and there may be a delay of several years before a crime gun is traced, the NTC anticipates resolving more traces through the multiple sales database in the future.

Out-of-Business Records Imaging and Crime Gun Tracing. The NTC is also using FFL Out-of-Business records to speed crime gun tracing. When an FFL discontinues business, the FFL is required by law to forward business records within 30 days to the Out-of-Business Records Center (OBRC) located at the NTC. OBRC receives and microfilms the acquisition and disposition records and ATF Form 4473's from all firearm transactions completed by FFLs who have discontinued business. OBRC processed records for 6,356 FFLs from January 1, 1999 to December 31, 1999. In this time period, over 8 percent of all crime gun traces were completed with information from an out-of-business dealer. To speed and increase traces completed through out-of-business records, the NTC is shifting from a microfilm to an imaging system that can link firearm serial numbers to the FTS. When a crime gun serial number is entered into the FTS, the serial number automatically will be checked against the Out-of-Business records as well as the Multiple Sales Database and previously entered crime gun trace information. If there is a match on the imaged serial number, NTC personnel can immediately pull it from the microfilmed Out-of-Business records to complete the firearm disposition to either an FFL or a final retail purchaser. The NTC expects this improvement to speed tracing and enable the completion of additional older crime gun traces, including used firearms re-sold by out-of-business FFLs.

5-4 Future Developments

Investigative Tracing for Juvenile Crime Guns. ATF is instituting a new investigative policy requiring special agents in all YCGII cities to conduct investigative traces on all crime guns recovered from juveniles and youth up to age 21. Investigative traces are traces that go beyond the first retail purchaser through the chain of possession until the crime gun reaches the crime gun possessor. After its initial retail purchase, a crime gun may be transferred repeatedly before being used in a crime. For instance, it may be re-sold by an unlicensed seller, stolen, and then re-sold to an

FFL, and re-sold again. In an investigative trace, special agents attempt to track the full chain of possession to determine how the juvenile obtained the firearms, to build a case against any illegal suppliers. Analysis of juvenile investigative trace information will increase our understanding of how juveniles obtain crime guns.

Support for Additional Law Enforcement Agencies. ATF plans to provide comprehensive tracing support and trace analysis reporting through YCGII to all cities with populations of 250,000 or more and to other jurisdictions with special firearms crime problems. Twelve new cities will be added in 2000. ATF plans to assign additional agents to YCGII sites to follow up on investigative leads. ATF also plans to provide tracing software and training to 250 additional law enforcement agencies.

Electronic Trace Returns (ETR). To reduce trace response time, the NTC in 1999 began development of ETR to provide ATF field offices and law enforcement agencies with electronic trace results in addition to printed trace reports. Currently, Federal, State, and local law enforcement can submit trace requests electronically, but can only receive individual trace responses via a hard copy on paper. (Upon request by law enforcement agencies, the NTC will extract all of a jurisdiction's trace requests from the Firearms Tracing System and provide them on disk.) ETR will apply only to those sites submitting trace request data electronically. ETR is expected to be available by the end of 2000 and will reduce routine trace response time by 2 to 3 days.

Expanded Access 2000. To speed tracing, ATF will dedicate additional resources to sign up more manufacturers, importers, and wholesalers to respond to NTC trace queries electronically through Access 2000, allowing 24-hour access to FFL records. ATF expects an additional 7 to 10 manufacturers, importers and wholesalers to join the system by October 2001.

Firearms Identification Guide. To address the problem of unsuccessful traces due to faulty information on the trace request form, the NTC

is developing a CD-ROM that will train the law enforcement community in firearms identification. The CD will contain graphic illustrations, historical data, and specifications on the 100 most frequently traced firearms. The CD is intended to be a stand-alone training aid that can be utilized by everyone from entry level personnel to senior investigators to crime laboratories. The CD can also be used to print hard copy material for handouts and presentations.

Improved Electronic Trace Submission. ETSS Version 2.6, which will be released in the beginning of fiscal year 2001, will afford the users with the capability to link the database to their local server. This will allow ETSS to be installed on numerous machines while at the same time capturing all trace request data in one centralized database. A user's guide for Version 2.6 will be provided.

Regional Crime Gun Centers. To ensure comprehensive crime gun tracing, and to support coordinated investigations that follow a crime gun's history, ATF is planning to increase the number of regional crime gun centers. Equipped with the best information hardware and software, a crime gun center is used by ATF and State and local investigators and analysts to develop investigative leads on armed criminals and gun traffickers and develop local and regional trend and pattern analysis and crime gun mapping to assist in local violence reduction strategies. The New York Crime Gun Center, the first, has sent over 340 viable leads to investigators in over 20 States, many of them resulting in firearms violations investigations and arrests of firearms traffickers. Two additional centers are underway in Chicago and Washington, DC. ATF is reviewing this project to establish models that can be replicated based on the demographics of particular areas, and looks to greatly expand this concept.

Used Crime Gun Trace Information. The NTC in 2000 began requiring certain FFLs who failed to cooperate with crime gun traces as well as those with 10 or more crime gun traces with a time-to-crime of 3 years or less, to report certain firearms transaction information to the

NTC to permit crime gun tracing. For those FFLs, the NTC is now able to trace certain firearms sold used by FFLs that were recovered in crime. This information will be incorporated into crime gun tracing reporting in the future.

Ballistics Identification and Crime Gun Tracing. Many State and local law enforcement agencies have installed ballistics imaging systems as part of the growing National Integrated Ballistics Identification Network

(NIBIN). In some cases, an image of the cartridge case or the bullet can be linked to a serial number and permit a crime gun trace. Such traces are not yet included systematically in the Firearms Tracing System or the annual *Crime Gun Trace Reports*. As this information becomes available, ATF will make related crime gun and ballistics information available in an integrated and accessible investigative information system as well as in related reports.

Appendix A

Glossary

ASSOCIATE

Any person or persons who can be linked to the possessor of the crime gun at the time of its recovery by law enforcement.

ATF FORM 3310.4, MULTIPLE SALES REPORT

A form completed by all Federal Firearms Licensees (FFLs) whenever they transfer two or more handguns within 5 consecutive business days to the same individual. The completed form contains full identifying information concerning the purchaser, the firearms, the date of transfer, and the FFL. FFLs are required by Federal law to forward this form to the National Tracing Center either by fax or mail by the close of business on the day on which the sale occurs. 18 U.S.C., Chapter 44, § 923 (g) (3).

ATF NATIONAL TRACING CENTER DIVISION (NTC)

The Division includes the National Tracing Branch (NTB) and the Crime Gun Analysis Branch (CGAB). The NTB works with law enforcement entities and the firearms industry to trace the origin and initial sale history of a firearm recovered by law enforcement officials in the United States or abroad. In some instances, the NTB traces crime guns that are sold as used guns by FFLs. The NTB is also the repository for all FFL out-of-business records and multiple sales records. The CGAB provides investigative leads to ATF field personnel, houses the FFL lost and stolen firearms reports, supports the worldwide law enforcement community by identifying firearms traffickers who supply firearms to criminals and juveniles, and prepares maps, trends, and pattern analyses, including the annual *Crime Gun Trace Reports*.

CALIBER

The diameter of a projectile intended to be expelled from a firearm or the dimension of the bore of a given firearm.

COLLECTOR

Any person who acquires, holds, or disposes of firearms as curios or relics.

COMPREHENSIVE TRACING

The tracing by law enforcement of all recovered crime guns in a geographic area (e.g., town, county, metropolitan area, or State). Trace information is used to maximize investigative leads for use in identifying illegal firearms traffickers and violent criminals, and to analyze crime gun trends and patterns.

CRIME GUN

A crime gun is any firearm that is illegally possessed, used in a crime, or suspected to have been used in a crime. An abandoned firearm may also be categorized as a crime gun if it is suspected it was used in a crime or illegally possessed.

DEALER

Any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or any licensee who is a pawnbroker.

ELECTRONIC TRACE SUBMISSION SYSTEM (ETSS)

ETSS can be a stand-alone or part of a networked, multi-user system that enables ATF Field Offices and other law enforcement organizations to capture firearm trace related data. This data is exported from ETSS and the batch file is then electronically sent for processing to the National Tracing Center (NTC).

"ENGAGED IN THE BUSINESS"

A person is "engaged in the business" as a dealer in firearms if he or she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. The term does not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his or her personal collection of firearms.

FEDERAL FIREARMS LICENSEE (FFL)

Any persons, including a partnership, corporation, or business entity, holding a valid license issued by ATF that allows them or their employees to "engage in the business" of dealing, manufacturing, importing, repairing or pawnbrokering firearms. By law, all FFLs must keep records of their firearms transactions and forward all their records to ATF upon going out of business.

FIREARM SERIAL NUMBER

The Gun Control Act of 1968 requires that an individual serial number be affixed to firearms manufactured or imported into the United States. This unique serial number is one of several key elements used in accurately identifying a firearm and tracing it to the FFL who first sold it to an unlicensed purchaser.

FIREARM TRACE

The systematic process of tracking a recovered crime gun's history from its source (manufacturer/importer) through the chain of distribution (wholesaler/retailer) to the individual who first purchases the firearm.

FIREARM TRACE REQUEST

Information submitted to the NTB by the law enforcement community to solve individual crimes and acquire illegal trafficking information. Requests may be submitted by telephone (high priority/urgent), facsimile, mail, or as an electronic file through several different formats. ATF trace request forms require specific information to include, but not limited to, a description of the firearm, the individuals possessing or associated with the firearm, the recovery location, and the underlying offense that brought the crime gun to the attention of law enforcement.

FIREARM TYPE

The NTC categorizes firearms into a number of types that include, but are not limited to, pistols, revolvers, derringers, shotguns, rifles, combination firearms, machine guns, destructive devices, and unknown gun type. Firearms are generally described by identifying the firearm type, manufacturer, and caliber. This information, together with additional data such as the serial number and model, are used to accurately trace a firearm.

SEMIAUTOMATIC PISTOL

Any repeating pistol which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

PISTOL

A weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s).

REVOLVER

A projectile weapon of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

DERRINGER

The term "derringer" has no legal definition, but for the purposes of this report it is interpreted as any one of a variety of small pocket or palm size pistols having one or more barrels.

RIFLE

A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

SHOTGUN

A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

COMBINATION GUN

A multi-barreled firearm designed or redesigned, made or remade, and intended to be fired from the shoulder having two or more different caliber barrels. Such firearms generally exhibit some combination of rifled barrels and smoothbore shotgun barrels.

MACHINEGUN

This term includes, in part, any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon.

DESTRUCTIVE DEVICE

This term includes, in part, any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.

IMPORTER

Any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution. The term shall include any person who engages in such business on a part-time basis.

INVESTIGATIVE TRACE

Investigative traces are traces that go beyond the first retail purchaser through the chain of possession until the crime gun reaches the crime gun possessor. After its initial retail purchase, a crime gun may be transferred repeatedly before being used in a crime. Further information regarding the crime gun's trail is obtained by ATF field personnel and/or other members of the law enforcement community.

MANUFACTURER

Any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution. The term shall include any person who engages in such business on a part-time basis.

MARKET AREA

An area where firearms acquired in one or more source areas are possessed by individuals from whom they are later recovered.

OBLITERATED SERIAL NUMBER

Some individuals obliterate or attempt to obliterate the firearm serial number to make it more difficult to trace. ATF and local law enforcement agencies can restore the serial numbers of many of these crime guns. Obliteration of a serial number is a felony under Federal law, as is the possession of a firearm with an obliterated serial number.

PAWNBROKER

Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

POSSESSOR

The individual in possession of a crime gun at the time of its recovery by law enforcement.

PROJECT LEAD (ONLINE LEAD)

ATF's information system designed to produce investigative leads concerning illegal firearms trafficking. The system compiles trace information in order to identify recurring trends and patterns that may indicate illegal trafficking. Online LEAD is an investigative tool provided to ATF field offices for use by local and State task forces.

PURCHASER

The individual who purchases a firearm from an FFL. A firearm trace seeks to identify the FFL who first sold the crime gun and the first individual who purchased the firearm. This information can assist law enforcement officials in investigations and in understanding the sources of illegal trafficking in firearms.

SOURCE AREA

A geographic area where illegal firearms traffickers obtain firearms that they acquire and transport to other locations for unlawful resale and/or transfer.

SOURCE STATE

The State in which the FFL that first sold the crime gun at retail is located. The source State can only be determined if a trace identifies the FFL who sold the firearm.

STRAW PURCHASE

The acquisition of a firearm(s) from a federally licensed firearms dealer by an individual (the "straw" purchaser) for the purpose of concealing the identity of the true intended receiver of the firearm(s).

STRAW PURCHASER

A person illegally purchasing a firearm from a federally licensed firearms dealer for another person, including for unlicensed sellers, criminal users, juveniles, and other prohibited possessors. Straw purchasers may be friends, associates, relatives, or members of the same gang.

TIME-TO-CRIME

The period of time between a firearm's acquisition by an unlicensed person from a retail licensee and law enforcement's recovery of that firearm during use, or suspected use, in a crime. A short time-to-crime suggests the firearm will be easier to trace. This measure can be an important indicator of illegal firearms trafficking.

Appendix B

Technical Notes

1. Interpreting Information in National Tracing Center Records from Participating Jurisdictions

This note discusses limitations in using this information to compare one participating jurisdiction with another and to track the same jurisdiction from 1 year to the next.

The Youth Crime Gun Interdiction Initiative (YCGII) began in 1996. It is an emerging collaboration among Federal, State, and local law enforcement officials, ATF field offices, the ATF National Tracing Center, and ATF contractors from the academic community to improve enforcement of the Federal firearms laws, especially those relating to illegal firearms transfers to youth offenders, felons, juveniles, and other prohibited persons.

This is the third report published by ATF that uses information from trace requests submitted from YCGII jurisdictions to describe crime guns recovered by law enforcement agencies in those jurisdictions. This information improves the knowledge base for the enforcement of Federal and State firearm laws and regulations. It is, however, subject to several limitations. These arise out of three basic factors:

First, the program is undergoing constant change. The effort to achieve comprehensive tracing has not been fully realized. In 17 jurisdictions, this is the third year of this program; in 10 jurisdictions, this is the second full year of participation, and for 11 jurisdictions, this is the first full year of participation.

Second, the extent of program implementation varies from one jurisdiction to another based on each one's size, extent of agency computerization, information intake procedures, firearms-focused law enforcement activity, and the nature of its crime gun problem. At this stage of development, it is not appropriate to attempt to impose a single standard on all participating jurisdictions.

Third, the program is still developing. ATF and local law enforcement agencies are still learning from each other how to best implement this

program and to utilize the information obtained. This report and others to be produced by the Crime Gun Analysis Branch (CGAB) of the National Tracing Center are part of that developing process.

These factors result in data limitations, among them the following:

Some jurisdictions have not yet reported all their firearms for 1999. Changing law enforcement procedures to obtain all crime guns from all agencies does not happen immediately or consistently throughout a particular agency. In such jurisdictions, the lag in reporting recovered firearms to ATF will generate data on fewer firearms than law enforcement agencies actually recovered.

The data reported here reflects the behavior of law enforcement agencies whose policies and practices, including when and how firearms are recovered and how those recoveries are recorded, are changing in response to local attention to firearms crimes. These changes could increase or decrease the number of firearms trace requests made to the National Tracing Center.

Crime rates are changing. In some jurisdictions, like New York and Boston, the number of firearm related homicides and other crimes has dropped dramatically between 1996 and 1999. Changes in the number of trace requests could reflect changes in the number of crime guns that come to the attention of law enforcement agencies.

While the 38 participating jurisdictions represent a wide spectrum of American life, they do not represent a national sample of law enforcement agencies or crime guns recovered by law enforcement agencies. Participation in this program is voluntary, and jurisdictions included were not selected to be representative of the nation as a whole, rather they were included primarily because of a focus on youth gun crime. In 1999, however, 32 of the 38 jurisdictions had a population over 250,000. The population of these 32 jurisdictions repre-

Appendix C

OMB No. 1512-0541

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
NATIONAL TRACING CENTER TRACE REQUEST

FOR NTC DATA ENTRY ONLY

Phone: 1-800-788-7133

Falling Waters, WV 25419

FAX: 1-800-574-7223

NOTE: * - REQUIRED ENTRY FIELD (Must be completed for trace processing) ** - REQUIRED ENTRY WITH LISTED DATA RESPONSE (See back for codes and options)

PART I - TRACE INITIATION INFORMATION

1a. DATE OF REQUEST 1b. PRIORITY* ROUTINE URGENT (Justification required) FOR NTC INFORMATION ONLY
JUSTIFICATION
1c. SPECIAL INSTRUCTIONS

PART II - CRIME CODE INFORMATION

2a. GANG INVOLVED? GANG NAME: _____ JUVENILE INVOLVED? YOUTH CRIME GUN ENTERED IN NIBIN? NIBIN No.: _____
2b. PROJECT CODE** 2c. NCIC CRIME CODE**

PART III - ATF AGENT REQUESTING TRACE

3a. ORGANIZATION CODE* 3b. PHONE NUMBER: _____ FAX NUMBER: _____ 3c. ATF SPECIAL AGENT'S NAME (Last, first, middle)
3d. BADGE NUMBER 3e. ATF CASE NUMBER 3f. FIELD OFFICE

PART IV - OTHER AGENCY REQUESTING TRACE

4a. ORI NUMBER* 4b. PHONE NUMBER: _____ FAX NUMBER: _____ 4c. OTHER AGENCY OFFICER'S NAME (Last, first, middle)
4d. BADGE NUMBER 4e. OTHER AGENCY CASE NUMBER 4f. DEPARTMENT/UNIT

4g. MAILING ADDRESS

PART V - FIREARMS INFORMATION

5a. SERIAL NUMBER* OBLITERATED ATTEMPT TO RAISE 5b. FIREARMS MANUFACTURER*
5c. TYPE** 5d. CALIBER* 5e. MODEL* 5f. COUNTRY OF ORIGIN* (Importer required if other than U.S.)
5g. IMPORTER* 5h. ADDITIONAL MARKINGS*

PART VI - POSSESSOR INFORMATION

6a. NAME (Last) (First) (Middle) (Suffix) CRIMINAL HISTORY
ALIAS (AKA) (Last) (First) (Middle) (Suffix) AKA DATE OF BIRTH
6b. HEIGHT 6c. WEIGHT 6d. SEX 6e. RACE 6f. ADDRESS - ROUTE NUMBER
6g. APT. NUMBER 6h. STREET No. 6i. DIRECTION 6j. STREET NAME 6k. CITY
6l. COUNTY 6m. STATE 6n. ZIP CODE - 6o. COUNTRY
6p. DATE OF BIRTH 6q. PLACE OF BIRTH 6r. POSSESSOR'S ID NUMBER ID TYPE/STATE

PART VII - ASSOCIATE INFORMATION

7a. NAME (Last) (First) (Middle) (Suffix) CRIMINAL HISTORY
ALIAS (AKA) (Last) (First) (Middle) (Suffix) AKA DATE OF BIRTH
7b. HEIGHT 7c. WEIGHT 7d. SEX 7e. RACE 7f. ADDRESS - ROUTE NUMBER
7g. APT. NUMBER 7h. STREET No. 7i. DIRECTION 7j. STREET NAME 7k. CITY
7l. COUNTY 7m. STATE 7n. ZIP CODE - 7o. COUNTRY
7p. DATE OF BIRTH 7q. PLACE OF BIRTH 7r. ASSOCIATE'S ID NUMBER 7s. ID TYPE/STATE

PART VIII - FIREARM RECOVERY INFORMATION

8a. RECOVERY DATE* 8b. ROUTE NUMBER 8c. APT. NUMBER 8d. STREET No. 8e. DIRECTION 8f. STREET NAME
8g. CITY* 8h. STATE* 8i. ZIP CODE -

8j. ADDITIONAL INFORMATION

ATF F 3312.1 (3-2000) PREVIOUS EDITION IS OBSOLETE

INSTRUCTIONS FOR COMPLETING ATF F 3312.1 - REQUEST FOR A FIREARMS TRACE

GENERAL INSTRUCTIONS - *Required Data Entry Fields And **Available Options/Codes Listed For Reference

The information requested on this form is needed to initiate a trace request. All fields marked with an asterisk (*) indicate required entry data fields. All areas so marked must be completed in order to effectively and expeditiously execute the trace request. Fields marked with a double asterisk (**) indicate areas of required data entry with available options and codes listed for reference (refer to lists below to determine the appropriate entry and correct nomenclature).

REQUIRED ENTRY FIELDS INCLUDE:

- Question 1b** - (Justify Urgent Trace) See Priorities listed below
- Question 2b** & 2c** - Include Project Code and list NCIC Code
- Question 3a* - Office Organizational Code *Per Use by ATF Requester Only*
- Question 4a* - ORI - NCIC Originating Requestor Identifier
- Question 5a*, 5b*, 5c**, 5d*, 5e*, 5f*, 5g* & 5h* - Verify data
- Question 8a*, 8g* & 8h* - Confirm Recovery data to be submitted

QUESTION 1B - TRACE PRIORITY (Enter Numbered Qualifier to Justify Urgent Trace Request)

NOTE: An urgent trace is deemed necessary when the violation are significant and circumstances warrant or require that the firearm be traced without undue delay. Examples of this are: to hold a suspect, provide probable cause, officer and public safety, etc. The following are examples of significant violations.

- 1 - Assault
- 2 - Bank Robbery
- 3 - Kidnapping
- 4 - Murder/Suicide
- 5 - Rape/Sex
- 6 - Terrorist Act
- 7 - Terrorist Threat
- 8 - Other (specify circumstance)

QUESTION 2B - PROJECT CODES (Enter all codes that apply)

- AJS - Adult In School
- GNG - Gang Related
- JSS - Juvenile & School (Ages 17 & under)
- JVV - Juvenile & Violence (Ages 17 & under)
- OBL - Obligated Serial Number
- ORG - Organized Crime
- SCH - School Involvement (No Possessor)
- SEN - Sensitive/Significant
- MUN - Murder and Narcotics (Ages 25 & older)
- MIL - Militia Related Project
- YCG - Youth Crime Gun
- YIS - Juvenile and School (Ages 18 - 24)

QUESTION 2C - NCIC CRIME CODES (Enter one code only. For complete listing refer to NCIC Manual)

0199 Sovereignty	1311 Aggravated Assault (Police)	2999 Damage Property	5399 Public Peace
0299 Military	1399 Assault	3599 Dangerous Drugs	5499 Traffic Offense
0399 Immigration	1499 Abortion	3699 Sex Offense	5599 Health - Safekeeping
0907 Homicide (Police)	1602 Threat (Terroristic)	3799 Obscenity	5699 Civil Rights
0911 Homicide (Suicide)	1702 Material Witness (Federal)	3802 Cruelty Toward Child	5799 Invasi Privacy
0999 Homicide (Street)	2099 Aison	3803 Cruelty Toward Spouse	5899 Smuggling (Customs)
1099 Kidnapping	2199 Extortion	3999 Gambling	5999 Election Laws
1101 Rape	2299 Burglary	4099 Commercial Sex	6099 Antitrust
1199 Sexual Assault	2399 Larceny	4199 Liquor	6199 Tax Revenue
1201 Robbery (Business)	2411 Unauthorized Use of Auto	4899 Obstruction Police	6299 Conservation
1204 Robbery (Street)	2499 Stolen Vehicle	4999 Flight - Escape	7099 Crimes Against Person
1211 Bank Robbery	2599 Counterfeiting	5099 Obstruct	7199 Property Crimes
1212 Car Jacking	2699 Fraud	5199 Bribery	7299 Morals
1299 Robbery	2799 Embezzlement	5211 Explosives	7399 Public Order Crimes
1301 Aggravated Assault (Family)	2899 Stolen Property	5212 Possession of Weapon	8100 Escape (Juvenile)

QUESTION 5C - TYPE OF FIREARM

- C = Combination - A weapon designed to be fired from the shoulder which is fitted with both a rifled barrel 16" or greater in length and a smooth-bore barrel 18" or greater in length with an overall length of 28" or more.
- M = Machine Gun - A weapon of handgun, rifle or shotgun configuration designed to automatically fire more than one shot, without manually reloading, by a single function of the trigger.
- P = Pistol - A weapon which includes single shot and both single or double-action semiautomatic handguns fitted with a barrel(s) with an integral chamber design or having a chamber(s) permanently aligned with the barrel.
- PR = Pistol/Revolver - A weapon which includes both single and double-action handguns having a breechloading chambered cylinder designed with a repetitive function based on rotation.
- PD = Pistol/Derringer - A weapon which includes single barrel, superposed (over/under) and multi-barrel configuration handguns based on a hinged or pivoting barrel small frame pistol design.
- R = Rifle - A weapon designed to be fired from the shoulder which discharges a single projectile through one or more rifled barrels 16" or greater in length with an overall length of 26" or more.
- S = Shotgun - A weapon designed to be fired from the shoulder which discharge a single or multiple projectiles through one or more smooth-bore barrels 18" or greater in length with an overall length of 28" or more.

PAPERWORK REDUCTION ACT

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used by Federal, State and local law enforcement officials to request that the Bureau of Alcohol, Tobacco and Firearms trace firearms used or suspected to have been used in crimes.

The estimated average burden associated with this collection of information is 6 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

ATF F 3312.1 (3-2000)

Appendix D

Acknowledgements

The development of a new uniform reporting system to present crime gun trace information from cities across the United States is a great challenge and an exceptional amount of hard work. It can only be accomplished through the commitment and dedication of the people who collect, research, analyze, and publish the data contained in this report. ATF would like to acknowledge the assistance of those who have made pivotal contributions in furthering the expertise and effectiveness of law enforcement and expanding the scope of public knowledge in the unique area of firearms enforcement.

The cornerstone of this effort is the wealth of information on firearms and the crimes in which they are misused. This comes solely from the ATF special agents and their police department counterparts who together have ensured that crime gun traces were submitted timely and accurately. Many worked to improve the comprehensiveness of the information system and developed new investigative uses for trace information.

Many officials and associates of other agencies and organizations have continued to offer encouragement, practical advice, and outstanding support for this effort in its first 3 years, including the International Association of Chiefs of Police and the Department of Justice, in particular the Bureau of Justice Statistics and the National Institute of Justice.

A number of individuals at ATF provided key support, especially those employees from the offices of Forest Webb, Chief National Tracing Center; Charles Houser, Chief, National Tracing Branch; and Gary Thomas, Chief, Firearms Programs Division; including Laura Sclater. A special thanks to Scott Pickett, former Crime Gun Analysis Branch (CGAB) Chief, and Richard Young, former CGAB Program Manager,

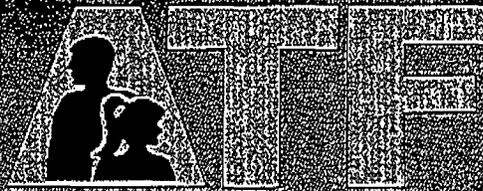
who helped get this year off to a great start. As always, our Office of Chief Counsel, especially Jeanette Slattery, has insured clarity and consistency in technology and definitions.

The Department of the Treasury, the Office of the Under Secretary for Enforcement, has been consistently supportive of this program, and once again ATF is indebted to Susan Ginsburg, Senior Advisor for Firearms Policy, for her tireless efforts and commitment. Also from Treasury, and working in the critical areas of editing, design, publishing, and distribution were Karen Michell, Nancy ElDieahy, Karen Biehl, and Rosalind DeLancy-Mosley.

The heart of this project is a unique partnership between ATF and members of academic institutions. Together this team is responsible for the insight that this information provides. In addition to those already mentioned, our joint team has included Gary Orchowski, ATF, Chief, Crime Gun Analysis Branch, and from that staff: Dr. John R. Freeman, Shane Glassing, Jeff Heckel, Michelle Bennett Darden, Robert Burrows, Brad Karns, Hilda Guy, Robbi Santore, and Christine Kimes Raposa. They were assisted by Sandy Snook, Lalyce Watkins, and Elizabeth Robinson of MSTC, Inc. and Michelle A. Leslie, Tammy Cole, Jodi Johnson, Carla Ferguson, and Heather DeHaven of Milvets Systems Technology, Inc. Our academic partners are: Dr. Glenn Pierce, *College of Criminal Justice, Northeastern University*; Dr. Anthony Braga, *John F. Kennedy School of Government, Harvard University*; Dr. Joel Garner, *Joint Centers for Justice Studies, Shepherdstown, West Virginia*; and Dr. Garen Wintemute, *University of California, Davis*. Additional thanks to contributors Dr. LeBaron Briggs, *Northeastern University*, and David M. Kennedy, *John F. Kennedy School of Government, Harvard University*.

Terrence P. Austin, Director
Youth Crime Gun Interdiction Initiative
Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms

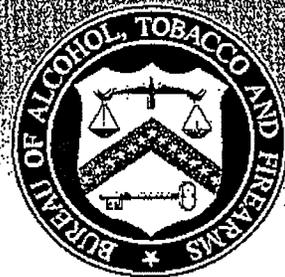
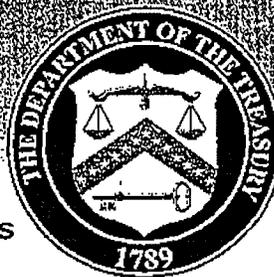
Crime Gun Trace Reports (2000) National Report



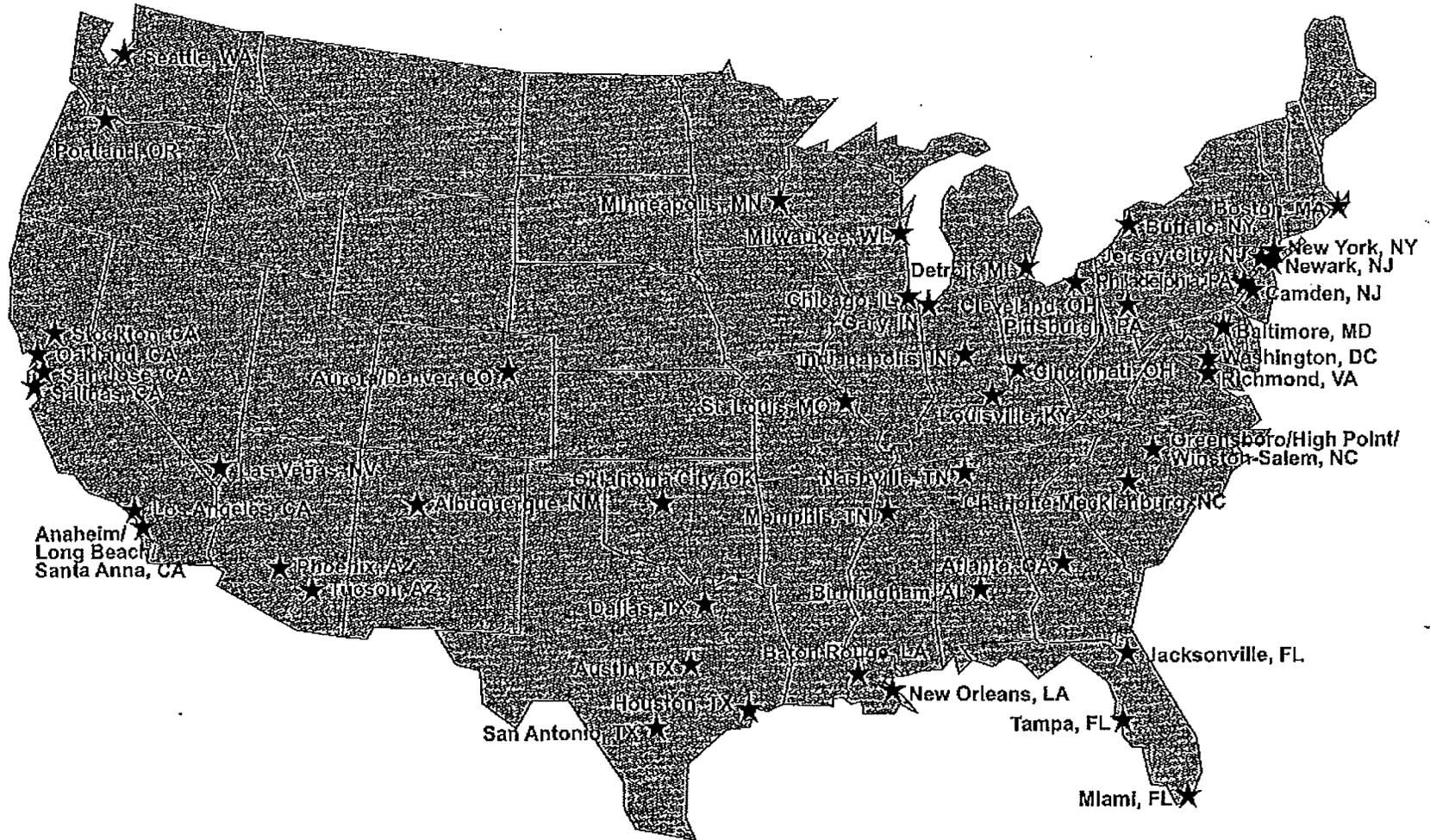
The Youth Crime Gun
Initiation Initiative

July 2002

Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms



Youth Crime Gun Interdiction Initiative 2001 Cities



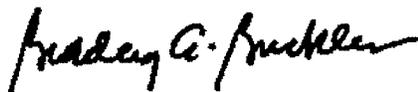
Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
National Tracing Center Division
Crime Gun Analysis Branch

Foreword by the Director of the Bureau of Alcohol, Tobacco and Firearms

This publication of crime gun data for calendar year 2000 marks the fourth annual compilation of firearms trace analyses since the inception of the Youth Crime Gun Interdiction Initiative (YCGII) in 1996. As the number of communities involved has increased from the original 17 to 55, so has the value of this information as a relevant tool for law enforcement. With this knowledge, communities have formulated sound gun enforcement strategies for proactive use in firearms investigations. This is a direct result of the strong partnerships our agents have forged with every participating agency. Any level of success is impossible without this valued cooperation.

This report analyzing calendar year 2000 gun traces was delayed as a result of our redirection of a portion of our law enforcement resources after the tragic events of September 11, 2001. ATF agents, inspectors, and support staff joined thousands of other Federal, State and local law enforcement personnel across the country to pursue every available lead. At our National Tracing Center, a majority of the staff was dedicated to reviewing and analyzing massive amounts of related information.

The information in this report clearly demonstrates our commitment to this program, to our partnerships, and to the protection of our citizens. The enforcement approach embodied in YCGII provides each community the opportunity and ability to customize their efforts to address their own gun problems, trends, sources, and investigations. As we have seen, violence against Americans can take many forms. With strong partnerships, continued vigilance, and the use of the information at hand, we can continue to challenge those who would criminally use an illegally obtained firearm.



Bradley A. Buckles

Highlights of the *National Report*

This is the fourth year of ATF's *Crime Gun Trace Reports*. This year, a *National Report* provides national findings based on 88,570 crime gun traces recovered and submitted in calendar year 2000. These trace requests came from 46 cities with a population of 250,000 or more participating in ATF's Youth Crime Gun Interdiction Initiative. Individual *City Reports* provide complete information on the trace results in 50 cities. The *National* and *City Reports* are posted on the Internet at www.atf.treas.gov

Possessors of Crime Guns

- Juvenile.** About 8 percent of crime guns were recovered from juveniles (Ages 17 & Younger).
- Youth.** About 33 percent of crime guns were recovered from youth (Ages 18-24).
- Individuals *21 years of age* were the most frequent possessors of traced crime guns, followed closely by possessors ages 20 and 19.
- Adult.** About 59 percent of crime guns were recovered from adults (Ages 25 & Older).

Indicators of Illegal Diversion

Few Crime Gun Possessors Bought Their Guns Directly from Federally Licensed Gun Dealers. Only about 12 percent of traced crime guns were recovered from possessors who had purchased those firearms from Federal firearms licensees (FFLs). About 88 percent of traced crime guns changed hands at least once before recovery by law enforcement as crime guns. Such transfers may be lawful or unlawful.

Many Crime Guns Had Short Time-to-Crime. Notwithstanding that most crime guns were bought from an FFL by someone other than their criminal possessor, many crime guns were recovered soon after their initial purchase. To the investigator, the short time from retail sale to crime, known as "time-to-crime", suggests illegal diversion or criminal intent associated with the retail purchase from the FFL. The median time-to-crime for crime guns traced was 6.6 years, but law enforcement recovered many crime guns much more rapidly.

- About 15 percent of crime guns were recovered *within 1 year* of their first retail purchase.
- 31 percent of crime guns were recovered *within 3 years* of their first retail purchase.

Many Firearms Offenses Involved New Guns. The concentration of crime guns with a relatively short time-to-crime also indicates that many firearm offenses, including violent offenses with firearms, involve new guns. This is even more so for crime guns possessed by youth.

- Almost a third of crime guns (31 percent) recovered in 2000 were purchased in 1997 or later.
- Half of all semiautomatic pistols recovered from *youth* were purchased in September 1996 or later.
- The median time-to-crime for crime guns possessed by *youth* (4.5) is a year and a half shorter than for *adults* (6.0).

Many Crime Guns Acquired in Multiple Sales. The acquisition of handguns in multiple sales can be an important trafficking indicator. Handguns sold in multiple sales reported to the National Tracing Center accounted for 20 percent of all handguns sold and traced in 2000.

Multiple Sales and Obliteration. Obliteration of a firearm serial number is a trafficking indicator. Among handguns purchased as part of a multiple sale and traced in 2000, 1.6 percent had obliterated serial numbers.

Crime Guns

Firearms traced by law enforcement nationally are for the most part concentrated among a limited number of *types* and *calibers*, and *manufacturers* and *models*. By focusing investigative efforts on the sources of these firearms, especially those with a short time-to-crime, law enforcement can identify and arrest both illegal suppliers of firearms and their illegally armed customers.

Handguns comprised over three-quarters (77 percent) of all traced crime guns.

Four handgun types made up 60 percent of all handguns traced:

- 9mm semiautomatic pistols
- .380 caliber semiautomatic pistols
- .25 caliber semiautomatic pistols
- .38 caliber revolvers

Semiautomatic pistols accounted for half (50 percent) of all traced crime guns. The *9mm semiautomatic pistol* was the most frequently traced type of crime gun (23 percent), and was especially frequent among youth possessors (28 percent).

Long guns, including shotguns and rifles, accounted for one in five traced crime guns (22 percent).

- The 12 gauge shotgun, .22 caliber rifle and 7.62 rifle account for more than two thirds of all traced long guns.
- Long guns were nearly twice as likely to be recovered from adults (26 percent) as from youths (15 percent) and juveniles (15 percent).

Most Frequently Traced Crime Guns

These guns were the most frequently traced by law enforcement officials for all age groups, by manufacturer, caliber, and type. These 10 firearms accounted for 22 percent (19,743) of all trace requests (88,570).

	Manufacturer	Caliber	Type of Crime Gun
1.	Smith & Wesson	.38	Revolver
2.	Ruger	9mm	Semiautomatic Pistol
3.	Lorcin Engineering	.380	Semiautomatic Pistol
4.	Raven Arms	.25	Semiautomatic Pistol
5.	Mossberg	12 GA	Shotgun
6.	Smith & Wesson	9mm	Semiautomatic Pistol
7.	Smith & Wesson	.357	Revolver
8.	Bryco Arms	9mm	Semiautomatic Pistol
9.	Bryco Arms	.380	Semiautomatic Pistol
10.	Davis Industries	.380	Semiautomatic Pistol

Figure A: Most Frequently Traced Crime Guns by Manufacturer, Caliber and Type for All Age Groups



1. SMITH & WESSON .38 Revolver



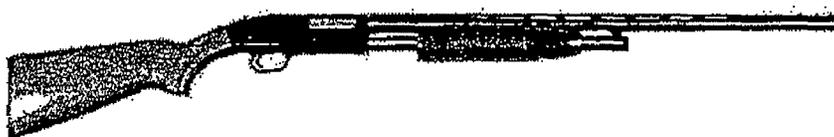
2. STURM, RUGER & CO. 9mm Semiautomatic Pistol



3. LORCIN ENGINEERING .380 Semiautomatic Pistol



4. RAVEN ARMS .25 Semiautomatic Pistol



5. MOSSBERG, O. F. & SONS 12 GA Shotgun



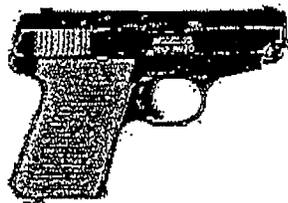
6. SMITH & WESSON 9mm Semiautomatic Pistol



7. SMITH & WESSON .357 Revolver



8. BRYCO ARMS 9mm Semiautomatic Pistol



9. BRYCO ARMS .380 Semiautomatic Pistol



10. DAVIS INDUSTRIES .380 Semiautomatic Pistol

Crime Guns with the Most Investigative Potential

Short time-to-crime guns have the most immediate investigative potential for law enforcement officials because they are likely to have changed hands less frequently. Time-to-crime varied substantially by firearm type, age of purchaser, and specific model.

Shortest and Longest Median Time-to-Crime by Type. Semiautomatic pistols had the shortest median time-to-crime, 4.5 years. Revolvers had the longest median time-to-crime, 12.3 years.

Shortest Median Time-to-Crime by Manufacturer, Caliber, and Type. The most frequently traced crime guns (by manufacturer, caliber, and type), over half of which were recovered in 3 years or less, were all semiautomatic pistols: Bryco Arms 9mm, Bryco Arms .380 caliber, and Ruger 9mm.

- **Juveniles.** The Bryco Arms 9mm semiautomatic pistol recovered from juveniles had a median time-to-crime of just 1.5 years.
- **Youth.** The Hi-Point 9mm semiautomatic pistol recovered from youths had a median time-to-crime of 1.0 years followed by the Bryco Arms 9mm semiautomatic pistol at 1.1 years.

Time-to-Crime Among Long Gun Models. Two long gun models have a median time-to-crime at or below 3 years; the Hi-Point model 995 rifle (1.8 years) and the Maverick Arms model 88 shotgun (3.0 years). The Maverick Arms shotgun also has a median time-to-crime below 3 years for juvenile, youth and adult age groups. The Hi-Point model 995 rifle, has the fastest median time-to-crime among both the juvenile and youth age groups, at 1.3 and 1.7 years respectively.

Officer Safety

ATF provides officer safety information relating to crime in order to assist State and local law enforcement managers in assessing potential departmental safety measures. For all age groups, the North China Industries Model SKS 7.62mm rifle is the rifle model most frequently encountered by law enforcement officers. The North China Industries Model MAK90 7.62mm caliber rifle is also encountered in significant numbers, and the Colt Model AR15 .223 caliber rifle is among the long guns most frequently recovered from adult possessors. These high capacity rifles pose an enhanced threat to law enforcement, in part because of their ability to expel projectiles at velocities that are capable of penetrating the type of soft body armor typically worn by the law enforcement officers.

Geographic Patterns

Crime guns form part of local, regional, and national trafficking patterns.

In-State sources. About 62 percent of crime guns were first purchased from FFLs in the State in which the guns were recovered by law enforcement officials. The source FFLs were within the same counties as the recovery cities for over one third of the crime guns (35 percent), and another 12 percent were in adjacent counties in the same State or a neighboring State.

Regional sources. For traces where a recovery location was provided and distance calculations could be completed (44,905), approximately one third (32 percent) of these crime guns were purchased within 10 miles and almost half (48 percent) within 25 miles of the originating purchase location. More than one third (34 percent) of the traced firearms originated more than 250 miles from the location where they were recovered.

National Patterns. National trafficking patterns account for 30 percent or more of guns traced from nine cities. The most striking case is that of New York City, NY, where 73.4 percent of crime guns came from national sources including Virginia, North Carolina, Georgia and Florida. Newark and Jersey City, NJ, which

are located near New York, NY, experience strikingly similar national trafficking patterns with 80.2 and 74.5 percent of their crime guns coming from national sources. Other cities on the Eastern shore with high percentages of nationally sourced guns include Washington, DC (38.6 percent), and Camden, NJ (50.6 percent). A second trafficking pattern runs from the South to large cities in the Midwest. Chicago, IL, has 32.8 percent of crime guns from national sources and Detroit, MI, 44.5 percent. Mississippi, Kentucky and Georgia are important national source areas for Chicago, IL. Kentucky, Georgia and Alabama are significant for Detroit, MI.

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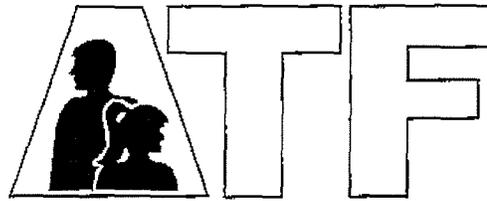


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Crime Gun Trace Reports (2000) National Report



The Youth Crime Gun
Interdiction Initiative

July 2002
Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms





CRIME GUN TRACE REPORTS (2000)

National Report

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1 - Introduction

This is the fourth year of ATF's publication of the National Tracing Center (NTC) *Crime Gun Trace Reports*. The reports provide extensive analyses of crime gun traces submitted in calendar year 2000 by law enforcement officials in selected cities throughout the country participating in ATF's Youth Crime Gun Interdiction Initiative. The analysis of a large number of individual traces from many similar jurisdictions helps identify consistent crime gun patterns that may not be apparent from information in a single trace or traces from a single jurisdiction or State. With information about patterns and trends, more violent criminals can be arrested more efficiently, more focused regulatory enforcement can be undertaken, and more gun crime and violence can be prevented.

Two Report Formats. Crime gun tracing as a law enforcement tool has grown sufficiently to provide the 2000 Crime Gun Trace Reports in two formats:

- The *National Report* provides national analysis based on findings from crime gun traces in 41 communities including 44 of 67 cities in the U.S. with populations of 250,000 or more. These cities comprise 80 percent of the population of cities of this size.
- The 47 separate *City Reports* provide detailed information on the trace results in the 39 large communities and eight communities with populations between 100,000 and 250,000.

Information for Law Enforcement, the Firearms Industry, and the Public. The *Crime Gun Trace Reports* have three audiences. They provide crime gun information to the *Federal, State, and local law enforcement agencies* that submit trace requests, boosting their information resources for arresting gun criminals, responding to gun violence, and establishing a benchmark for crime gun measurements. They inform *federally licensed firearms dealers* of crime gun patterns, allowing them to build sounder and safer businesses. They inform the *public, Congress, and State and local authorities*, building cooperation by communicating what ATF agents, inspectors, and State and local law enforcement investigating violent criminals see in their everyday enforcement operations.

Reinforcing Law Enforcement Collaboration. As a result of the collaboration of thousands of law enforcement and regulatory personnel and the FFLs that routinely respond to the National Tracing Center's inquiries, the *Crime Gun Trace Reports*

provide an overview of crime guns throughout the country in significantly greater detail than previously available. ATF's primary operational focus is on the Federal offender. By reporting trace information in standardized form, ATF intends to enable State and local law enforcement officials to evaluate the information independently and to gain perspective on their local circumstances in order to adjust enforcement and preventive strategies accordingly.

How Law Enforcement Can Use this Report.

Local law enforcement executives and Federal, State, and local prosecutors and investigators can make many uses of these reports. They furnish information relating to the following questions, among others:

1. *How many crime guns are being recovered from different age groups of offenders?*
2. *What kinds of guns are being recovered in my area?*
3. *What types of crimes are associated with these recovered crime guns?*
4. *Are the source areas in the county or State, or from out of State?*
5. *What types of guns are moving the fastest from the retail seller to recovery in crime?*
6. *Which guns may pose a special hazard to law enforcement officers?*

Using this information, law enforcement managers can decide what aspects of the firearms market deserve priority focus, by age group, by source area, or by type of crime, or any combination of these. Once these priorities are determined, information about specific crime guns and offenders can be obtained using all available investigative resources, including debriefing of arrestees, undercover and confidential informant operatives; Online LEAD;

Brady background check denial information; stolen firearms information; and special analyses by the Crime Gun Analysis Branch and equivalent analytic services in local police departments.

The combination of strategic information such as provided in these reports and investigative information will allow Federal, State, and local law enforcement officers to make the best use of available resources. Based on these factors, ATF and local law enforcement may decide to undertake criminal prosecution against traffickers, including felons, straw purchasers, firearms thieves, and unlicensed dealers, or regulatory actions against Federal firearms licensees.

Contents of the Reports. The National and City Reports include information about:

- **Highlights:** The National and City Reports each contain sections with highlights of the findings in the reports, focused on crime gun information relevant to law enforcement officials;
- **Possessors:** the age group and crimes of the crime gun possessors;

- **Crime guns:** the types, manufacturers, calibers, and, in some cities, models of the most frequently traced crime guns, including the most frequently traced crime guns for each city;
- **Gun trafficking indicators:** the time-to-crime and geographic sources of crime guns, multiple sales information, and percentage of crime guns with obliterated serial numbers;
- **Enforcement information:** successful Federal, State, and local investigations of the illegal diversion of firearms;
- **Information for law enforcement executives:** information and responses to frequently asked questions about crime gun tracing and related enforcement operations;
- **Crime gun tracing information:** number of traces submitted, degree of completeness of information provided, disposition of traces, and current and future developments in crime gun tracing; and
- **Technical information:** back-up information about the analysis, figures, and tables in the reports.

Youth Crime Gun Interdiction Initiative Cities

Albuquerque*.....	New Mexico	Indianapolis*.....	Indiana
Anaheim, Long Beach, Santa Anna*....	California	Jacksonville*.....	Florida
Atlanta.....	Georgia	Jersey City.....	New Jersey
Austin*.....	Texas	Las Vegas.....	Nevada
Baltimore.....	Maryland	Los Angeles.....	California
Baton Rouge*.....	Louisiana	Louisville.....	Kentucky
Birmingham.....	Alabama	Memphis.....	Tennessee
Boston.....	Massachusetts	Miami.....	Florida
Buffalo*.....	New York	Milwaukee.....	Wisconsin
Camden.....	New Jersey	Minneapolis.....	Minnesota
Charlotte-Mecklenburg.....	North Carolina	Nashville*.....	Tennessee
Chicago.....	Illinois	New Orleans.....	Louisiana
Cincinnati.....	Ohio	New York.....	New York
Cleveland.....	Ohio	Newark.....	New Jersey
Dallas.....	Texas	Oakland.....	California
Denver-Aurora.....	Colorado	Oklahoma City*.....	Oklahoma
Detroit.....	Michigan	Philadelphia.....	Pennsylvania
Gary.....	Indiana	Phoenix.....	Arizona
Greensboro, Winston-Salem, Highpoint*..	North Carolina	Pittsburgh*.....	Pennsylvania
Houston.....	Texas	Portland.....	Oregon

Richmond.....	Virginia	St. Louis.....	Missouri
Salinas.....	California	Stockton*.....	California
San Jose.....	California	Tampa.....	Florida
San Antonio.....	Texas	Tucson.....	Arizona
Seattle.....	Washington	Washington.....	District of Columbia

* City became a partner in the Youth Crime Gun Interdiction Initiative in 2000

The Youth Crime Gun Interdiction Initiative

The annual *Crime Gun Trace Reports* began in 1997 as part of ATF's Youth Crime Gun Interdiction Initiative (YCGII), a youth-focused firearms enforcement program that is a component of ATF's overall firearms enforcement program, the Integrated Violence Reduction Strategy. For this reason, YCGII is referred to throughout this report.

Participating jurisdictions. While many law enforcement agencies trace some crime guns, agencies participating in YCGII commit to instituting comprehensive tracing of all crime guns, providing the maximum investigative leads for law enforcement officials, and permitting optimal strategic analysis. These cities received special support from ATF. ALL cities with *City Reports* participate in YCGII. As more law enforcement agencies acquire crime gun tracing as an investigative tool, or implement State comprehensive crime gun tracing laws, ATF expects to include trace information from these jurisdictions in the annual *Crime Gun Trace Reports*.

National Tracing Center and Crime Gun Analysis Branch: field support. The National Tracing Division staff conducts traces, analyzes the results, provides case leads, crime gun mapping, and jurisdictional analysis for ATF agents and inspectors and for other law enforcement agencies, and prepares the *Crime Gun Trace Reports*. The YCGII staff at the National Tracing Center provides trace support for all ATF firearms enforcement programs and locally based gun enforcement initiatives. A national update on crime gun tracing is included in the *National Report*, and city information in each *City Report*.

In the field: investigation, inspections, trace support, and training. In the field, YCGII is an enforcement collaboration among Federal, State, and local law enforcement agencies, and ATF agents and inspectors. The primary role of the YCGII field staff is to conduct criminal investigations and regulatory inspections. YCGII also provides joint training in tracing, serial number restoration, and gun enforcement investigative methods to ATF agents and their State and local partners. YCGII staff also assists local law enforcement agencies to establish crime gun tracing, with technical support and training.

YCGII's special focus on juvenile and youth gun crime. As the *National Report* shows, juveniles (ages 17 and under) accounted for 8 percent of traced crime guns, and youth (ages 18-24) accounted for 33 percent of traced crime guns. ATF agents and inspectors participating in YCGII have a special responsibility for developing investigative information and carrying out enforcement actions involving juveniles and youth. Because juveniles are prohibited from acquiring and possessing handguns without parental involvement, some form of illegal diversion is almost always implicated in an investigation involving a juvenile's possession of a handgun, making crime handgun tracing especially critical. The *Crime Gun Trace Reports*, therefore, focus throughout on the variations in the crime guns and sources of illegal supply to juveniles, youth, and adults.

Following the Gun to Successful Firearms Enforcement

Crime gun tracing. Crime gun tracing is a law enforcement tool developed by ATF to investigate violations of the Nation's firearms laws. A crime gun trace identifies the Federal firearms licensee (FFL) who is the original retail seller of the firearm and the firearm's retail purchaser by tracking the manufacturer, caliber, and serial number on transfer documentation from the manufacturer or importer through the wholesaler to the retail seller and first purchaser. *A crime gun trace alone does not mean that an FFL or firearm purchaser has committed an unlawful act. Crime gun trace information is used in combination with other investigative facts in regulatory and criminal enforcement.* Crime gun tracing has three primary purposes:

- **Identifying individual armed criminals for prosecution.** Like a fingerprint or other identifying evidence, a crime gun trace is used in individual cases to link a firearm offender to his or her weapon, or identify the illegal supplier of a firearm to the criminal, juvenile, or other person prohibited from possessing a firearm. Such investigative work is conducted by local officials and by ATF.
- **Proactive local investigative and strategic analysis to target armed violent criminals and gun traffickers for prosecution.** When officials in a jurisdiction trace all recovered crime guns, law enforcement officials are able to detect patterns in the buying and selling of crime guns in their areas (pattern and trend analysis). This information combined with other indicators leads to the arrest of additional traffickers and armed felons and to regulatory enforcement actions against Federal firearms licensees violating the firearms laws and trafficking illegally. Analysis and mapping of local crime gun patterns is done by ATF at the Crime Gun Analysis Branch and in the field and by State and local law enforcement officials with access to ATF's Online LEAD crime gun information system, or using State firearms information systems.
- **Crime Gun Trace Reports to assist law enforcement officials in placing local crime guns in a regional and national strategic enforcement context.** Analysis of all available comprehensive trace information, locally and nationally, informs Federal, State, and local authorities of the source and market areas for crime guns, and other regional patterns. This information enables ATF to target criminal and regulatory resources, and assist Federal, State, and local law enforcement officials to develop national, regional, and local strategic responses to gun crime. ATF is uniquely qualified to conduct such analysis because it is the repository for crime gun traces and related information from all jurisdictions that trace crime guns.

Ballistics identification in relation to crime gun tracing. Many agencies are now using both crime gun tracing and ballistics identification to support firearm investigations. An expended cartridge or bullet may be recovered in addition to or in the absence of a crime gun. Once entered in an imaging database, the recovered cartridge or bullet can be matched to previously entered ballistics images to identify repeat uses of the same firearm. Currently, ballistics images also can provide the basis for a crime gun trace only if the firearm with which they are associated has been previously traced and a cartridge or bullet from that firearm entered into a local database of the National Integrated Ballistics Information Network. Ballistics imaging technology does not automatically submit the crime gun to be traced through the National Tracing Center. In the future, expansion of the crime gun tracing system to include trace information derived from ballistics images as well as recovered firearms will allow additional firearms crimes to be solved and a more complete understanding of how violent offenders and prohibited persons illegally obtain firearms.

2 - General Findings

2 - 1 Introduction

This section describes key crime gun patterns based on the analysis of information from 88,570 trace requests made by law enforcement officials in 44 communities participating in the Youth Crime Gun Interdiction Initiative that have populations greater than 250,000¹. The 44 jurisdictions over 250,000 comprise two thirds (67 percent) of the 68 U.S. jurisdictions which, according to the 2000 census, have a population over 250,000. The population of these 44 jurisdictions is 39 million persons, which is 80 percent of the 49 million persons living in U.S. cities having over 250,000 inhabitants². While not yet meeting the program's long-term goal of complete national geographic coverage, this sample provides a reasonable basis for analyzing and reporting crime gun trace information.

This section uses information from trace requests and completed traces to describe the relationship between the crime gun possessor's age and:

- the type, manufacturer, caliber, and model of crime guns recovered,
- the results of trace requests,
- the recovery date and location, and
- the date and location of crime gun purchases.

In addition, this section describes the nature of crime guns when exploring time-to-crime, obliterated serial numbers and multiple sale transactions.

Possessor Age Group. To show age differences in crime gun information, this report puts the 88,570 trace requests into three age groups—*Juvenile* (Ages 17 & Younger), *Youth* (Ages 18-24), and *Adult* (Ages 25 & Older). The total for all age groups is also included, and some of the analyses also provide information about the trace requests for which age is unknown.

complements the Federal Bureau of Investigation (FBI) *Uniform Crime Reports*, the *National Crime Victimization Survey* of the Bureau of Justice Statistics, ATF's reporting on firearms commerce and firearms trafficking investigations,³ and other efforts to improve understanding of violent crime in the United States.

Annual Reports of Criminal Behavior. This compilation of information from crime gun trace requests initiated during calendar year 2000

¹ In addition to these 44 communities, the trace requests from three North Carolina communities—Greensboro, Winston-Salem and High Point—are included in the national findings. These three closely connected communities are administered as one jurisdiction by the YCGII program.

² Percentages reported in the text of this section are rounded to the nearest percent.

³ *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, June 2000; *Commerce in Firearms in the United States (1999)*, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, February 2000.

2 - 2 Age of Possessors

Possessor's Age. Information on the age of the crime gun possessor is included in 53,865 (61 percent) of the 88,570 trace requests received from participating jurisdictions. Age of possessors is determined based on the possessor's date of birth and the date that the crime gun was recovered.

Peak Ages 19 to 21. As displayed in *Figure 1*, the age of crime gun possessors with the single most frequent number of trace requests (2,930) is 21, followed closely by ages 20 (2,751) and 19 (2,744). There is a dramatic increase in the number of traces from (141) age 13 to (2,569) age 18. More than 18,000 crime guns are recovered from individuals between the ages of 18 and 24, the peak years for being a crime gun possessor. The number of crime gun trace requests drops steadily from (1,942) age 25 to (1,321) age 30, and at age 50, there are only 584 trace requests.⁴

Juvenile, Youth, and Adult Crime Guns. As presented in *Table 1*, among the trace requests for which the possessor's age is known, adult possession accounts for more than 59 percent of the trace requests, youth possession accounts for 33 percent, and the juvenile category accounts for 8 percent.

City Variations. The age distribution of crime gun possessors can vary considerably from the national averages across cities. In certain cities, firearms were recovered predominantly from adults. For example, adults comprise 83 percent of the gun possessors in

San Jose, CA; 77 percent of the gun possessors in *Miami, FL*; 76 percent of the gun possessors in *Tampa, FL*; 73 percent of the gun possessors in *Portland, OR*; and 72 percent of the gun possessors in *Jacksonville, FL* and *Oklahoma City, OK*. In other cities, firearms are most frequently recovered from youth. Youth comprise 58 percent of the gun possessors in *Newark, NJ*; 49 percent of the gun possessors in *Washington, DC*; 47 percent of the gun possessors in *Gary, IN*; and 46 percent of the gun possessors in *Stockton, CA*.

Age of Firearm-Related Homicide Offenders. Gun homicides committed by juveniles and youth have declined 53 percent, from 11,657 in 1993 to 6,147 in 1999. Offenders under 25 years of age account for 56 percent of all gun homicides in 1999. Juveniles alone accounted for 11 percent of gun homicides in 1999, the latest year for which detailed information is currently available.⁵

Age of Violent Offenders. Information about the age of crime gun possessors closely parallels data gathered on violent crime from other sources. The number of persons arrested for murder, forcible rape, robbery, and aggravated assault peaks at ages 18 or 19. Individuals aged 18 to 20 account for 21 percent of all persons arrested for murder, 15 percent for forcible rape, 22 percent for robbery, and 12 percent for aggravated assault.⁶

⁴ For a detailed listing of the number of trace requests by age, see Appendix B.

⁵ James A. Fox and Marianne W. Zawitz, *Homicide Trends in the U.S.*, Bureau of Justice Statistics, January 4, 2001.

⁶ FBI *Uniform Crime Reports 2000*, Table 38, Section IV, page 12.

Figure 1: Age of Crime Gun Possessor

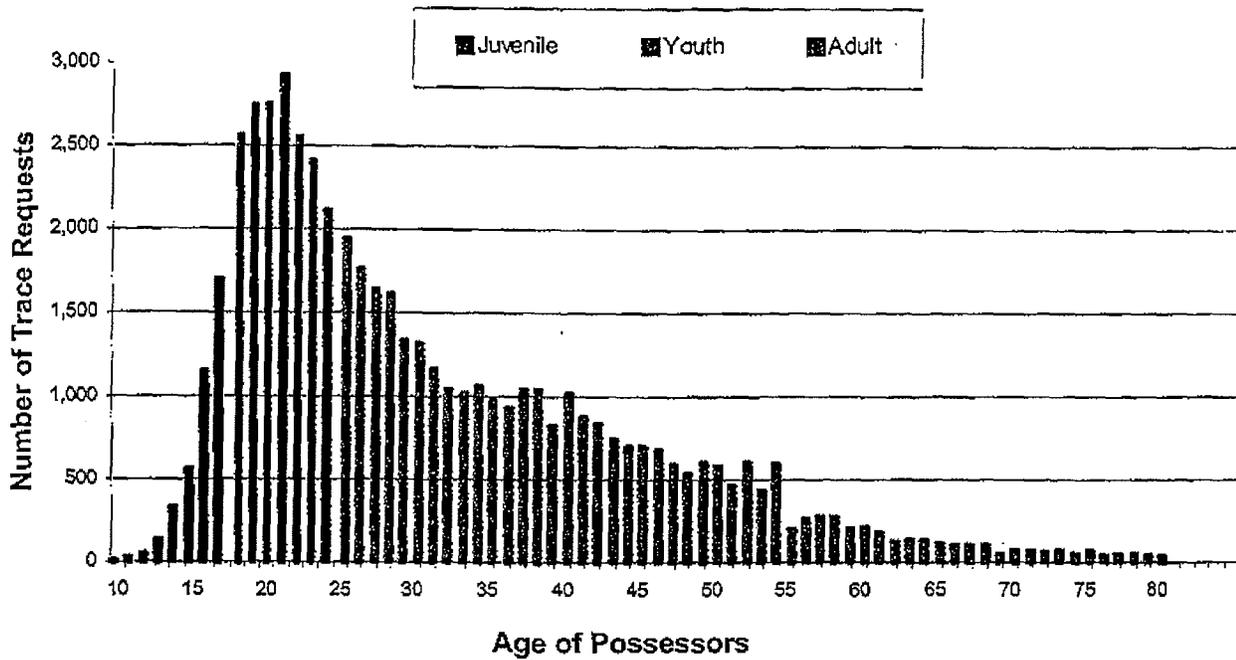


Table 1: Age Group of Crime Gun Possessor

	Number	Percent
Trace Requests for which Possessor's Age can be Determined	54,241	100.0%
Crime Gun Trace Requests with:		
Juvenile Possessor (ages 17 & younger)	4,112	7.6%
Youth Possessor (ages 18 - 24)	18,085	33.3%
Adult Possessor (ages 25 & older)	32,044	59.1%

2 - 3 Firearm Type, Caliber, Manufacturer, and Model

Trace Request Information. Trace requests are required to include the type, caliber, manufacturer, and serial number of the crime gun because this information is necessary to trace a firearm from manufacturer and wholesale distributor to the initial retail sale. Information about the particular model of the firearm is not required but is provided consistently in some jurisdictions. (See Appendix C, ATF Firearm Trace Request Form.).

Firearm Classification in this Report. Generally, crime guns described in this report are classified by the different kinds of information provided on the ATF trace form. For some of the tables and figures in this report, firearms are placed into two basic groups: *handguns* and *long guns*. Handguns include *semiautomatic pistols*, *revolvers*, and *derringers*. Long guns include *shotguns* and *rifles*.⁷

Crime Gun Patterns. Classifying crime guns by type, caliber, manufacturer, and model allows law enforcement to differentiate among firearms. When large numbers of trace requests are analyzed, the patterns in crime gun types emerge. With more comprehensive information, more complete analysis is possible. In this report, patterns are highlighted by focusing on type, caliber, manufacturer, and model.

Targeting Criminals, Promoting Officer Safety. Detailed information about crime guns enables law enforcement to target criminal and regulatory resources on the sources of those crime guns. As criminals shift illegal sources, law enforcement officials can target the new sources and reduce future illegal acquisitions. Knowledge of which crime guns criminals are using is also an important consideration for State and local law enforcement in assessing potential departmental safety measures.

⁷A small number of firearms are accounted for in the *Other* category, not reported here.

Firearm Type

Handguns, Especially Semiautomatic Pistols. As displayed in *Figure 2* and *Table 2*, crime guns are predominantly handguns (77 percent) and, among handguns, mostly semiautomatic pistols, which alone account for half (50 percent) of all crime guns traced.

Juveniles and Youth with Handguns, Adults with More Long Guns. Semiautomatic pistols are more prevalent among juveniles (57 percent) and youth (61 percent) than among adults (47 percent). A substantial portion of firearm traces, 22 percent, involve a shotgun or a rifle. Adults are almost twice as likely (26 percent) as juveniles (15 percent) to possess a recovered long gun.

City Variations. The distribution of semiautomatic pistols, revolvers, shotguns, and rifles among adult, youth, and juvenile possessors is remarkably stable across participating cities, but there are some important differences in a few cities.

- For example, 94 percent of the firearms submitted for tracing by *Atlanta, GA*, are handguns. Semiautomatic pistols are clearly the weapon of choice in *Atlanta*; 82 percent of youth recoveries, 73 percent of juvenile recoveries, and 68 percent of adult recoveries in *Atlanta* were semiautomatic pistols.
- Trace requests in *Phoenix, AZ*, and *Philadelphia, PA*, also reveal a high percentage of semiautomatic pistols across all age groups.
- In some cities, there are higher percentages of semiautomatic pistol recoveries in only one age group. For example, 77 percent of the guns recovered from youth in *Gary, IN*, 74 percent of the guns recovered from youth in *Louisville, KY*, and 72 percent of the guns recovered from juveniles in *Portland, OR*, are semiautomatic pistols.
- Revolvers are the most frequently recovered firearms from youth and juveniles in *Jersey City, NJ*, (67 percent) and *Pittsburgh, PA*, (45 percent).
- Long guns are also more frequently recovered from youth and juveniles in *San Jose, CA*; *Salinas, CA*; *San Antonio, TX*; and *Minneapolis, MN*, when compared with participating cities overall.

Figure 2: Major Gun Types by Age Group of Possessor

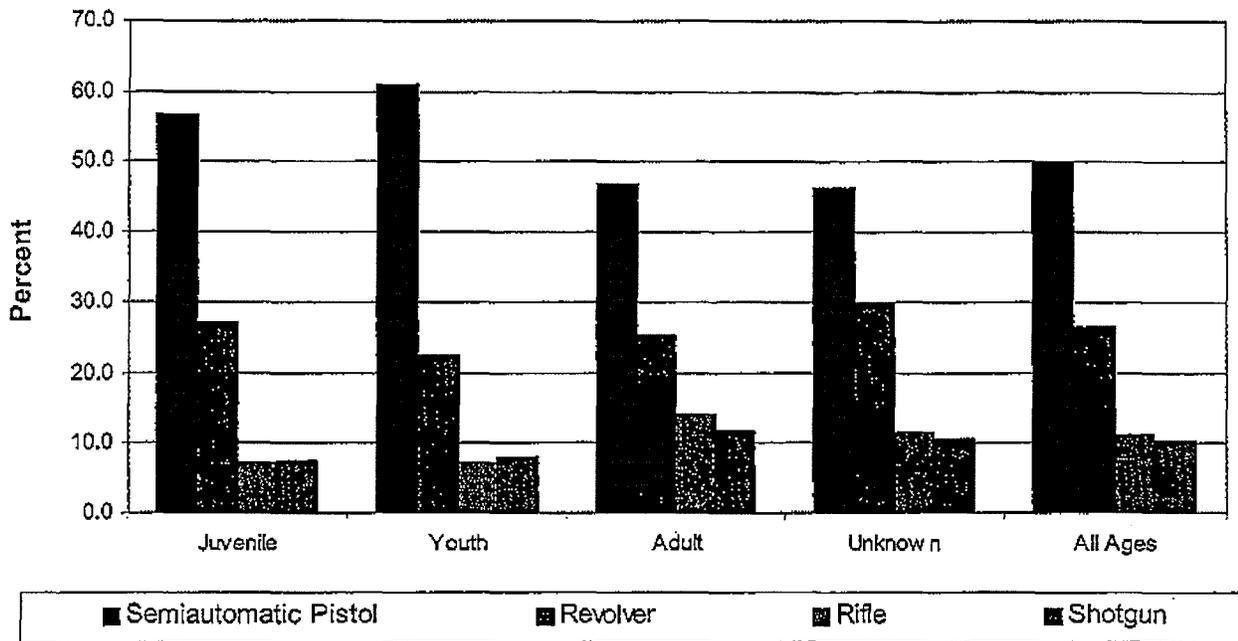


Table 2: Firearm Type by Age Group of Possessor

Firearm Type	Juvenile (ages 17 & younger)		Youth (ages 18 - 24)		Adult (ages 25 & older)		Age Unknown		All Ages	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All Firearm Types	4,112	100.0	18,085	100.0	32,044	100.0	34,329	100.0	88,570	100.0
Semiautomatic Pistol	2,332	56.7	11,036	61.0	15,032	46.9	15,952	46.5	44,352	50.1
Revolver	1,113	27.1	4,089	22.6	8,094	25.3	10,257	29.9	23,553	26.6
Rifle	297	7.2	1,282	7.1	4,508	14.1	3,907	11.4	9,994	11.3
Shotgun	312	7.6	1,475	8.2	3,810	11.9	3,681	10.7	9,278	10.5
Other	58	1.4	203	1.1	600	1.9	532	1.5	1,393	1.6

Type and Caliber/Gauge of Firearms

Most Frequently Traced Handguns and Long Guns by Type and Caliber. *Table 3 and Figure 3* rank the most frequent handgun types and caliber for which trace requests were submitted separately of juveniles, youth, adults and all ages combined. *Table 4 and Figure 4* rank long gun types and caliber in a similar manner.

Four Main Handguns. When crime guns are described by type and caliber, they are notably concentrated. Four handgun types and caliber accounted for 60 percent of all handgun trace requests:

- 9mm semiautomatic pistols
- .38 caliber revolvers
- .380 caliber semiautomatic pistols
- .25 caliber semiautomatic pistols

Youth and 9mm Semiautomatic Pistols. While the 9mm semiautomatic pistol is the most frequent handgun type among all age groups (23 percent), this is especially so among youth, where this one handgun type accounted for 28 percent of all trace requests.

Three Main Long Guns. As shown in *Table 4 and Figure 4*, there is even greater concentration among long guns recovered as crime guns than there is among handguns. In all age groups combined, three long gun types (12 gauge shotgun, .22 caliber rifle and 7.62mm rifle) account for more than two thirds (12,659) of all long gun trace requests (19,311).

Juveniles and Youth. The concentration of the 12 gauge shotgun, .22 caliber rifle and the 7.62mm rifle is only slightly greater within the juvenile (68 percent) and youth (70 percent) age groups than among adults (63 percent).

Table 3: Top Ten Handguns by Type and Caliber by Age Group of Possessor

Handgun Type and Caliber	Juvenile (ages 17 & younger)	
	Number	Percent
Semiautomatic Pistol 9mm	645	18.5
Semiautomatic Pistol .380	533	15.3
Semiautomatic Pistol .25	510	14.6
Revolver .38	459	13.2
Revolver .22	315	9.0
Semiautomatic Pistol .22	234	6.7
Revolver .357	152	4.4
Semiautomatic Pistol .45	147	4.2
Revolver .32	133	3.8
Semiautomatic Pistol .32	115	3.3
Top Ten Handguns	3,243	93.0
All Handguns	3,487	100.0

Handgun Type and Caliber	Youth (ages 18-24)	
	Number	Percent
Semiautomatic Pistol 9mm	4,289	28.0
Semiautomatic Pistol .380	2,319	15.2
Revolver .38	1,837	12.0
Semiautomatic Pistol .25	1,264	8.3
Semiautomatic Pistol .45	1,123	7.3
Semiautomatic Pistol .40	858	5.6
Revolver .357	849	5.6
Revolver .22	732	4.8
Semiautomatic Pistol .22	635	4.2
Revolver .32	418	2.7
Top Ten Handguns	14,324	93.7
All Handguns	15,293	100.0

Handgun Type and Caliber	Adult (ages 25 & older)	
	Number	Percent
Semiautomatic Pistol 9mm	5,471	23.1
Revolver .38	3,506	14.8
Semiautomatic Pistol .380	2,933	12.4
Semiautomatic Pistol .25	1,900	8.0
Revolver .357	1,684	7.1
Semiautomatic Pistol .45	1,632	6.9
Revolver .22	1,555	6.6
Semiautomatic Pistol .22	1,121	4.7
Semiautomatic Pistol .40	1,059	4.5
Revolver .32	660	2.8
Top Ten Handguns	21,521	91.1
All Handguns	23,635	100.0

Handgun Type and Caliber	Age Unknown	
	Number	Percent
Semiautomatic Pistol 9mm	5,553	20.9
Revolver .38	4,318	16.2
Semiautomatic Pistol .380	3,115	11.7
Semiautomatic Pistol .25	2,644	9.9
Revolver .22	2,158	8.1
Revolver .357	1,671	6.3
Semiautomatic Pistol .45	1,401	5.3
Revolver .32	1,395	5.2
Semiautomatic Pistol .22	1,295	4.9
Semiautomatic Pistol .40	916	3.4
Top Ten Handguns	24,466	91.9
All Handguns	26,612	100.0

Table 3: Top Ten Handguns by Type and Caliber by Age Group of Possessor (Continued)

Handgun Type and Caliber	All Ages	
	Number	Percent
Semiautomatic Pistol 9mm	15,958	23.1
Revolver .38	10,120	14.7
Semiautomatic Pistol .380	8,900	12.9
Semiautomatic Pistol .25	6,318	9.2
Revolver .22	4,760	6.9
Revolver .357	4,356	6.3
Semiautomatic Pistol .45	4,303	6.2
Semiautomatic Pistol .22	3,285	4.8
Semiautomatic Pistol .40	2,915	4.2
Revolver .32	2,606	3.8
Top Ten Handguns	63,521	92.0
All Handguns	69,027	100.0

Figure 3: Top Ten Handguns by Type and Caliber for All Ages

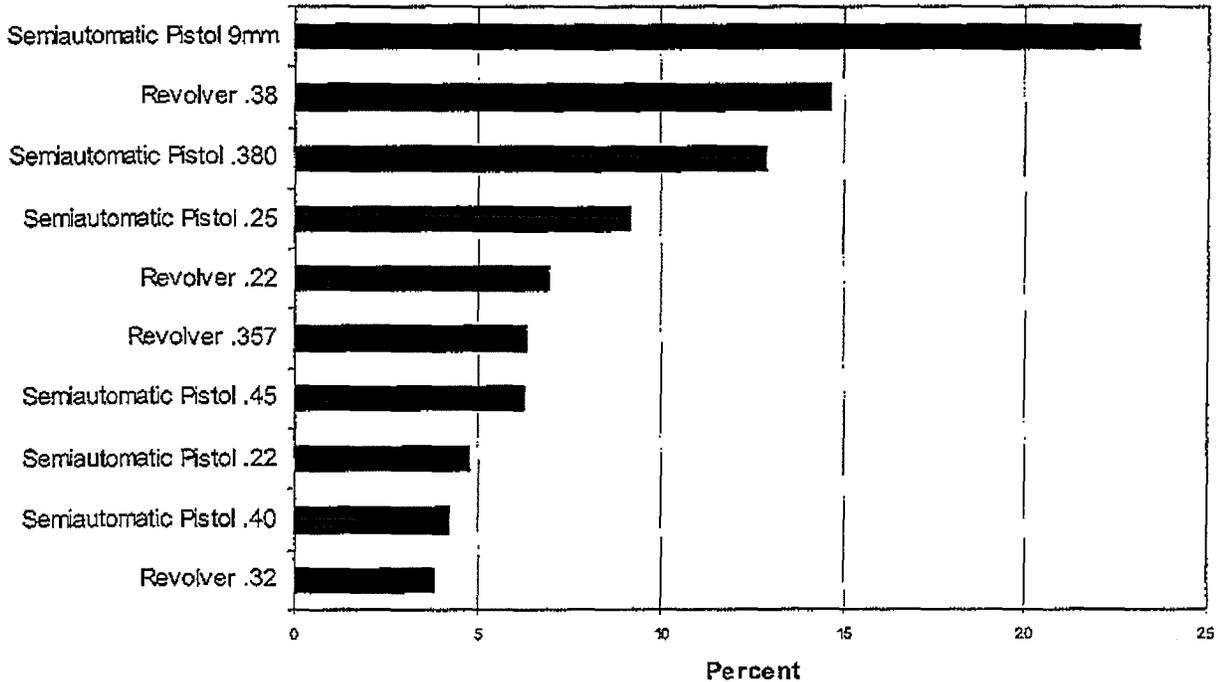


Table 4: Top Ten Long Guns by Type and Caliber/Gauge by Age Group of Possessor

Long Gun Type and Caliber	Juvenile	
	(ages 17 & younger)	
	Number	Percent
Shotgun 12 GA	222	36.4
Rifle .22	142	23.3
Rifle 7.62mm	52	8.5
Shotgun 20	47	7.7
Shotgun .410 GA	21	3.4
Shotgun 16 GA	20	3.3
Rifle .30	16	2.6
Rifle 30-30	14	2.3
Rifle 9mm	10	1.6
Rifle .30-06	9	1.5
Top Ten Long Guns	553	90.7
All Long Guns	610	100.0

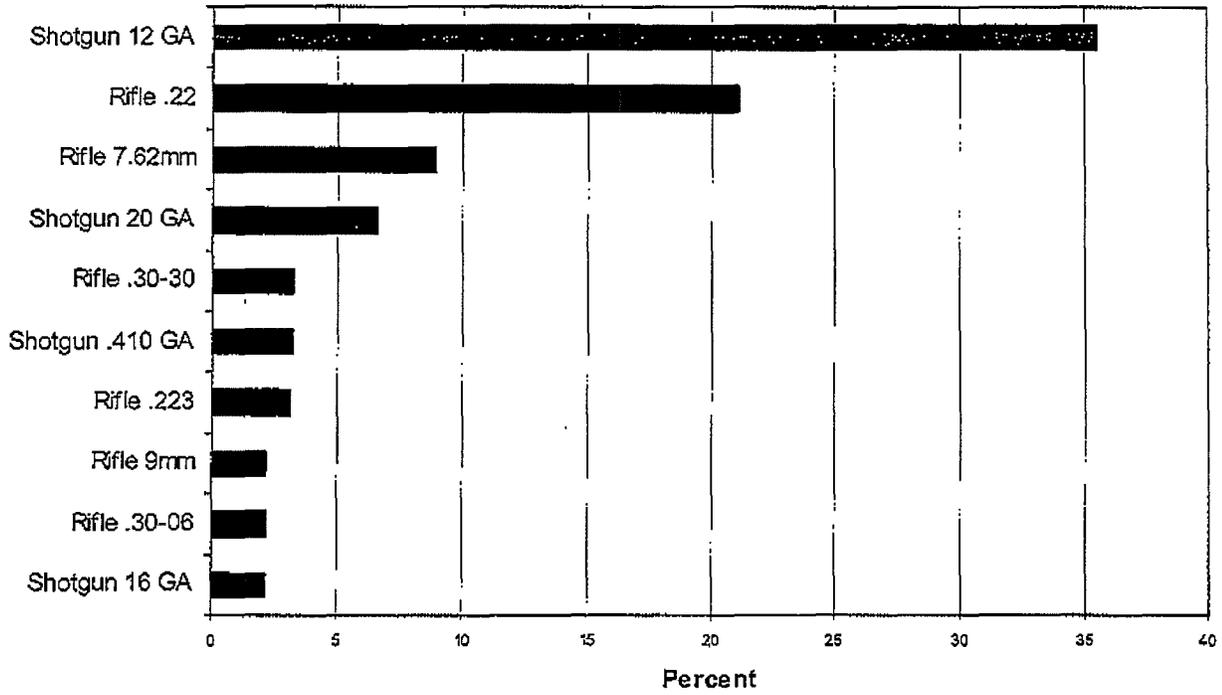
Long Gun Type and Caliber	Youth	
	(ages 18-24)	
	Number	Percent
Shotgun 12 GA	1,134	41.1
Rifle .22	449	16.3
Rifle 7.62mm	340	12.3
Shotgun 20 GA	201	7.3
Rifle 9mm	121	4.4
Rifle .223	89	3.2
Shotgun .410 GA	77	2.8
Rifle .30-30	67	2.4
Shotgun 16 GA	52	1.9
Rifle .30	47	1.7
Top Ten Long Guns	2,577	93.3
All Long Guns	2,761	100.0

Long Gun Type and Caliber	Adult	
	(ages 25 & older)	
	Number	Percent
Shotgun 12 GA	2,840	34.1
Rifle .22	1,718	20.6
Rifle 7.62mm	699	8.4
Shotgun 20 GA	522	6.3
Rifle .30-30	314	3.8
Rifle .223	311	3.7
Shotgun .410 GA	230	2.8
Rifle .30-06	199	2.4
Rifle .30	174	2.1
Shotgun 16 GA	159	1.9
Top Ten Long Guns	7,166	86.0
All Long Guns	8,336	100.0

Long Gun Type and Caliber	Age Unknown	
	Number	Percent
	Shotgun 12 GA	2,658	35.0
Rifle .22	1,767	23.2
Rifle 7.62mm	638	8.4
Shotgun 20 GA	507	6.7
Shotgun .410 GA	287	3.8
Rifle .30-30	221	2.9
Rifle .223	193	2.5
Shotgun 16 GA	178	2.3
Rifle .30-06	169	2.2
Rifle 9mm	157	2.1
Top Ten Long Guns	6,775	89.1
All Long Guns	7,604	100.0

Long Gun Type and Caliber	All Ages	
	Number	Percent
	Shotgun 12 GA	6,854	35.5
Rifle .22	4,076	21.1
Rifle 7.62mm	1,729	9.0
Shotgun 20 GA	1,277	6.6
Rifle .30-30	616	3.2
Shotgun .410 GA	615	3.2
Rifle .223	599	3.1
Rifle 9mm	412	2.1
Rifle .30-06	410	2.1
Shotgun 16 GA	409	2.1
Top Ten Long Guns	16,997	88.0
All Long Guns	19,311	100.0

Figure 4: Top Ten Long Guns by Type and Caliber/Gauge for All Ages



Manufacturer, Caliber/Gauge, and Type of Firearms

Most Frequently Traced Firearms, Handguns, and Long Guns. Table 5 ranks frequently traced firearms by manufacturer, caliber/gauge, and type for each age group. Table 6 lists the top ten most frequent handguns among the trace requests for all age groups combined. Table 7 is a similar ranking for the top ten long guns.

Crime Guns Concentrated. Ten firearms by manufacturer, caliber, and type account for 22 percent (19,743) of all trace requests (88,570). Over 1,500 different firearm variations account for the remaining crime guns (68,827).

Most Frequently Traced Crime Guns. Smith & Wesson .38 revolvers (3,418 trace requests) top the list for all age groups combined and for adults. This same firearm ranks third among youth and juveniles. The

Lorcin Engineering .380 semiautomatic pistol is the firearm most frequently traced among juveniles, the second most frequent among youth and the third most frequent among adults. The Ruger 9mm semiautomatic pistol is the most frequently traced firearm among youth and the second most frequently traced firearm among adult and among all age categories.

The only long gun in the top 10 traced firearms among all age groups combined is the Mossberg 12 gauge shotgun (ranked fifth with 1,774 trace requests). The Mossberg 12 gauge shotgun is the fourth most frequently traced firearm among adults and the ninth among youth. The Remington Arms 12 gauge shotgun, with 484 trace requests, ranks ninth among adults.

Table 5: Top Ten Guns by Manufacturer, Caliber/Gauge, and Type by Age Group of Possessor

Juvenile (ages 17 & younger)				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
LORCIN ENGINEERING	.380	Semiautomatic Pistol	164	4.0
RAVEN ARMS	.25	Semiautomatic Pistol	159	3.9
SMITH & WESSON	.38	Revolver	146	3.6
BRYCO ARMS	.380	Semiautomatic Pistol	92	2.2
RUGER	9mm	Semiautomatic Pistol	89	2.2
DAVIS INDUSTRIES	.380	Semiautomatic Pistol	88	2.1
LORCIN ENGINEERING	.25	Semiautomatic Pistol	81	2.0
BRYCO ARMS	9mm	Semiautomatic Pistol	65	1.6
SMITH & WESSON	.357	Revolver	65	1.6
RG INDUSTRIES	.22	Revolver	64	1.6
Top Ten Crime Guns			1,013	24.6
All Crime Guns			4,112	100.0

Table 5: Top Ten Guns by Manufacturer, Caliber/Gauge, and Type by Age Group of Possessor (Continued)

Youth (ages 18-24)				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
RUGER	9mm	Semiautomatic Pistol	682	3.8
LORCIN ENGINEERING	.380	Semiautomatic Pistol	646	3.6
SMITH & WESSON	.38	Revolver	585	3.2
BRYCO ARMS	9mm	Semiautomatic Pistol	518	2.9
BRYCO ARMS	.380	Semiautomatic Pistol	443	2.4
SMITH & WESSON	9mm	Semiautomatic Pistol	407	2.3
RAVEN ARMS	.25	Semiautomatic Pistol	395	2.2
DAVIS INDUSTRIES	.380	Semiautomatic Pistol	393	2.2
MOSSBERG	12 GA	Shotgun	357	2.0
HI-POINT	9mm	Semiautomatic Pistol	356	2.0
Top Ten Crime Guns			4,782	26.4
All Crime Guns			18,085	100.0

Adult (ages 25 & older)				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
SMITH & WESSON	.38	Revolver	1,234	3.9
RUGER	9mm	Semiautomatic Pistol	812	2.5
LORCIN ENGINEERING	.380	Semiautomatic Pistol	744	2.3
MOSSBERG	12 GA	Shotgun	718	2.2
SMITH & WESSON	9mm	Semiautomatic Pistol	649	2.0
SMITH & WESSON	.357	Revolver	640	2.0
MARLIN	.22	Rifle	545	1.7
RAVEN ARMS	.25	Semiautomatic Pistol	526	1.6
REMINGTON ARMS CO.	12 GA	Shotgun	484	1.5
BRYCO ARMS	.380	Semiautomatic Pistol	469	1.5
Top Ten Crime Guns			6,821	21.3
All Crime Guns			32,044	100.0

Table 5: Top Ten Guns by Manufacturer, Caliber/Gauge, and Type by Age Group of Possessor (Continued)

All Ages				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
SMITH & WESSON	.38	Revolver	3,418	3.9
RUGER	9mm	Semiautomatic Pistol	2,368	2.7
LORCIN ENGINEERING	.380	Semiautomatic Pistol	2,351	2.7
RAVEN ARMS	.25	Semiautomatic Pistol	1,885	2.1
MOSSBERG	12 GA	Shotgun	1,774	2.0
SMITH & WESSON	9mm	Semiautomatic Pistol	1,696	1.9
SMITH & WESSON	.357	Revolver	1,645	1.9
BRYCO ARMS	9mm	Semiautomatic Pistol	1,576	1.8
BRYCO ARMS	.380	Semiautomatic Pistol	1,568	1.8
DAVIS INDUSTRIES	.380	Semiautomatic Pistol	1,462	1.7
Top Ten Crime Guns			19,743	22.3
All Crime Guns			88,570	100.0

City variations. The top 10 firearms are well represented among the most frequently recovered firearms in all participating cities, but the specific mix of firearms in particular cities differs from the national top 10 crime guns. Local law enforcement agencies should be aware that manufacturers and caliber of firearms not listed in the overall top 10 crime guns may comprise an important part of the local illegal gun market for a particular age group within their city. Three firearms were not represented in the overall top 10 recovered crime guns for any age group, but were frequently recovered crime guns in many jurisdictions:

- the North China Industries 7.62mm rifle, a firearm frequently recovered from adults, youth, and/or juveniles in 20 cities (*Albuquerque, NM; Austin, TX; Baton Rouge, LA; Birmingham, AL; Buffalo, NY; Anaheim, Long Beach, and Santa Ana, CA; Charlotte-Mecklenburg, NC; Denver and Aurora, CO; Los Angeles, CA; Las Vegas, NV; Minneapolis, MN; Phoenix, AZ; Portland, OR; Richmond, VA; Salinas, CA; Seattle, WA; San Antonio, TX; Stockton, CA; Saint Louis, MO; Tucson, AZ*).
- the Glock G.m.b.H. 9mm semiautomatic pistol, a firearm frequently recovered from adults, youth, and/or juveniles in 13 cities (*Albuquerque, NM; Atlanta, GA; Austin, TX; Anaheim, Long Beach, and Santa Ana, CA; Denver and Aurora, CO; Las Vegas, NV; Miami, FL; Oakland, CA; Pittsburgh, PA; Philadelphia, PA; Portland, OR; Seattle, WA; Tampa, FL*).

- the Glock G.m.b.H. .40 caliber semiautomatic pistol, a firearm frequently recovered from adults, youth, and/or juveniles in 8 cities (*Boston, MA; Anaheim, Santa Ana, and Long Beach, CA; Indianapolis, IN; Las Vegas, NV; Miami, FL; New Orleans, LA; Nashville, TN; Seattle, WA*).

Most Frequently Traced Handguns. As shown in *Table 6*, three handguns manufactured by Smith & Wesson, the .38 caliber and .357 caliber revolvers and the 9mm semiautomatic pistol, rank in the top ten most frequently traced handguns. Two handguns manufactured by Bryco Arms, the .380 caliber and the 9mm semiautomatic pistol, are also included in the top ten most frequently traced handguns.⁸

Most Frequently Traced Long Guns. As shown in *Table 7*, the Mossberg 12 gauge shotgun represents 9 percent (1,774) of long gun trace requests among all age groups. The imported North China Industries 7.62mm rifle constitutes 6 percent (1,151) of all long gun trace requests and ranks third for long guns among all age groups.

⁸ See Section 4-4 for a discussion of manufacturer ranking when the specific model of firearm is considered, in contrast to a ranking of firearms by manufacturer and caliber, as here.

Table 6: Top Ten Handguns by Manufacturer, Caliber, and Type

Handguns				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
SMITH & WESSON	.38	Revolver	3,418	5.0
RUGER	9mm	Semiautomatic	2,368	3.4
LORCIN ENGINEERING	.380	Semiautomatic	2,351	3.4
RAVEN ARMS	.25	Semiautomatic	1,885	2.7
SMITH & WESSON	9mm	Semiautomatic	1,696	2.5
SMITH & WESSON	.357	Revolver	1,645	2.4
BRYCO ARMS	9mm	Semiautomatic	1,576	2.3
BRYCO ARMS	.380	Semiautomatic	1,568	2.3
DAVIS INDUSTRIES	.380	Semiautomatic	1,462	2.1
TAURUS	.38	Revolver	1,223	1.8
Top Ten Handguns			19,192	27.8
All Handguns			69,027	100.0

Table 7: Top Ten Long Guns by Manufacturer, Caliber/Gauge, and Type

Long Guns				
Manufacturer	Caliber/Gauge	Type of Crime Gun	Number of Crime Guns	Percent of Crime Guns
MOSSBERG	12 GA	Shotgun	1,774	9.2
MARLIN	.22	Rifle	1,321	6.8
NORTH CHINA INDUSTRIES	7.62mm	Rifle	1,151	6.0
REMINGTON ARMS CO.	12 GA	Shotgun	1,057	5.5
WINCHESTER	12 GA	Shotgun	849	4.4
SAVAGE	12 GA	Shotgun	641	3.3
REMINGTON ARMS	.22	Rifle	550	2.8
RUGER	.22	Rifle	473	2.4
WINCHESTER	.22	Rifle	438	2.3
MAVERICKARMS (EAGLE PASS, TX)	12GA	Shotgun	402	2.1
Top Ten Long Guns			8,656	44.8
All Long Guns			19,311	100.0

Firearm Manufacturer and Model

Significance of Model Information. Firearms vary not only by caliber, type, and manufacturer but also by model. Law enforcement utilizes manufacturer, model, and caliber information to focus on major types of crime guns. Model information allows law enforcement to identify the preferences of crime gun possessors. Manufacturers that have been in business for many years have produced numerous models of firearms in certain frequently traced calibers. Other manufacturers are more recently established, out of business, and/or have manufactured only a few models. Therefore, when crime gun information is available by manufacturer only, the role of some models of crime guns may not be apparent. When model information is available, the placement of particular manufacturers' firearms on the list of most frequently traced firearms can change substantially.

Because firearms can be uniquely identified by the manufacturer, firearm type, caliber, and serial number, ATF does not require law enforcement agencies to include model information on trace requests. However, many agencies do regularly record and report model information. Model information was provided on 60,588 trace requests (69 percent of 88,570) among YCGII jurisdictions over 250,000 inhabitants during 2000. *Tables 8 and*

9 report on the characteristics of the trace requests that include model information.

Handgun Models. As shown in *Table 8*, the most frequently traced handgun model, overall and in each possessor age group, is the Lorcin Engineering L380 .380 caliber semiautomatic pistol. Similarly, the second most frequently traced handgun in each possessor age group is the Davis Industries P380 .380 caliber semiautomatic pistol. By contrast, while the Smith & Wesson .38 caliber revolver is the most frequently traced firearm by manufacturer and caliber (*Table 5*), no single model in *Table 8* appears with comparable frequency. When model information is included, the Ruger 9mm semiautomatic pistol that appears in second place on *Table 5* is shown to be two different firearms, the Model P95 and the Model P89, both of which appear in *Table 8*.

The Raven Arms .25 caliber semiautomatic pistols, among the top ten crime guns by manufacturer and caliber (*Table 5*), include the Model MP25, the fourth most frequently traced model. Bryco Arms .380 caliber and 9mm semiautomatic pistols appear on the top ten lists for juveniles and youths (*Table 5*); by model, the Model 9 and Model 38 were among the top ten crime guns for each age group.

Table 8: Top Ten Handguns by Manufacturer and Model by Age Group of Possessor

Juvenile (ages 17 & younger)					
Manufacturer	Model	Caliber	Type	Number	Percent of Guns
LORCIN ENGINEERING	L380	.380	Semiautomatic Pistol	163	6.5
DAVIS INDUSTRIES	P380	.380	Semiautomatic Pistol	87	3.5
RAVEN ARMS	MP25	.25	Semiautomatic Pistol	87	3.5
LORCIN ENGINEERING	L25	.25	Semiautomatic Pistol	80	3.2
HI-POINT	C	9mm	Semiautomatic Pistol	54	2.2
LORCIN ENGINEERING	L9	9mm	Semiautomatic Pistol	50	2.0
PHOENIX ARMS CO.	RAVEN	.25	Semiautomatic Pistol	50	2.0
RUGER	P89	9mm	Semiautomatic Pistol	41	1.6
BRYCO ARMS	38	.380	Semiautomatic Pistol	40	1.6
BRYCO ARMS	9	9mm	Semiautomatic Pistol	39	1.6
Top Ten with Model Information				691	27.6
Total with Model Information				2,505	100.0

**Table 8: Top Ten Handguns by Manufacturer and Model
by Age Group of Possessor (Continued)**

Youth (ages 18-24)						
Manufacturer	Model	Caliber	Type	Number	Percent of Guns	
LORCIN ENGINEERING	L380	.380	Semiautomatic Pistol	643	5.5	
DAVIS INDUSTRIES	P380	.380	Semiautomatic Pistol	391	3.3	
HI-POINT	C	9mm	Semiautomatic Pistol	348	3.0	
BRYCO ARMS	9	9mm	Semiautomatic Pistol	288	2.5	
LORCIN ENGINEERING	L9	9mm	Semiautomatic Pistol	280	2.4	
RUGER	P95	9mm	Semiautomatic Pistol	269	2.3	
RUGER	P89	9mm	Semiautomatic Pistol	251	2.1	
RAVEN ARMS	MP25	.25	Semiautomatic Pistol	224	1.9	
LORCIN ENGINEERING	L25	.25	Semiautomatic Pistol	216	1.8	
BRYCO ARMS	38	.380	Semiautomatic Pistol	181	1.5	
Top Ten with Model Information				3,091	26.4	
Total with Model Information				11,710	100.0	

Adult (ages 25 & older)						
Manufacturer	Model	Caliber	Type	Number	Percent of Guns	
LORCIN ENGINEERING	L380	.380	Semiautomatic Pistol	735	4.3	
DAVIS INDUSTRIES	P380	.380	Semiautomatic Pistol	453	2.6	
RUGER	P89	9mm	Semiautomatic Pistol	319	1.9	
RAVEN ARMS	MP25	.25	Semiautomatic Pistol	306	1.8	
HI-POINT	C	9mm	Semiautomatic Pistol	289	1.7	
RUGER	P95	9mm	Semiautomatic Pistol	275	1.6	
LORCIN ENGINEERING	L9	9mm	Semiautomatic Pistol	266	1.5	
LORCIN ENGINEERING	L25	.25	Semiautomatic Pistol	234	1.4	
BRYCO ARMS	9	9mm	Semiautomatic Pistol	230	1.3	
BRYCO ARMS	38	.380	Semiautomatic Pistol	208	1.2	
Top Ten with Model Information				3,315	19.2	
Total with Model Information				17,225	100.0	

Table 8: Top Ten Handguns by Manufacturer and Model by Age Group of Possessor (Continued)

All Ages					
Manufacturer	Model	Caliber	Type	Number	Percent of Guns
LORCIN ENGINEERING	L380	.380	Semiautomatic Pistol	2,334	4.7
DAVIS INDUSTRIES	P380	.380	Semiautomatic Pistol	1,452	2.9
HI-POINT	C	9mm	Semiautomatic Pistol	1,036	2.1
RAVEN ARMS	MP25	.25	Semiautomatic Pistol	1,035	2.1
RUGER	P89	9mm	Semiautomatic Pistol	923	1.9
LORCIN ENGINEERING	L9	9mm	Semiautomatic Pistol	869	1.8
LORCIN ENGINEERING	L25	.25	Semiautomatic Pistol	819	1.6
BRYCO ARMS	9	9mm	Semiautomatic Pistol	795	1.6
RUGER	P95	9mm	Semiautomatic Pistol	776	1.6
BRYCO ARMS	38	.380	Semiautomatic Pistol	671	1.4
Top Ten with Model Information				10,710	21.6
Total with Model Information				49,643	100.0

Long Gun Models. As shown in *Table 9*, consistent with manufacturer information shown in *Table 7*, the Mossberg 500 12 gauge shotgun is the most frequently traced long gun for adults and youth and ranks fifth among juveniles. The North China Industries SKS 7.62mm rifle ranks first among juveniles, second among youth, and fourth among adults.

Officer Safety. ATF provides officer safety information relating to crime in order to assist State and local law enforcement managers in assessing potential departmental safety measures. *Table 9* shows that for all age groups, the North China

Industries Model SKS 7.62mm caliber rifle is the rifle model most frequently encountered by law enforcement officers. The North China Industries Model MAK90 7.62mm caliber rifle is also encountered in significant numbers, and the Colt Model AR15 .223 caliber rifle is among the long guns most frequently recovered from adult possessors.⁹ These high capacity rifles pose an enhanced threat to law enforcement, in part because of their ability to expel projectiles at velocities that are capable of penetrating the type of soft body armor typically worn by the law enforcement officers.

⁹The North China Industries model SKS 7.62 has been barred from importation into the United States since May 1994 when the President banned the importation of munitions from China. (Letter to Secretary of the Treasury Lloyd M. Bentsen from Secretary of State Warren Christopher, May 28, 1994.) The Colt AR-15 is a semiautomatic assault weapon as defined in the Gun Control Act of 1968. 18 U.S.C. 921(a)(30). It is generally unlawful to possess or transfer these firearms. 18 U.S.C. 922(v)(1). This prohibition, however, does not apply to any AR-15 that was lawfully possessed on or before Sept. 13, 1994. 18 U.S.C. 921(v)(2). The North China Industries MAK90 has been barred from importation since May 1994 when the President banned the importation of munitions from China. In addition, in 1998, it was determined that this firearm was not generally recognized as particularly suitable for sporting purposes and, therefore, could not be legally imported into the United States. 18 U.S.C. 925(d)(3). *Department of the Treasury Study on the Sporting Suitability of Modified Semiautomatic Assault Weapons*, April 1998, Department of the Treasury.

**Table 9: Top Ten Long Guns by Manufacturer and Model
by Age Group of Possessor**

Juvenile (ages 17 & younger)					
Manufacturer	Model	Caliber	Type	Number	Percent of Guns
NORTH CHINA INDUSTRIES	SKS	7.62mm	Rifle	24	7.3
MARLIN	60	.22	Rifle	20	6.1
REMINGTON ARMS CO.	870	12 GA	Shotgun	19	5.8
RUGER	10/22	.22	Rifle	17	5.2
MOSSBERG	500	12 GA	Shotgun	15	4.6
MAVERICK ARMS (EAGLE PASS, TX)	88	12 GA	Shotgun	12	3.7
HI-POINT	995	9mm	Rifle	8	2.4
WINCHESTER	94	.30-30	Rifle	6	1.8
MARLIN	336	.30-30	Rifle	4	1.2
REMINGTON ARMS CO.	11-87	12 GA	Shotgun	4	1.2
REMINGTON ARMS CO.	1100	12 GA	Shotgun	4	1.2
REMINGTON ARMS CO.	870	20 GA	Shotgun	4	1.2
Top Ten with Model Information				137	41.9
Total with Model Information				327	100.0

Youth (ages 18-24)					
Manufacturer	Model	Caliber	Type	Number	Percent of Guns
MOSSBERG	500	12 GA	Shotgun	201	11.9
NORTH CHINA INDUSTRIES	SKS	7.62mm	Rifle	139	8.2
MAVERICK ARMS	88	12 GA	Shotgun	102	6.0
HI-POINT	995	9mm	Rifle	87	5.1
REMINGTON ARMS CO.	870	12 GA	Shotgun	87	5.1
MARLIN	60	.22	Rifle	72	4.2
RUGER	10/22	.22	Rifle	50	2.9
NORTH CHINA INDUSTRIES	MAK90	7.62mm	Rifle	42	2.5
WINCHESTER	1300	12 GA	Shotgun	42	2.5
RUGER	MINI 14	.223	Rifle	33	1.9
Top Ten with Model Information				855	50.4
Total with Model Information				1,696	100.0

**Table 9: Top Ten Long Guns by Manufacturer and Model
by Age Group of Possessor (Continued)**

Adult (ages 25 & older)						
Manufacturer	Model	Caliber	Type	Number	Percent of Guns	
MOSSBERG	500	12 GA	Shotgun	390	8.0	
REMINGTON ARMS CO.	870	12 GA	Shotgun	267	5.5	
MARLIN	60	.22	Rifle	246	5.0	
NORTH CHINA INDUSTRIES	SKS	7.62mm	Rifle	230	4.7	
RUGER	10/22	.22	Rifle	203	4.2	
MAVERICK ARMS (EAGLE PASS, TX)	88	12 GA	Shotgun	121	2.5	
WINCHESTER	1300	12 GA	Shotgun	102	2.1	
WINCHESTER	94	.30-30	Rifle	93	1.9	
NORTH CHINA INDUSTRIES	MAK90	7.62mm	Rifle	90	1.8	
RUGER	MINI 14	.223	Rifle	76	1.6	
Top Ten with Model Information				1,818	37.3	
Total with Model Information				4,872	100.0	

All Ages						
Manufacturer	Model	Caliber	Type	Number	Percent of Guns	
MOSSBERG	500	12 GA	Shotgun	940	8.6	
NORTH CHINA INDUSTRIES	SKS	7.62mm	Rifle	642	5.9	
MARLIN	60	.22	Rifle	563	5.2	
REMINGTON ARMS CO.	870	12 GA	Shotgun	562	5.2	
RUGER	10/22	.22	Rifle	434	4.0	
MAVERICK ARMS (EAGLE PASS, TX)	88	12 GA	Shotgun	348	3.2	
HI-POINT	995	9mm	Rifle	250	2.3	
WINCHESTER	1300	12 GA	Shotgun	224	2.1	
NORTH CHINA INDUSTRIES	MAK90	7.62mm	Rifle	193	1.8	
WINCHESTER	94	.30-30	Rifle	193	1.8	
Top Ten with Model Information				4,349	39.9	
Total with Model Information				10,888	100.0	

2 - 4 Results of Trace Requests

Traces Initiated. Of the 88,570 requests for firearm traces from YCGII jurisdictions included in this national report, 77,250 (87 percent) resulted in traces initiated by the ATF National Tracing Center (*Table 10*). The proportion of traces initiated is similar among juvenile, adult and all age groups.

Purchasers Identified. As displayed in *Table 10*, as a result of the 77,250 requests for which a trace was initiated, 47,478 purchasers (54 percent of all requests and 61 percent of all initiated traces) were identified. Among juveniles, 59 percent of the initiated traces result in identifying the purchaser. Among youth, the percent increases to 67 percent; among adults, the percent of purchasers identified is 62 percent.

Reasons Traces Not Initiated and Purchasers Not Identified. As displayed in *Table 11* and *Figure 5*, the primary reason traces were not initiated is that 7,782 trace requests (9 percent of all trace requests) identified firearms manufactured prior to 1969.

Table 11 separates the reasons why traces that were initiated did not successfully identify a purchaser into two main categories: Terminated at the Manufacturer/Importer Stage and Terminated at the Wholesale/Retail Dealer Stage. Traces were terminated at the manufacturer or importer stage of the tracing process in 18,181 requests (21 percent of all requests and 24 percent of initiated traces), primarily because of incomplete or inaccurate information about the serial number on 9,572 firearms (11 percent of all requests and 12 percent of all initiated traces). Traces were

terminated at the wholesale or retail dealer stage of the tracing process in 10,091 requests (11 percent of all requests and 13 percent of all initiated traces), primarily because the dealers reported that they had no records on 6,043 firearms (7 percent of all trace requests and 8 percent of all initiated traces). The flow of cases from *Trace Initiated* to *Purchaser Identified* to *Purchaser Not Identified* is presented in *Figure 5*.

Since the inception of the YCGII program in 1996, there has been a steady increase in the number of participating jurisdictions, especially among cities with a population over 250,000 (See appendix B). This growth has been accompanied with extensive efforts to enhance the value of tracing data for local and national uses. Existing variations in the procedures for collection of tracing information by participating YCGII jurisdictions led to a concentrated effort by ATF to educate and train law enforcement personnel as to the benefits of comprehensive firearm tracing. ATF provided temporary personnel to assist local jurisdictions in entering and providing quality trace data and using aggregate information about crime gun traces to promote more effective local enforcement strategies. Since April 1999, ATF has trained approximately 7,200 law enforcement officers in firearms identification. An emphasis is placed on the concept of comprehensive firearm tracing as a reliable method to identify individuals or groups that are illegally trafficking firearms to criminals or youths in a particular community.

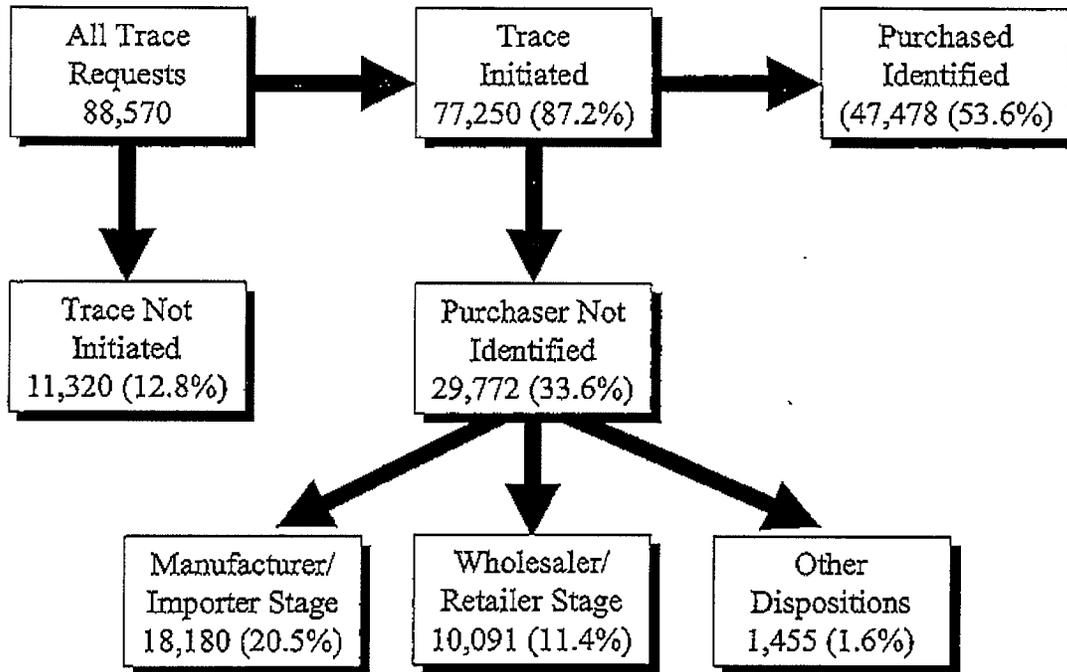
Table 10: Traces Initiated and Purchasers Identified

	Number of Crime Gun Trace Requests	Percent of Crime Gun Trace Requests	Percent of Crime Gun Traces Initiated
Juvenile (ages 17 & under)			
Crime Gun Trace Requests	4,112	100.0	
Traces Initiated	3,587	87.2	100.0
Traced to FFL	2,495	60.7	69.6
Purchaser Identified	2,112	51.4	58.9
Youth (ages 18-24)			
Crime Gun Trace Requests	18,085	100.0	
Traces Initiated	16,296	90.1	100.0
Traced to FFL	12,161	67.2	74.6
Purchaser Identified	10,924	60.4	67.0
Adult (ages 25 & over)			
Crime Gun Trace Requests	32,044	100.0	
Traces Initiated	27,873	87.0	100.0
Traced to FFL	20,161	62.9	72.3
Purchaser Identified	17,425	54.4	62.5
All Crime Guns in this Jurisdiction			
Crime Gun Trace Requests	88,570	100.0	
Traces Initiated	77,250	87.2	100.0
Traced to FFL	54,665	61.7	70.8
Purchaser Identified	47,478	53.6	61.5

Table 11: Reasons Traces Not Initiated and Purchasers Not Identified

	Number of Crime Gun Trace Requests	Percent of Crime Gun Trace Requests	Percent of Crime Gun Traces Initiated
Reasons Trace Not Initiated			
Firearm Manufactured Before 1969	7,782	8.8	10.1
Request Submitted for Information Purposes Only	3,005	3.4	3.9
Other Reasons	533	0.6	0.7
Reasons Purchaser Not Identified			
Trace Terminated At			
Manufacturer/Importer Stage	18,181	20.5	23.5
Problem with Manufacturer Name	3,115	3.5	4.0
Problem with Importer Name	4,927	5.6	6.4
Problem with Crime Gun Serial Number	9,572	10.8	12.4
Insufficient Information (unspecified)	50	0.1	0.1
Crime Gun Reported Stolen	517	0.6	0.7
Trace Terminated At			
Wholesaler/Retail Dealer Stage	10,091	11.4	13.1
No Response	305	0.3	0.4
Records Not Available	1,314	1.5	1.7
Records on this Crime Gun Not Available	6,043	6.8	7.8
20 Year Record Retention Requirement Expired	2,147	2.4	2.8
Crime Gun Reported Stolen During Inquiry	282	0.3	0.4
Other Dispositions			
Terminated by Law Enforcement	575	0.6	0.7
Disposition Pending	344	0.4	0.4
Special Conditions	536	0.6	0.7

Figure 5: Traces Initiated and Purchasers Identified



2 - 5 Possessors and Purchasers

Few Possessors Are Purchasers. In 63,526 of the trace requests (72 percent of 88,570), a crime gun possessor was identified. In 47,478 requests (53 percent of 88,570), the crime gun purchaser was identified. In 34,847 requests both purchaser and possessor are known, and in 88 percent of those traces (30,775), the possessor and the purchaser are not the same person. The high proportion of crime guns not possessed by their original purchasers suggests the potential importance of a more extensive investigation of the chain of possession of crime guns. There is little variation by firearm type in the proportion of possessors that are also the first purchasers of crime guns.

Tracing from Purchaser to Possessor. Transfers of a firearm beyond the initial purchase by a retail customer usually cannot be followed to the criminal possessor using serial numbers and transfer documentation alone. Federal law does not require unlicensed sellers to perform Brady background checks or maintain transfer records for tracing, and firearm owners are not required to keep a record of the serial number of their firearms or to report lost or stolen firearms. Therefore, it is generally impossible for a National Tracing Center (NTC) crime gun trace alone to identify purchasers beyond the initial retail purchaser. If a crime gun is not recovered from its original purchaser, it has been transferred at least once in the secondary market, that is, by someone other than an FFL. These transfers may be lawful or unlawful. The crime gun may have been illegally transferred by a straw purchaser; resold by an unlicensed seller or as a used gun by an FFL; borrowed, traded, or given as a gift; stolen by its criminal possessor; or stolen and trafficked, among other possibilities.

Tracking Transfers Beyond First Retail Sale.

FFL reporting to the National Tracing Center.

In 2000, ATF began requiring certain FFLs who failed to cooperate with crime gun traces, as well as those with 10 or more crime gun traces with a time-to-crime of 3 years or less, to report additional information on firearms transactions to the National Tracing Center.

State documentation. States may impose additional firearm transfer documentation requirements that law enforcement agencies may use to trace new and previously owned firearms purchased in that State.

Investigative tracing. For traces of crime guns recovered from juveniles and traces involving certain crimes, ATF agents, often working with State and local law enforcement officials in YCGII cities, will follow the gun through the chain of possession to an illegal supplier by performing an investigative trace. Investigative tracing uses interviews and other investigative techniques to track the gun through the entire chain of transfers to the criminal possessor. However, investigative tracing is a resource-intensive method that is not practicable for all gun crimes.

2 - 6 Time-to-Crime

Time-to-Crime. An important consideration in understanding firearms trafficking is the length of time from a firearm's first retail sale by a Federal firearm licensee (FFL) to its recovery by law enforcement as a crime gun. A short time-to-crime can be an indicator of illegal firearms trafficking. Focusing on these firearms alone can produce significant trafficking trends and patterns. Investigating crime guns with short time-to-crime allows law enforcement to seek out sources of crime guns and disrupt the flow of illegal firearms trafficking.

Limitation on Time-to-Crime Information for Used Crime Guns. Since a National Tracing Center trace generally extends only to the first retail purchaser, a trace of a gun sold used by an unlicensed seller or FFL usually will not show a fast time-to-crime, even if it was recovered by law enforcement shortly after its most recent transfer. Therefore, the time-to-crime measure as an indicator of trafficking is most appropriate when applied to guns sold new by FFLs.

Percentage of Traces with Time-to-Crime. To compute time-to-crime, both the date the firearm was recovered and the date it was purchased from a retail FFL must be known. Sufficient information to compute a time-to-crime was provided for 52 percent (46,019) of the crime gun traces (88,570). These 46,019 traces are analyzed in this section.

Reporting Median Time-to-Crime. Throughout this report, the average time-to-crime for specific guns, for age groups, and for other sets of traces is reported by the median. The median is the actual time-to-crime

value of the middle gun in a group of guns rank ordered by their time-to-crime. The median is a particularly useful measure of central tendency when a variable has a small subset of cases with extreme values; such is the case with time-to-crime.

Short Time-to-Crime. Crime guns with a very short time-to-crime represent a priority for further investigation as the original transaction may have involved illegal diversion that is continuing. As shown in *Figure 6*, about 15 percent (6,718) of the crime guns recovered in 2000, which a time-to-crime could be computed, have a time-to-crime of 12 months or less. Another 9 percent (4,258) of the recovered crime guns have a time-to-crime of over 1 year and up to 2 years.

New Crime Guns. The illegal market in guns involves new guns, used guns, and stolen guns. *Figure 7* displays the cumulative percent of crime guns by years since purchase and shows that nearly a third (31 percent, 14,422) of recovered crime guns, for which a time-to-crime could be computed (46,019), had been purchased for the first time within 3 years of their recovery.¹⁰ Since these crime guns were all recovered in 2000, nearly one-third of the crime guns with known time-to-crime entered firearm commerce between December 1996 and December 1997.

Short Time-to-Crime for All Crime Guns. Half of the crime guns recovered in 2000 had a time-to-crime of 6 years or less. This is a relatively short period of time. Gun owners surveyed in 1994 indicated that they had owned their firearms an average of 13 years.¹¹

¹⁰ The methodology for these calculations and the numbers and percentages for *Figures 6 and 7* can be found in Appendix B.

¹¹ Phillip J. Cook and Jens Ludwig, *Guns in America*, Police Foundation 1997.

Figure 6: Percent of Traced Crime Guns by Time-to-Crime

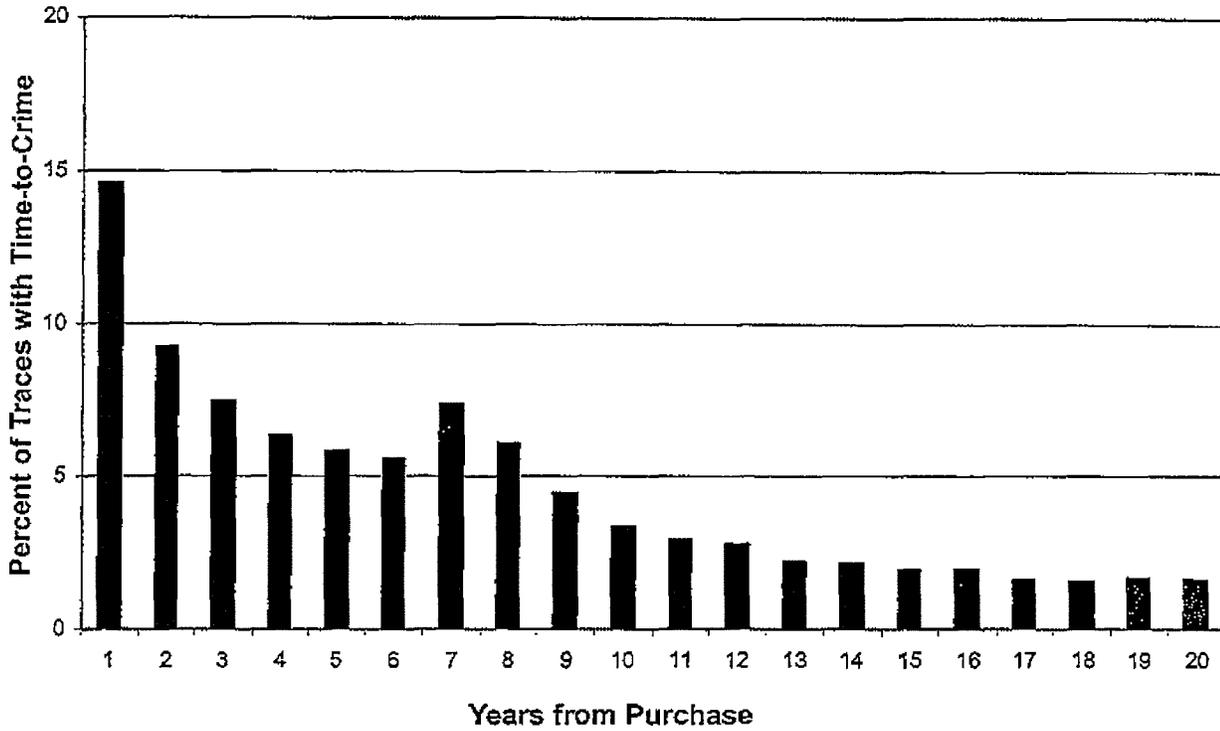
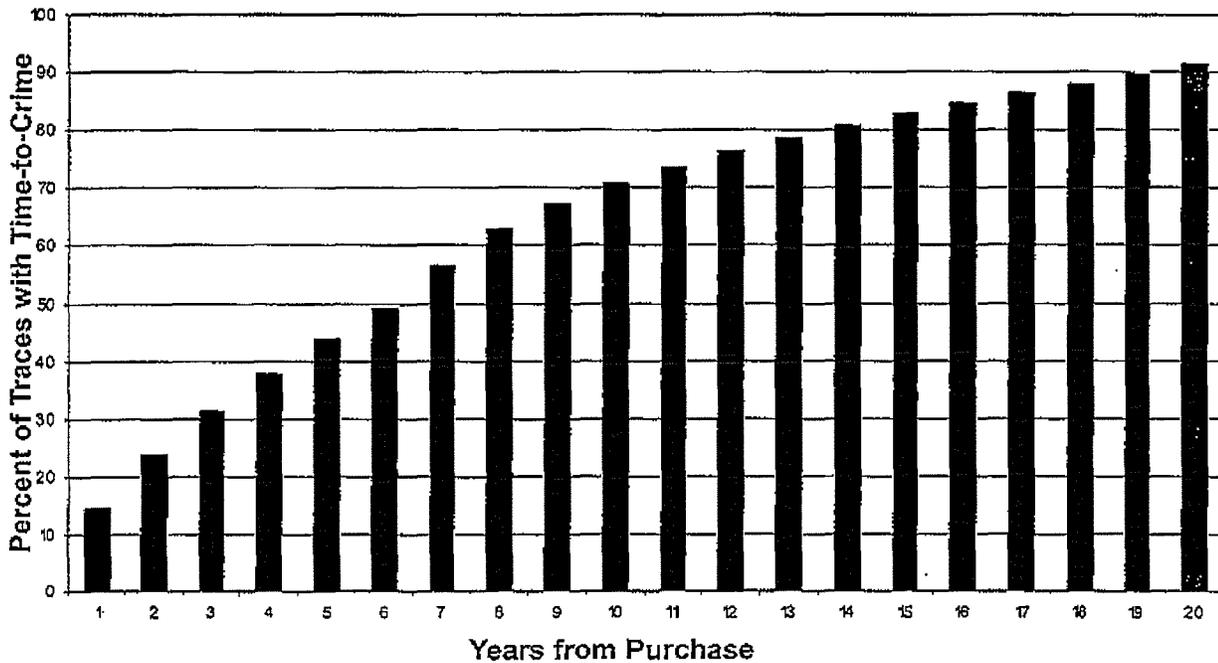


Figure 7: Cumulative Percentage of Traced Crime Guns by Time-to-Crime



Time-to-Crime by Firearm Type

Median Time-to-Crime by Firearm Type and Age Group. As shown in *Table 12* and *Figure 8*, while the median time-to-crime for semiautomatic pistols is 4.5 years, for revolvers the median time-to-crime is 12.3 years. As shown in *Table 12* and *Figure 9*, the median time-to-crime for crime guns possessed by youth is 4.5 years, more than two years shorter than for crime guns possessed by juveniles (6.6 years), and a year and a half shorter than for adults (6.0 years). Juveniles tend to possess firearms that have a long time-to-crime. Their median time-to-crime is the longest of all age groups, and this is true if the firearm in their possession is a semiautomatic pistol, a revolver, or a rifle. Revolvers recovered by law enforcement from juveniles have a median time-to-crime of 14 years. The pattern for long guns is different. Among long guns, those recovered from youth have a median time-to-crime of about 5 years; for adults and for juveniles, the median time-to-crime is over 7 years.

Shortest and Longest Time-to-Crime Guns. As shown in *Table 12*, semiautomatic pistols recovered from youth have the shortest median time-to-crime, 3.3 years. Thus, half of the semiautomatic pistols recovered from youth in 2000, and for which we were able to determine the time-to-crime, were originally sold

sometime between September 1996 and September 1997. The longest median time-to-crime is observed for revolvers possessed by juveniles, 14 years. Time-to-crime information alone cannot determine whether these recovered semiautomatic pistols were obtained through illegal diversion or purchased new from FFLs by youth crime gun possessors. This is the type of question that law enforcement officials must further investigate. Since nearly 88 percent of all traced crime guns changed hands at least once before recovery by law enforcement, it can be assumed that illegal diversion plays a significant role in youth crime gun acquisition.

City variations. The median time-to-crime for recovered crime guns varied across the YCGII cities. Certain cities have a median time-to-crime that is notably shorter than the YCGII city average of 6.1 years. These cities included *Gary, IN* (2.6 years); *Atlanta, GA* (3.1 years); *Indianapolis, IN* (3.1 years); *Philadelphia, PA* (3.8 years); *Tucson, AZ* (4.0 years) and *Seattle, WA* (4.1 years). Other cities have a median time-to-crime that is much longer than the YCGII city average. These cities include *Stockton, CA* (9.2 years); *San Jose, CA* (9.0 years); *Anaheim, Long Beach, and Santa Ana, CA* (8.8 years); *Los Angeles, CA* (8.0 years) and *Oakland, CA* (8.0 years).

Table 12: Median Time-to-Crime in Years by Firearm Type and Age Group of Possessor

Type of Weapon	Juvenile (ages 17 & younger)	Youth (ages 18 - 24)	Adult (ages 25 & older)	Age Unknown	All Ages
Semiautomatic Pistol	5.7	3.3	4.4	5.6	4.5
Revolver	14.0	11.7	10.9	14.1	12.3
Rifle	7.1	5.1	7.5	7.4	7.0
Shotgun	7.2	5.0	7.9	8.5	7.6
Other	7.0	7.4	6.8	7.9	7.1
Total	6.6	4.5	6.0	6.9	6.1

Based on 46,008 traces for which a time-to-crime could be computed.
See Appendix B: For details on computing time-to-crime

Figure 8: Median Time-to-Crime by Firearm Type

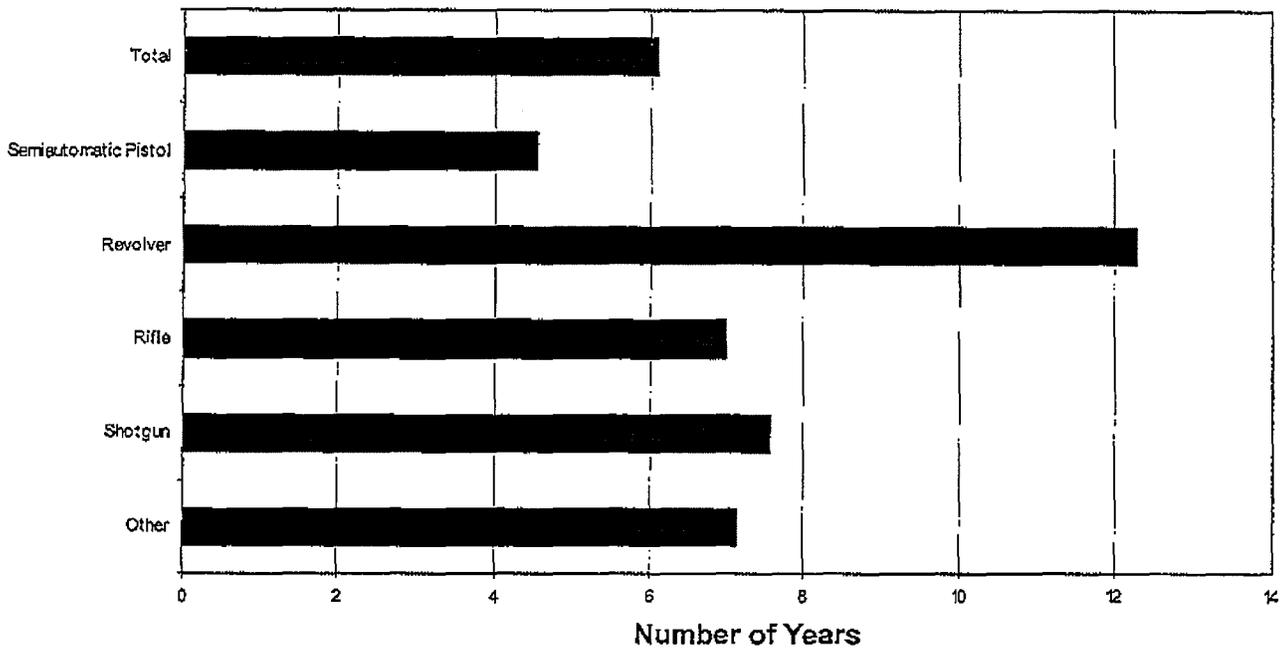
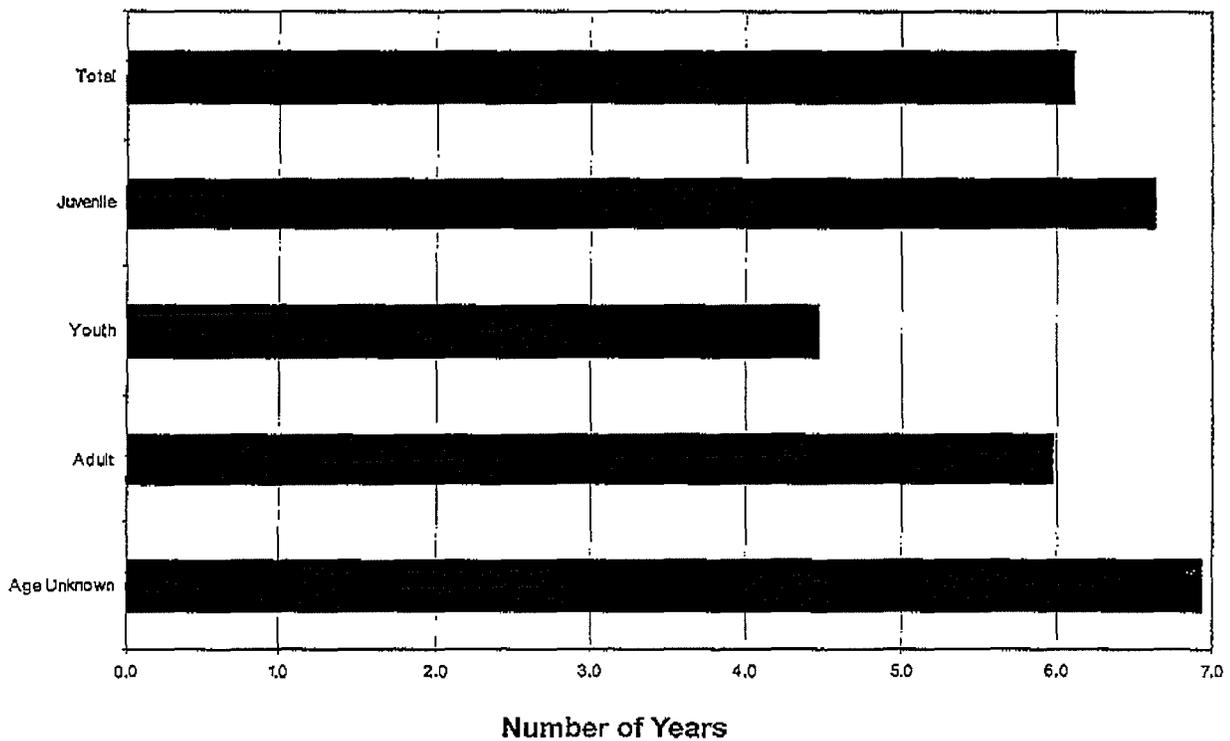


Figure 9: Median Time-to-Crime by Age Group of Possessor



Time-to-Crime for Top Ten Crime Guns by Manufacturer, Caliber and Type

Short Time-to-Crime Guns. As shown in *Table 13*, Bryco Arms 9mm semiautomatic pistols have the fastest median time-to-crime for all ages combined at 1.4 years. More than 70 percent (822 of 1,171) of these crime guns have a time-to-crime of 3 years or less and the shortest time-to-crime was 0 days. This same crime gun has the fastest median time-to-crime among juveniles (1.5 years) and the second fastest median time-to-crime among youth (1.1 years). The Bryco Arms .380 caliber semiautomatic pistol has the second fastest median time-to-crime for all ages combined (2.9 years), and is the fastest time-to-crime gun among adult possessors (2.7 years), second fastest time among juveniles (3.4 years), and third fastest among youth (2.0 years).

Longer Time-to-Crime Guns. As shown in *Table 13*, among all ages, the Smith & Wesson .38 caliber revolver had a median time-to-crime of just over 13 years; only 12 percent of the Smith and Wesson .38 caliber revolvers have a time-to-crime of 3 years or

less. The Smith & Wesson .357 caliber revolver has very similar median time-to-crime, 13 years. Thirteen percent of the Smith & Wesson .357 caliber revolvers have a median time-to-crime of 3 years or less. Only 2 percent of the Raven Arms .25 caliber semiautomatic pistols have a median time-to-crime of 3 years or less. Raven Arms stopped manufacturing firearms in 1991.¹² Therefore, many of these firearms are likely to have been re-sold by FFLs and/or transferred by unlicensed persons.

Long Gun Time-to-Crime. As shown in *Table 13*, the Mossberg 12 gauge shotgun, the only long gun among the most frequently traced firearms among all age groups, has a median time-to-crime of 5.4 years; 35 percent of these guns have a time-to-crime of 3 years or less. Among adults, the Marlin .22 rifle has a median time-to-crime of 12.3 years and is the seventh most frequently traced firearm. The Remington Arms shotgun ranks ninth in frequency and has a median time-to-crime of 8.9 years.

**Table 13: Time-to-Crime for Top Ten Crime Guns
by Age Group of Possessor**

Manufacturer	Caliber Type of Crime Gun	Number of Crime Guns		Median Time-to-Crime in Years	Time-to-Crime of 3 Years or Less		Fastest Case (in days)***
		All	With Time-to-Crime*		Number	Percent**	
BRYCO ARMS	9mm Semiautomatic Pistol	65	53	1.5	40	75.5	2
BRYCO ARMS	.380 Semiautomatic Pistol	92	73	3.4	33	45.2	18
RUGER	9mm Semiautomatic Pistol	89	71	3.6	30	42.3	9
LORCIN ENGINEERING	.380 Semiautomatic Pistol	164	116	5.4	33	28.4	1
DAVIS INDUSTRIES	.380 Semiautomatic Pistol	88	70	6.2	23	32.9	44
LORCIN ENGINEERING	.25 Semiautomatic Pistol	81	69	6.5	15	21.7	35
RAVEN ARMS	.25 Semiautomatic Pistol	159	113	13.0	2	1.8	2
SMITH & WESSON	.357 Revolver	65	38	14.6	4	10.5	100
SMITH & WESSON	.38 Revolver	146	51	16.8	3	5.9	188
RG INDUSTRIES	.22 Revolver	64	31	21.2	1	3.2	198
Top Ten Crime Guns		1,013	685				
All Crime Guns		4,112	2,062				

* Time-to-crime can only be calculated when a trace is completed and a recovery date is submitted.

** The denominator used to calculate this result is the total number of trace requests where a time-to-crime was established.

*** A time-to-crime of 0 days indicates the recovery of a firearm during or immediately following a sale from a Federal firearms licensee.

¹² Fjestad, S. P., *Blut Book of Gun Values, 2000*, 22nd ed. p. 1011. Minneapolis, MN: Bluebook Publications.

Table 13: Time-to-Crime for Top Ten Crime Guns by Age Group of Possessor (Continued)

Youth (ages 18-24)			Number of Crime Guns		Median Time-to-Crime in Years	Time-to-Crime of 3 Years or Less		Fastest Case (in days)***
Manufacturer	Caliber	Type of Crime Gun	All	With Time-to-Crime*		Number	Percent**	
HI-POINT	9mm	Semiautomatic Pistol	356	300	1.0	210	70.0	0
BRYCO ARMS	9mm	Semiautomatic Pistol	518	387	1.1	294	76.0	1
BRYCO ARMS	.380	Semiautomatic Pistol	443	346	2.0	210	60.7	0
RUGER	9mm	Semiautomatic Pistol	682	549	2.7	298	54.3	1
MOSSBERG	12 GA	Shotgun	357	263	3.2	128	48.7	0
LORCIN ENGINEERING	.380	Semiautomatic Pistol	646	522	3.9	217	41.6	0
SMITH & WESSON	9mm	Semiautomatic Pistol	407	289	4.6	96	33.2	0
DAVIS INDUSTRIES	.380	Semiautomatic Pistol	393	313	6.3	91	29.1	5
RAVEN ARMS	.25	Semiautomatic Pistol	395	277	11.9	10	3.6	135
SMITH & WESSON	.38	Revolver	585	184	13.9	16	8.7	76
Top Ten Crime Guns			4,782	3,430				
All Crime Guns			18,085	10,618				

Adult (ages 25 & older)			Number of Crime Guns		Median Time-to-Crime in Years	Time-to-Crime of 3 Years or Less		Fastest Case (in days)***
Manufacturer	Caliber	Type of Crime Gun	All	With Time-to-Crime*		Number	Percent**	
BRYCO ARMS	.380	Semiautomatic Pistol	469	337	2.7	180	53.4	3
RUGER	9mm	Semiautomatic Pistol	812	662	3.4	303	45.8	1
LORCIN ENGINEERING	.380	Semiautomatic Pistol	744	578	4.4	203	35.1	6
SMITH & WESSON	9mm	Semiautomatic Pistol	649	461	5.7	140	30.4	1
MOSSBERG	12 GA	Shotgun	718	492	5.9	164	33.3	1
REMINGTON ARMS CO.	12 GA	Shotgun	484	230	8.9	40	17.4	3
SMITH & WESSON	.38	Revolver	1,234	454	12.1	65	14.3	4
SMITH & WESSON	.357	Revolver	640	383	12.3	63	16.4	10
MARLIN	.22	Rifle	545	303	12.3	49	16.2	2
RAVEN ARMS	.25	Semiautomatic Pistol	526	376	12.8	6	1.6	41
Top Ten Crime Guns			6,821	4,276				
All Crime Guns			32,044	16,939				

All Ages			Number of Crime Guns		Median Time-to-Crime in Years	Time-to-Crime of 3 Years or Less		Fastest Case (in days)***
Manufacturer	Caliber	Type of Crime Gun	All	With Time-to-Crime*		Number	Percent**	
BRYCO ARMS	9mm	Semiautomatic Pistol	1,576	1,171	1.4	822	70.2	0
BRYCO ARMS	.380	Semiautomatic Pistol	1,568	1,197	2.9	614	51.3	0
RUGER	9mm	Semiautomatic Pistol	2,368	1,896	3.3	902	47.6	0
LORCIN ENGINEERING	.380	Semiautomatic Pistol	2,351	1,825	4.5	645	35.3	0
MOSSBERG	12 GA	Shotgun	1,774	1,196	5.4	419	35.0	0
SMITH & WESSON	9mm	Semiautomatic Pistol	1,696	1,203	6.1	350	29.1	0
DAVIS INDUSTRIES	.380	Semiautomatic Pistol	1,462	1,179	6.3	314	26.6	0
RAVEN ARMS	.25	Semiautomatic Pistol	1,885	1,344	12.8	28	2.1	2
SMITH & WESSON	.357	Revolver	1,645	983	13.0	128	13.0	10
SMITH & WESSON	.38	Revolver	3,418	1,151	13.1	143	12.4	1
Top Ten Crime Guns			19,743	13,145				
All Crime Guns			88,570	46,008				

* Time-to-crime can only be calculated when a trace is completed and a recovery date is submitted.

** The denominator used to calculate this result is the total number of trace requests where a time-to-crime was established.

*** A time-to-crime of 0 days indicates the recovery of a firearm during or immediately following a sale from a Federal firearms licensee.

Time-to-Crime by Manufacturer and Model

Time-to-Crime Among Handgun Models: Youth and Adult Age Groups. Youth and adult crime guns are heavily concentrated in the medium and high caliber semiautomatic pistols with relatively short time-to-crime. As shown in *Table 14*, five of the ten most frequently traced crime gun models in both the youth and adult age category have a median time-to-crime of less than 3 years. These short time-to-crime gun models for youth and adults are overwhelmingly 9mm semiautomatic pistols, including the Bryco Arms 9 (median time-to-crime for youth 0.7 and for adults 0.6 years), the Hi-Point C (1.0 and 1.6 years), the Ruger P95 (1.5 and 1.6 years) and the Lorcin Engineering model L9 (1.9 and 2.3 years). The Bryco Arms model 38 handgun also ranks in the top five time-to-crime guns for youth and adults at 1.3 and 3.0 years, respectively.

Time-to-Crime Among Handgun Models: Juvenile Age Group. Only two juvenile crime gun models have a median time-to-crime of less than 3 years;

among juveniles, the Hi-Point C model has a median time-to-crime of 1.3 years and the Lorcin Engineering model L9 has a median time-to-crime of 2.5 years. All the other most frequently traced handgun models among juveniles have a median time-to-crime of greater than 5.4 years and four have a median time-to-crime of 11 years or more.

Time-to-Crime Among Long Gun Models. As shown in *Table 15*, among all age groups, two long gun models have a median time-to-crime at or below 3 years; the Hi-Point model 995 rifle (1.8 years) and the Maverick Arms model 88 shotgun (3.0 years). The Maverick Arms shotgun also has a median time-to-crime below 3 years for juvenile, youth and adult age groups. The Hi-Point model 995 rifle, has the fastest median time-to-crime among both the juvenile and youth age groups, at 1.3 and 1.7 years respectively.

Table 14: Median Time-to-Crime for Top Ten Handguns by Manufacturer and Model by Age Group of Possessor

Juvenile (ages 17 & younger)					
Manufacturer	Model	Caliber	Type	Median	Number
BRYCO ARMS	9	9mm	Semiautomatic Pistol	0.8	39
HI-POINT	C	9mm	Semiautomatic Pistol	1.3	54
LORCIN ENGINEERING	L9	9mm	Semiautomatic Pistol	2.5	50
BRYCO ARMS	38	.380	Semiautomatic Pistol	4.4	40
LORCIN ENGINEERING	L380	.380	Semiautomatic Pistol	5.4	163
RUGER	P89	9mm	Semiautomatic Pistol	5.5	41
PHOENIX ARMS CO.	RAVEN	.25	Semiautomatic Pistol	6.0	50
DAVIS INDUSTRIES	P380	.380	Semiautomatic Pistol	6.2	87
LORCIN ENGINEERING	L25	.25	Semiautomatic Pistol	6.5	80
RAVEN ARMS	MP25	.25	Semiautomatic Pistol	11.6	87
Top Ten Handguns with Model and Time-to-Crime Information					691
Total Handguns with Model and Time-to-Crime Information					1,595

Table 14: Median Time-to-Crime for Top Ten Handguns by Manufacturer and Model by Age Group of Possessor (Continued)

Youth (ages 18-24)						
Manufacturer	Model	Caliber	Type	Median	Number	
BRYCO ARMS	9	9mm	Semiautomatic Pistol	0.7	288	
HI-POINT	C	9mm	Semiautomatic Pistol	1.0	348	
BRYCO ARMS	38	.380	Semiautomatic Pistol	1.3	181	
RUGER	P95	9mm	Semiautomatic Pistol	1.5	269	
LORCIN ENGINEERING	L9	9mm	Semiautomatic Pistol	1.9	280	
LORCIN ENGINEERING	L380	.380	Semiautomatic Pistol	4.0	643	
RUGER	P89	9mm	Semiautomatic Pistol	4.2	251	
LORCIN ENGINEERING	L25	.25	Semiautomatic Pistol	5.1	216	
DAVIS INDUSTRIES	P380	.380	Semiautomatic Pistol	6.2	391	
RAVEN ARMS	MP25	.25	Semiautomatic Pistol	10.5	224	
Top Ten Handguns with Model and Time-to-Crime Information					3,091	
Total Handguns with Model and Time-to-Crime Information					8,050	

Adult (ages 25 & older)						
Manufacturer	Model	Caliber	Type	Median	Number	
BRYCO ARMS	9	9mm	Semiautomatic Pistol	0.6	230	
RUGER	P95	9mm	Semiautomatic Pistol	1.6	275	
HI-POINT	C	9mm	Semiautomatic Pistol	1.6	289	
LORCIN ENGINEERING	L9	9mm	Semiautomatic Pistol	2.3	266	
BRYCO ARMS	38	.380	Semiautomatic Pistol	3.0	208	
LORCIN ENGINEERING	L380	.380	Semiautomatic Pistol	4.5	735	
RUGER	P89	9mm	Semiautomatic Pistol	5.3	319	
LORCIN ENGINEERING	L25	.25	Semiautomatic Pistol	6.2	234	
DAVIS INDUSTRIES	P380	.380	Semiautomatic Pistol	6.2	453	
RAVEN ARMS	MP25	.25	Semiautomatic Pistol	11.7	306	
Top Ten Handguns with Model and Time-to-Crime Information					3,315	
Total Handguns with Model and Time-to-Crime Information					11,539	

Table 14: Median Time-to-Crime for Top Ten Handguns by Manufacturer and Model by Age Group of Possessor (Continued)

All Ages					
Manufacturer	Model	Caliber	Type	Median	Number
BRYCO ARMS	9	9mm	Semiautomatic Pistol	0.7	795
HI-POINT	C	9mm	Semiautomatic Pistol	1.5	1,036
RUGER	P95	9mm	Semiautomatic Pistol	1.6	776
LORCIN ENGINEERING	L9	9mm	Semiautomatic Pistol	2.1	869
BRYCO ARMS	38	.380	Semiautomatic Pistol	2.7	671
LORCIN ENGINEERING	L380	.380	Semiautomatic Pistol	4.6	2,334
RUGER	P89	9mm	Semiautomatic Pistol	5.0	923
LORCIN ENGINEERING	L25	.25	Semiautomatic Pistol	6.2	819
DAVIS INDUSTRIES	P380	.380	Semiautomatic Pistol	6.3	1,452
RAVEN ARMS	MP25	.25	Semiautomatic Pistol	11.5	1,035
Top Ten Handguns with Model and Time-to-Crime Information					10,710
Total Handguns with Model and Time-to-Crime Information					32,551

Table 15: Median Time-to-Crime for Top Ten Long Guns by Manufacturer and Model by Age Group of Possessor

Juvenile (ages 17 & younger)					
Manufacturer	Model	Caliber	Type	Median	Number
HI-POINT	995	9mm	Rifle	1.3	8
MAVERICK ARMS (EAGLE PASS, TX)	88	9mm	Shotgun	3.0	12
MOSSBERG	500	9mm	Shotgun	3.1	15
REMINGTON ARMS CO.	11-87	.380	Shotgun	4.5	4
NORTH CHINA INDUSTRIES	SKS	.380	Rifle	6.4	24
MARLIN	60	9mm	Rifle	8.7	20
REMINGTON ARMS CO.	870	.25	Shotgun	8.9	19
RUGER	10/22	.380	Rifle	10.8	17
MARLIN	336	.25	Rifle	11.7	4
WINCHESTER	94	.25	Rifle	16.3	6
Top Ten Long Guns with Model and Time-to-Crime Information					129
Total Long Guns with Model and Time-to-Crime Information					139

Table 15: Median Time-to-Crime for Top Ten Long Guns by Manufacturer and Model by Age Group of Possessor (Continued)

Youth (ages 18-24)					
Manufacturer	Model	Caliber	Type	Median	Number
HI-POINT	995	9mm	Rifle	1.7	87
MAVERICK ARMS (EAGLE PASS, TX)	88	12 GA	Shotgun	2.5	102
MOSSBERG	500	12 GA	Shotgun	2.8	201
WINCHESTER	1300	12 GA	Shotgun	3.0	42
REMINGTON ARMS CO.	870	12 GA	Shotgun	5.9	87
NORTH CHINA INDUSTRIES	MAK90	7.62mm	Rifle	6.2	42
NORTH CHINA INDUSTRIES	SKS	7.62mm	Rifle	6.4	139
RUGER	10/22	.22	Rifle	6.5	50
RUGER	MINI 14	.223	Rifle	7.9	33
MARLIN	60	.22	Rifle	12.1	72
Top Ten Long Guns with Model and Time-to-Crime Information					855
Total Long Guns with Model and Time-to-Crime Information					943

Adult (ages 25 & older)					
Manufacturer	Model	Caliber	Type	Median	Number
MAVERICK ARMS (EAGLE PASS, TX)	88	12 GA	Shotgun	2.9	121
WINCHESTER	1300	12 GA	Shotgun	4.3	102
MOSSBERG	500	12 GA	Shotgun	5.9	390
NORTH CHINA INDUSTRIES	MAK90	7.62mm	Rifle	6.3	90
NORTH CHINA INDUSTRIES	SKS	7.62mm	Rifle	6.6	230
REMINGTON ARMS CO.	870	12 GA	Shotgun	8.2	267
RUGER	10/22	.22	Rifle	9.5	203
RUGER	MINI 14	.223	Rifle	11.3	76
MARLIN	60	.22	Rifle	13.2	246
WINCHESTER	94	.30-30	Rifle	19.3	93
Top Ten Long Guns with Model and Time-to-Crime Information					1,818
Total Long Guns with Model and Time-to-Crime Information					2,332

Table 15: Median Time-to-Crime for Top Ten Long Guns by Manufacturer and Model by Age Group of Possessor (Continued)

All Ages					
Manufacturer	Model	Caliber	Type	Median	Number
HI-POINT	995	9mm	Rifle	1.8	250
MAVERICK ARMS (EAGLE PASS, TX)	88	12 GA	Shotgun	3.0	348
WINCHESTER	1300	12 GA	Shotgun	3.8	224
MOSSBERG	500	12 GA	Shotgun	5.0	940
NORTH CHINA INDUSTRIES	MAK90	7.62mm	Rifle	6.3	193
NORTH CHINA INDUSTRIES	SKS	7.62mm	Rifle	6.4	642
REMINGTON ARMS CO.	870	12 GA	Shotgun	7.7	562
RUGER	10/22	.22	Rifle	8.5	434
MARLIN	60	.22	Rifle	13.4	563
WINCHESTER	94	.30-30	Rifle	17.7	193
Top Ten Long Guns with Model and Time-to-Crime Information					4,349
Total Long Guns with Model and Time-to-Crime Information					5,198

2 - 7 Recovery Location and Source Location

Most Traced Firearms Originate with Local Federal Firearms Licensees. As shown in *Table 16*, a majority of crime guns among all age groups, from 55.4 percent for juveniles to 62.3 percent for adults, were first purchased from FFLs in the State where the guns were recovered by law enforcement officials. As shown in *Table 17*, more than a third of the crime guns (35 percent) were recovered in the same county as the FFL that originally sold the firearm. Similar percentages of traced firearms come from adjoining counties in the same State (11.9 percent) as from other counties in the same State (11.7 percent). The proportion of purchases in the same State, in adjoining counties and in other counties is similar across all age groups. More than 40 percent (25,279 of 60,643) of crime guns with known originating locations are not first sold in the same State as the State where the firearm was recovered.

City variations. Cities vary in their geographic sources of crime guns.

- In seventeen cities, 80 percent or more of their crime guns are first sold by FFLs in the State in which the city is located: *Atlanta, GA; Austin, TX; Baton Rouge, LA; Birmingham, AL; Cleveland, OH; Gary, IN; Houston, TX; Indianapolis, IN; Miami, FL; New Orleans, LA; Pittsburgh, PA; Phoenix, AZ; Richmond, VA; San Antonio, TX; Stockton, CA; Tampa, FL; and Tucson, AZ.*
- With the exception of *New Orleans, LA*, sixteen of these seventeen cities have at least 50 percent of their in-State traceable crime guns originating from the county in which the recovery city was located. *Phoenix, AZ*, has the highest percentage of in-State crime guns originating from within the same county (88 percent).
- For seven cities, FFLs in the State where the city is located are the source of fewer than half of traced crime guns: *Boston, MA; Camden, NJ; Detroit, MI; Jersey City, NJ; Newark, NJ; New York, NY; and Washington, DC.*
- *Boston, MA; Camden, NJ; Jersey City, NJ; Newark, NJ; and New York, NY*, have a noteworthy number of guns originating both from within their respective States and from southern States such as Virginia, North Carolina, Georgia, and Florida.
- Many traceable crime guns recovered in *Detroit, MI*, were first sold by FFLs in Michigan (41 percent); however, a noteworthy percentage of traceable crime guns were also first sold by FFLs in Ohio, Kentucky, and Indiana (22 percent).
- *Chicago, IL*, is part of both regional and national patterns. Of crime guns recovered in *Chicago*, 10 percent originate in the neighboring State of Indiana. Many guns originate from FFLs in the South, with Mississippi supplying nearly 10 percent. FFLs in Kentucky, Georgia, Tennessee, and Arkansas supply an additional 10 percent.
- As a result of strict regulations on the sale and possession of firearms in *Washington, DC*, there are no firearms originating from that jurisdiction. FFLs in neighboring Maryland and Virginia are the sources of 59 percent of the traceable crime guns recovered in *Washington, DC*.

Table 16: Intrastate and Interstate Sources of Crime Guns

Number	Juvenile (ages 17 & younger)	Youth (ages 18 - 24)	Adult (ages 25 & older)	All Ages
In-State	1,519	7,760	13,995	35,364
Out-of-State	1,225	5,580	8,486	25,279
Total	2,744	13,340	22,481	60,643

Percent	Juvenile (ages 17 & younger)	Youth (ages 18 - 24)	Adult (ages 25 & older)	All Ages
In-State	55.4	58.2	62.3	58.3
Out-of-State	44.6	41.8	37.7	41.7
Total	100.0	100.0	100.0	100.0

Table 17: County, State and Interstate Sources of Crime Guns

Juvenile (ages 17 & younger)		
Source	Total	Percent
Same County-Same State	889	32.4
Adjoining County-Same State	302	11.0
Adjoining County-Other State	43	1.6
Other County-Same State	328	12.0
Other State	1,182	43.1
Total	2,744	100.0

Youth (ages 18-24)		
Source	Total	Percent
Same County-Same State	4,429	33.2
Adjoining County-Same State	1,541	11.6
Adjoining County-Other State	232	1.7
Other County-Same State	1,790	13.4
Other State	5,348	40.1
Total	13,340	100.0

Adult (ages 25 & older)		
Source	Total	Percent
Same County-Same State	8,241	36.7
Adjoining County-Same State	2,815	12.5
Adjoining County-Other State	310	1.4
Other County-Same State	2,939	13.1
Other State	8,176	36.4
Total	22,481	100.0

All Ages		
Source	Total	Percent
Same County-Same State	21,050	34.7
Adjoining County-Same State	7,196	11.9
Adjoining County-Other State	985	1.6
Other County-Same State	7,118	11.7
Other State	24,294	40.1
Total	60,643	100.0

Distance from Originating Location to Recovery Location. Another measure of the mix of local, regional, and national transactions is the distance in miles between the recovery location and the originating location. *Table 18* and *Figures 10* and *11* display the number, percent, and cumulative percent of the distances from originating to recovery location for 44,905 traces for which a distance could be calculated. Nearly a third (32 percent) of these traces were recovered within 10 miles and almost half (48 percent) within 25 miles of the originating location. Not all firearms are local; more than one third (34 percent) of the traced firearms originated more than 250 miles from the location where they were recovered, indicating a likelihood of substantial interstate, long distance trafficking of firearms. These patterns are consistent across juvenile, youth, and adult age groups.

City variations. Cities varied considerably in the distance between the crime gun recovery locations and the location where the guns were first purchased at FFLs.

In certain cities, the majority of the crime guns were first purchased at FFLs that were 10 miles or less from the crime gun recovery locations. These cities included *Baton Rouge, LA* (70 percent), *Gary, IN* (70 percent), *New Orleans, LA* (67 percent), *Louisville, KY* (64 percent), and *Pittsburgh, PA* (63 percent). In other cities, a majority of crime guns were first purchased at FFLs that were 250 miles or more from the crime gun recovery locations. These cities included *Newark, NJ* (78 percent), *New York, NY* (75 percent), and *Jersey City, NJ* (67 percent).

Many YCGII cities had a large number of guns first purchased at FFLs that were a short distance and a long distance from the crime gun recovery locations. These cities included:

- Twenty-four percent of crime guns recovered in *Camden, NJ*, were first purchased at FFLs located 10 miles or less from Camden. Another 43 percent of crime guns recovered in Camden were first purchased at FFLs located 250 miles or more from Camden.
- Nearly 44 percent of crime guns recovered in *Baltimore, MD*, were first purchased at FFLs located 10 miles or less from Baltimore. Another 21 percent of crime guns recovered in

Baltimore were first purchased at FFLs located 250 miles or more from Baltimore.

- Twenty-six percent of crime guns recovered in *Boston, MA*, were first purchased at FFLs located 10 miles or less from Boston. Another 37 percent of crime guns recovered in Boston were first purchased at FFLs located 250 miles or more from Boston.
- Nearly 33 percent of crime guns recovered in *Los Angeles, CA*, were first purchased at FFLs located 10 miles or less from Los Angeles. Nearly 22 percent of crime guns recovered in Los Angeles were first purchased at FFLs located 250 miles or more from Los Angeles.
- Nearly 33 percent of crime guns recovered in *Salinas, CA*, were first purchased at FFLs located 10 miles or less from Salinas. Nearly 36 percent of crime guns recovered in Salinas were first purchased at FFLs located 250 miles or more from Salinas.
- Slightly more than 51 percent of crime guns recovered in *San Jose, CA*, were first purchased at FFLs located 10 miles or less from San Jose. Nearly 27 percent of crime guns recovered in San Jose were first purchased at FFLs located 250 miles or more from San Jose.
- Nearly 39 percent of crime guns recovered in *Stockton, CA*, were first purchased at FFLs located 10 miles or less from Stockton. Nearly 32 percent of crime guns recovered in Stockton were first purchased at FFLs located 250 miles or more from Stockton.
- Forty-five percent of crime guns recovered in *Tampa, FL*, were first purchased at FFLs located 10 miles or less from Tampa. About 24 percent of crime guns recovered in Tampa were first purchased at FFLs located 250 miles or more from Tampa.
- Almost 24 percent of crime guns recovered in *Washington, DC*, were first purchased at FFLs located 10 miles or less from Washington, DC. Forty-five percent of crime guns recovered in Washington, DC, were first purchased at FFLs located 100 miles or more from Washington, DC.

Table 18: Miles from Recovery Location to Originating Location

All Ages			
Distance	Number	Percent	Cumulative Percent
5 Miles or Less	7,298	16.3	16.3
6 to 10 Miles	7,161	15.9	32.2
11 to 25 Miles	6,585	14.7	46.9
26 to 100 Miles	4,500	10.0	56.9
101 to 250 Miles	4,334	9.7	66.5
251 to 500 Miles	4,374	9.7	76.3
501 to 750 Miles	3,665	8.2	84.4
751 to 1000 Miles	2,442	5.4	89.9
More than 1000 Miles	4,546	10.1	100.0
Total (with known distance)	44,905	100.0	

Figure 10: Distance to Recovery Location

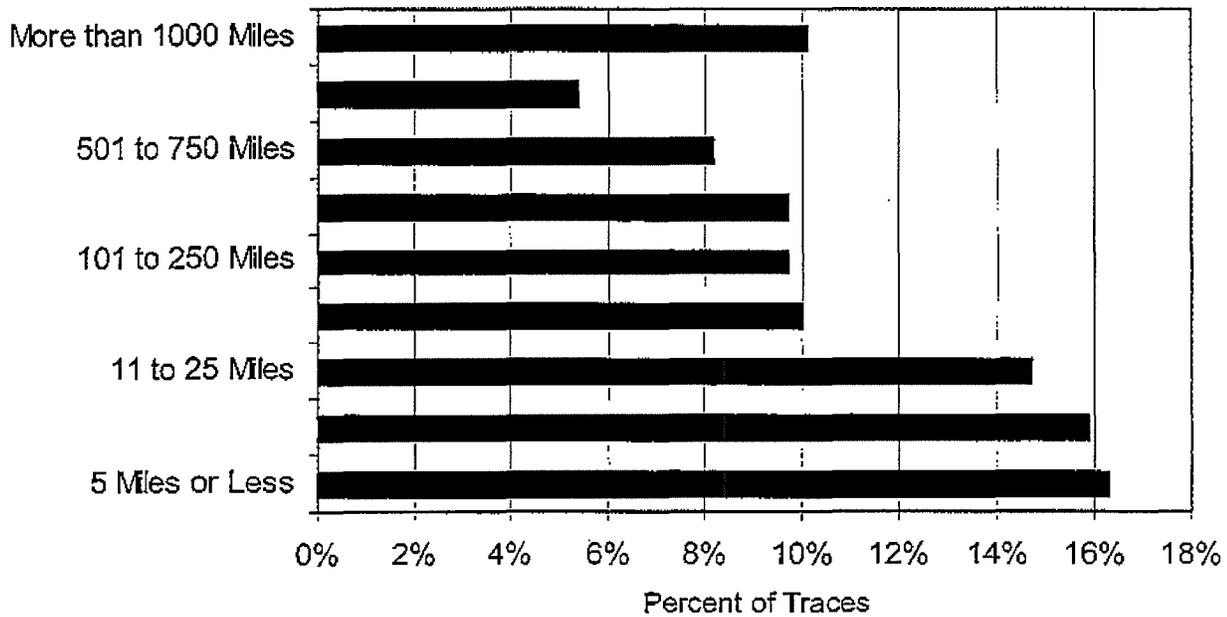
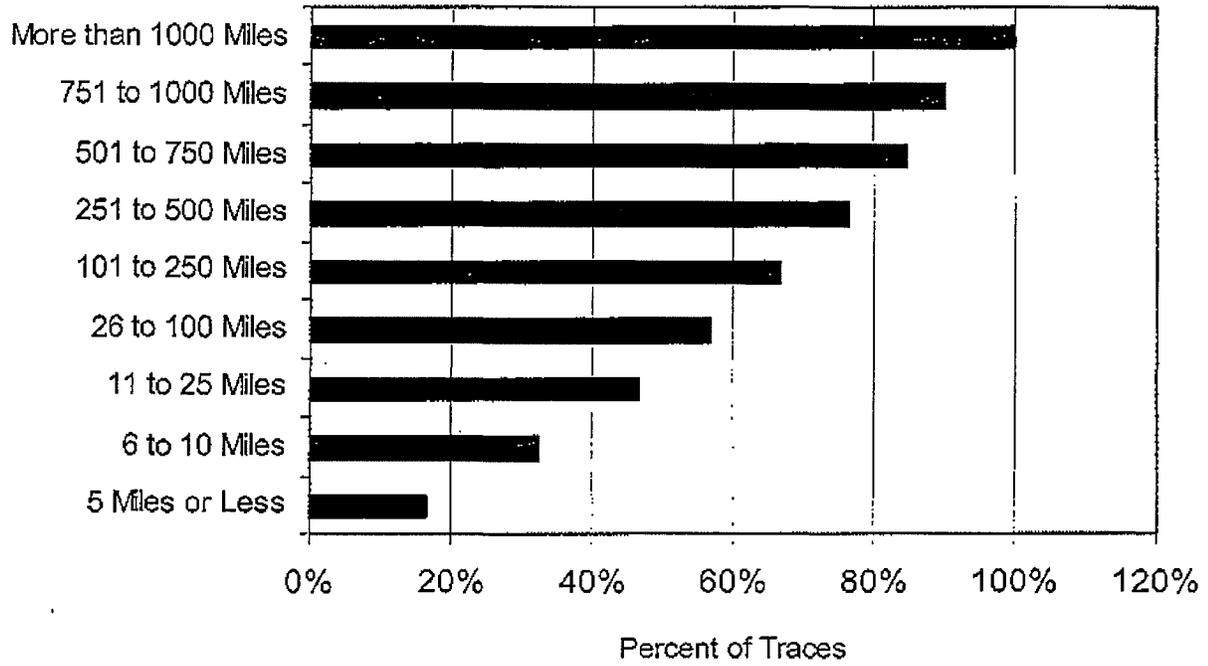


Figure 10: Cumulative Distance to Recovery Location



Regional and National Geographic Source Patterns

Source to Recovery Location. The State that contains a city is generally its most important source of crime guns. However, many guns move from regional and national sources. Regional trafficking consists of guns moving to a city from neighboring States, while national trafficking involves guns moving from more distant states. *Figure 12* shows the impact of regional and national trafficking patterns on each of the cities.

Regional Patterns. Over 20 percent of the crime guns traced to an individual from Memphis, Camden, Las Vegas and St. Louis came from regional sources. All of these cities are located near the borders of their States, decreasing the distance-to-crime for regionally trafficked guns. Washington, DC, which does not allow handgun sales to residents and has city limits bordering two other States is the extreme case of regional trafficking with 58.5 percent of crime guns coming from neighboring States.

National Patterns. National trafficking patterns account for 30 percent or more of guns traced from nine cities. The most striking case is that of New York City, where 73.4 percent of crime guns came from national sources including Virginia, North Carolina, Georgia and Florida. Newark and Jersey City, which are located near New York experience strikingly similar national trafficking patterns with 80.2 and 74.5 percent of their crime guns coming from national sources. Other cities on the Eastern shore with high percentages of nationally sourced guns include Washington (38.6 percent) and Camden (50.6 percent). A second trafficking pattern runs from the South to large cities in the Midwest. Chicago has 32.8 percent of crime guns from national

sources and Detroit 44.5 percent. Mississippi, Kentucky and Georgia are important national source areas for Chicago. Kentucky, Georgia and Alabama are significant for Detroit.

Concentration of Gun Traces Among Dealers. Crime guns are not only concentrated by region, state and county but also by the Federal Firearms Licensee where the firearms were originally sold. *Table 19* displays information about the 28,084 traces in YCGII cities over 250,000 that were made to 6,081 active dealers during calendar year 2000. During this year, 10,870 traces were made to 163 active dealers with 25 or more traces. These 163 dealers constitute 2 percent of active dealers with at least one trace but their 10,870 traces are 38 percent of the 28,084 traces to active dealers.

City variations. In all jurisdictions, many traceable crime guns were first purchased from a small number of Federally licensed gun dealers. However, the degree of concentration of crime gun traces amongst a small number of licensed gun dealers varies across the YCGII cities. Some cities exhibited a very high concentration of crime gun traces. In *Indianapolis, IN*, 70 percent of traceable crime guns were first purchased at ten Federally licensed gun dealers. In *Gary, IN*, 65 percent of traceable crime guns were first purchased at five Federally licensed gun dealers. In *Milwaukee, WI*, 53 percent of traceable crime guns were first purchased at four Federally licensed gun dealers. In *Pittsburgh, PA*, 53 percent of traceable crime guns were first purchased at seven Federally licensed gun dealers. In *Miami, FL*, 51 percent of traceable crime guns were first purchased at nine Federally licensed gun dealers.

Table 19: Concentration of Traces Among Active Dealers

Dealers	Traces		Active Dealers	
	Number	Percent	Number	Percent
With 25 or More Traces	10,807	38.5	163	2.4
With 10 or More Traces	15,549	55.4	487	7.2
With 5 or More Traces	19,183	68.3	1,054	15.5
With 2 or More Traces	24,318	86.6	3,044	44.7
With 1 or More Traces	28,084	100.0	6,810	100.0

Figure 12a: Proportion of Crime Guns from Local, Regional and National Sources by City 2000

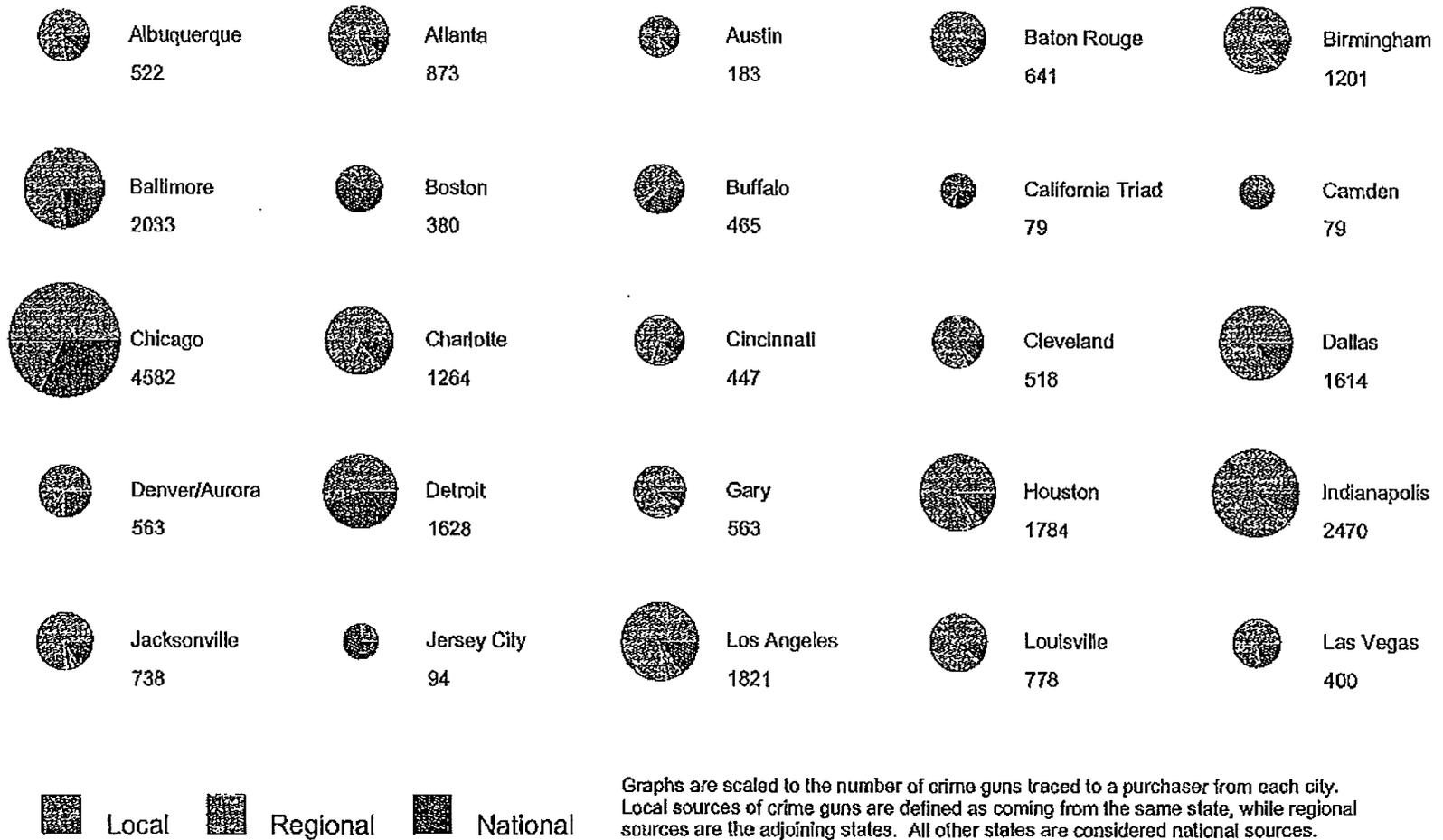
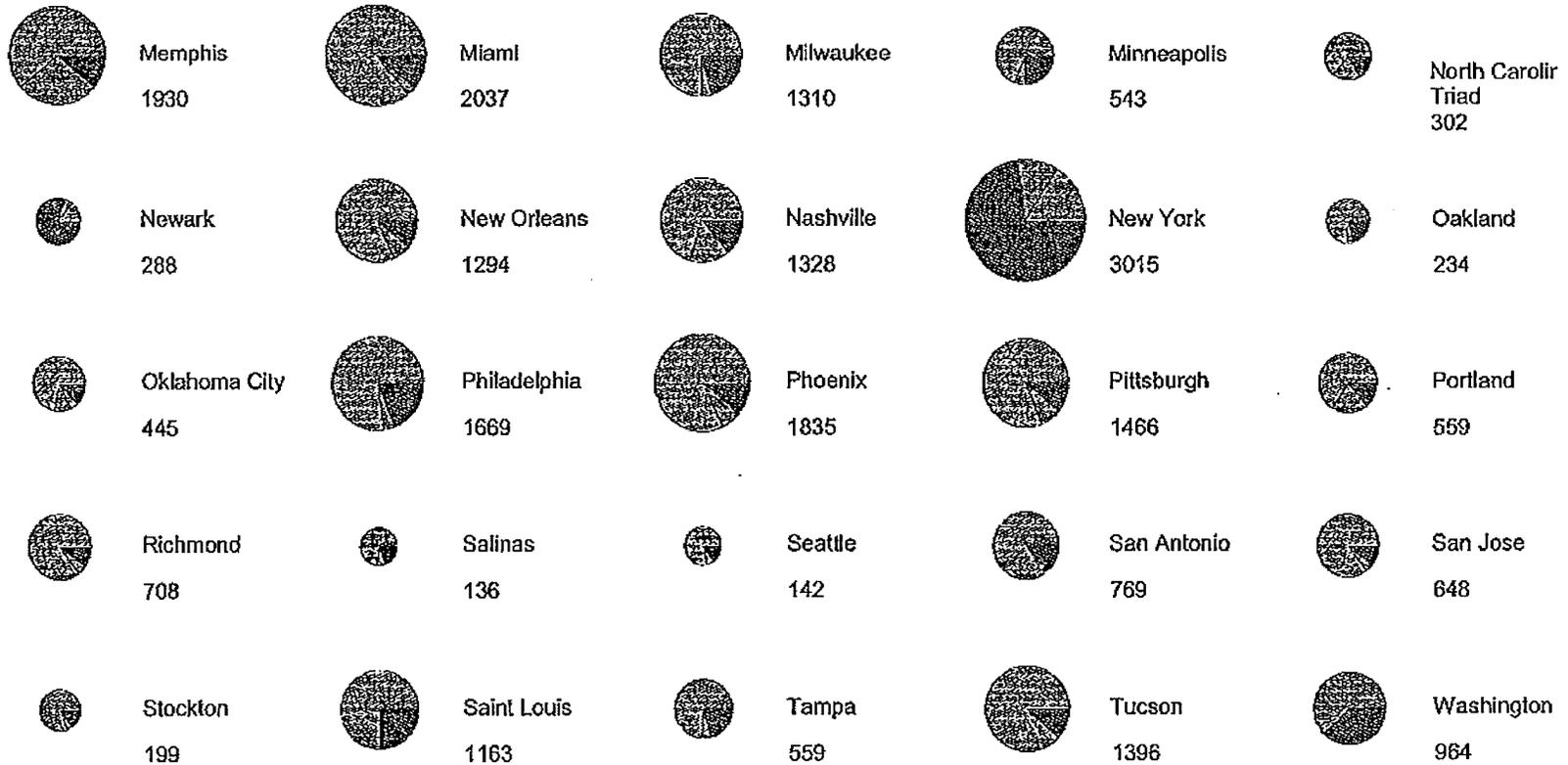


Figure 12b: Proportion of Crime Guns from Local, Regional and National Sources by City 2000 (Continued)



 Local
  Regional
  National

Graphs are scaled to the number of crime guns traced to a purchaser from each city. Local sources of crime guns are defined as coming from the same state, while regional sources are the adjoining states. All other states are considered national sources.

2 - 8 Crime Guns with Obliterated Serial Numbers

Results of Traces from Eight Cities. Since tracing of crime guns with obliterated serial numbers is not conducted consistently by law enforcement agencies, this report presents information from eight jurisdictions which submitted requests for at least 85 of their crime guns with obliterated serial numbers: *Baltimore, MD; Chicago, IL; Detroit, MI; Dallas, TX; Los Angeles, CA; New York City, NY; Philadelphia, PA; and Washington, DC.* No rifles, shotguns, or combination guns were included in this analysis because some older long guns were manufactured without serial numbers. Unique serial numbers were not mandated on all firearms until passage of the Gun Control Act (GCA) in 1968, and it is not always possible to distinguish certain pre-GCA firearms from post-GCA firearms with the information provided.

Obliteration Is More Common Among Semiautomatic Pistols. As shown in *Table 20*, in the eight jurisdictions that were analyzed, almost 10 percent of the 28,558 trace requests involve handguns with obliterated or partially obliterated serial numbers. The proportion of handguns with obliterated serial numbers is nearly twice as large for semiautomatic pistols (11.3 percent) as for revolvers (6.3 percent).

Obliteration Is More Common Among Youth and Juvenile Crime Guns. As shown in *Table 19*, obliteration is more common among crime guns recovered from youth and juveniles than from adults.

This is true for all handgun types. Almost 13 percent of semiautomatic pistols recovered from youth and 12 percent from juveniles had obliterated serial numbers.

Tracing Crime Guns with Obliterated Serial Numbers. The obliteration of the serial number on a crime gun is a key criminal indicator of trafficking, because it shows that someone in the chain of possession assumes that the gun will be used for a crime, may have to be discarded by a criminal, or may be recovered by the police. If an obliterated serial number can be restored by a trained firearms examiner, tracing can proceed, with the possible result of identifying participants in a serious criminal conspiracy. The tracing of guns with obliterated serial numbers is not conducted consistently by law enforcement agencies, however, because not all jurisdictions are aware of the potential to restore and trace guns with obliterated serial numbers, and not all jurisdictions have the resources to do so. *Even if the serial number is not restored, ATF urges law enforcement agencies to submit informational traces so that information on firearm type, possessors, their associates, and recovery locations can be analyzed for trafficking leads.*

Federal Felony - 5 Years Imprisonment. Possession of a gun with an obliterated serial number is a Federal felony punishable by 5 years imprisonment. Law enforcement should keep this in mind when debriefing individuals found in possession of guns with obliterated serial numbers.

**Table 20: Crime Guns with Obliterated Serial Numbers
for Selected Cities**

All Handguns for Eight Selected Cities

	Juvenile (ages 17 & younger)	Youth (ages 18 - 24)	Adult (ages 25 & older)	All Ages
Semiautomatic Pistol	1,007	4,244	4,981	17,874
Revolver	530	1,772	2,676	10,271
Derringer	16	63	143	413
Total	1,553	6,079	7,800	28,558

Handguns with Obliterated Serial Numbers

	Juvenile (ages 17 & younger)	Youth (ages 18 - 24)	Adult (ages 25 & older)	All Ages
Semiautomatic Pistol	119	549	429	2,027
Revolver	41	126	98	650
Derringer	2	5	3	28
Total	162	680	530	2,705

Percentage of Handguns with Obliterated Serial Numbers

	Juvenile (ages 17 & younger)	Youth (ages 18 - 24)	Adult (ages 25 & older)	All Ages
Semiautomatic Pistol	11.8	12.9	8.6	11.3
Revolver	7.7	7.1	3.7	6.3
Derringer	12.5	7.9	2.1	6.8
Total	10.4	11.2	6.8	9.5

2 - 9 Multiple Sales

Multiple Sales Account for Nearly 20 Percent of Traced Handguns. The National Tracing Center provides information on handguns recovered in crimes that were purchased as part of a multiple sales transaction. For all YCGII jurisdictions combined, multiple sales accounted for 20 percent (650) of all handguns first sold at retail in 2000 and traced in 2000 (3,295).

Among handguns sold and traced in 2000, those with obliterated serial numbers were substantially more likely to have been from a multiple sale (27 percent) than from sales that did not involve multiple handguns (20 percent).

Additional attention will be given to this issue as more data on multiple sales and better data on obliteration become available.

Link Between Multiple Sales and Obliteration.

As displayed in *Table 21*, among all traced handguns first sold in 2000 (3,295), 52 (1.6 percent) had obliterated serial numbers. The following summarizes handguns sold and traced in 2000:

- Of the 52 handguns having an obliterated serial number, 14 (27 percent) were from multiple sales and 38 (73 percent) were not from multiple sales.
- Of the 3,243 handguns not having an obliterated serial number, 636 (20 percent) were from multiple sales and 2,607 (80 percent) were not from multiple sales.

Table 21: Multiple Sales and Obliterated Serial Numbers Among Handguns Sold and Traced in 2000

Multiple Sales	Obliterated and Restored				Total	
	Yes		No		Number	Percent
	Number	Percent	Number	Percent		
Yes	14	2.2	636	97.8	650	100.0
No	38	1.4	2,607	98.6	2,645	100.0
Total	52	1.6	3,243	98.4	3,295	100.0

3- Enforcement Information

The trace information collected and analyzed in the annual Crime Gun Trace Reports is used in Federal, State, and local investigations of the illegal diversion of firearms, particularly involving felons, youth offenders, and juveniles. During the period 1996-1998, approximately 60 percent of ATF's firearms trafficking investigations involved crime gun tracing and 68 percent involved State and local law enforcement agencies.

Recent Investigations Involved Trafficked Firearms. During calendar year 2000, ATF's 23 Field Divisions initiated 1,319 illegal firearms trafficking investigations, involving 413 youth and juvenile firearms possessors, 236 youth and juvenile firearms traffickers, 80 youth and juvenile straw purchasers, and 27 youth and juvenile firearms burglars. Nearly 40 percent (516) of these investigations have been forwarded by ATF agents to Federal, State, and local prosecutors for prosecution. These 516 investigations yielded a total of 868 defendants, including 400 illegal firearms possessors, 212 illegal firearms traffickers, 138 straw purchasers, 25 corrupt licensed dealers, and 45 firearms burglars. ATF agents estimated that 19,777 firearms were trafficked in these 1,319 firearms trafficking investigations. Because 60 percent of these investigations are still in progress, it is likely that the ATF agents will uncover higher numbers of trafficked firearms as their investigations develop further.

The Illegal Market in Firearms. Trace information and analysis of cases are contributing to a more precise picture of the structure of the illegal firearms market that supplies guns to criminals, unauthorized juveniles, and other prohibited persons. This section describes aspects of the illegal market illuminated by crime gun tracing and cases developed as part of the Youth Crime Gun Interdiction Initiative, the youth-focused component of ATF's firearms enforcement program.

Trafficking and Illegal Diversion of Firearms. Virtually all crime guns start off as legally owned firearms. For this reason, the term "firearms trafficking," in contrast to the common reference to drug trafficking, refers to the illegal diversion of a legal product from lawful commerce into unlawful commerce, often for profit. ATF also uses the term

"diversion." A broader term than trafficking, diversion encompasses any movement of firearms from the legal to illegal marketplace through an illegal method or for an illegal purpose. For example, a criminal who steals a firearm from a Federal firearms licensee (FFL) for his own personal use is participating in the illegal diversion of firearms, but he is not a trafficker. Thus, while the theft of firearms may involve a criminal stealing one or more firearms for his own use, or may involve subsequent trafficking, addressing stolen firearms is an important part of a firearms trafficking strategy because theft constitutes one means of the illegal supply of firearms.

Types of Trafficking: Firearms Trafficking includes:

- Trafficking in new firearms, interstate and intrastate, including by Federally licensed firearms dealers, large-scale straw purchasers, or straw purchasing rings, or small-scale straw purchasers from gun stores, gun shows, or other premises;
- Trafficking in secondhand firearms, interstate and intrastate, including by licensed firearms dealers, including pawnbrokers; large-scale straw purchasers or straw purchasing rings; or small-scale straw purchasers, unlicensed sellers, including at gun shows, flea markets, or through newspaper ads, gun magazines, the Internet, and personal associations, and bartering and trading within criminal networks; and
- Trafficking in new and secondhand stolen firearms, involving guns stolen from Federally licensed dealers, including pawnbrokers, manufacturers, wholesalers, and importers, theft from common carriers, home invasions, and vehicle theft.

CASE EXAMPLES

Small-Scale Straw Purchaser Providing New Guns to Convicted Youth Felon. *Atlanta, GA.* In October 1999, a licensed dealer reported suspicious purchases of firearms by the 27-year-old defendant to ATF. On October 27, 1999, ATF agents conducted surveillance on the defendant and observed him as he purchased four new pistols, including two Magnum Research Baby Eagle 9mm semiautomatic pistols, a Glock 10 mm semiautomatic pistol, and a Glock .40 caliber semiautomatic pistol from an Atlanta area FFL. After the purchases, agents observed the defendant as he transferred two of the aforementioned firearms to a 24-year-old youth, who was also a convicted felon. ATF agents immediately arrested both defendants and recovered the Baby Eagle 9mm and Glock .40 caliber pistols.

On November 9, 1999, the defendants were indicted. The 27-year-old defendant was indicted for violations of 18 USC Section 924(a)(1)(A), making false statements or representation in an FFL's required records. The 24-year-old defendant was indicted for 922(g)(1), convicted felon in illegal possession of firearms. Both defendants later pled guilty. On March 23, 2000, the 27-year-old defendant was sentenced to 11 months incarceration and 24 months supervised release. The 24-year old youth was sentenced to 33 months incarceration and 36 months supervised release.

Youth Convicted For Misdemeanor Crime of Domestic Violence Apprehended After Attempted Illegal Firearms Purchase. *Los Angeles, CA.* In April 2000, ATF received a California State Dealer Record of Sale denial referral regarding the attempted purchase of a firearm by a 21 year-old youth, previously convicted of a misdemeanor crime of domestic violence. Over the course of the investigation, ATF agents learned that on November 28, 1999, the youth, a prohibited person, attempted to purchase a Bryco 9mm semi-automatic pistol from a Federally licensed firearms dealer. The State of California's Department of Justice denied the firearm sale to the youth as a result of his conviction status. The youth was indicted for violating 18 USC Section 922(a)(6) – Providing false information to a

Federally licensed firearms dealer during the acquisition or attempted acquisition of a firearm.

On January 12, 2001, ATF agents, subsequent to the Federal indictment, arrested the youth. During a search of the youth's home, ATF agents removed a fully loaded Ruger .45 semi-automatic pistol from his bedroom nightstand.

On February 26, 2001, the youth pled guilty to violation of one count of 18 USC Section 922(a)(6) – Providing false information to a Federally licensed firearms dealer during the acquisition or attempted acquisition of a firearm.

On June 13, 2001, the youth was sentenced in the Central Judicial District of California to serve 5 months of incarceration followed by 3 years of supervised release, and ordered to pay a \$100 special assessment.

Juveniles Falsifying Federal Firearms Licenses to Acquire Firearms through the Internet. *Northern New Jersey.* In May 2000, a United Parcel Service (UPS) driver unsuccessfully attempted to deliver a package to a residence in Northern New Jersey. The UPS driver noticed that the address was a residence, not a gun store as the label on the package indicated. The UPS driver subsequently returned the package to the UPS facility. UPS contacted the sender and confirmed he was a Federal Firearms Licensee (FFL) in Texas. The Texas Federal Firearms Licensee (FFL) contacted the ATF Licensing Center in Georgia to determine whether the FFL in New Jersey was valid. Upon being informed that it was not, the Texas FFL contacted ATF in New Jersey and informed agents of the situation. ATF New Jersey Group I took control of the package from UPS and, with the assistance of the Essex County Prosecutor's Office, Postal Inspection Service, and the Montclair Police Department, conducted a controlled delivery of the package. Two juveniles were arrested after the controlled delivery and a State search warrant was executed. ATF learned that the two juveniles altered a copy of a Federal Firearms License they obtained from an FFL in Florida, whom the juveniles were able to convince they were licensed dealers. The juveniles altered this Federal Firearms License utilizing a fictitious name and the real address of one of the juveniles.

During the investigation, the juveniles admitted altering the Federal Firearms License and making four additional Federal Firearms Licenses. They also admitted to ordering a Glock .357 semiautomatic pistol, a Glock .40 semiautomatic pistol, and two Glock 9 mm semiautomatic pistols via the Internet. Agents and investigators recovered all four weapons, as well as a .22 caliber handgun. Both juvenile defendants pled guilty in State court to illegal firearm possession, forgery, and conspiracy. On July 27, 2000, the juveniles were each sentenced to 1 year probation and curfew provisions.

Intrastate Trafficking in New and Secondhand Firearms Stolen from Licensed Dealer. *St. Louis, MO.* Between December 1999 and January 2000, an employee of a Federal Firearms Licensee stole 14 new and secondhand handguns from the dealer by hiding them in his clothing and leaving the store. After the final theft was committed, the suspect accidentally shot himself in the abdomen while examining one of the handguns. Subsequent investigation by ATF revealed that the suspect had pawned some of the handguns and sold the remaining handguns to his friends—3 youths and 1 adult. After ATF arrested the defendant on August 8, 2000, the defendant provided information on the whereabouts of the stolen firearms and all were eventually recovered.

The defendant was indicted for violation of 18 USC Section, 922 (a)(1)(A), dealing firearms without a license, and 922 (u), theft from a Federal Firearms Licensee. After pleading guilty to these charges, the defendant was sentenced on December 1, 2000, to 13 months incarceration, to be followed by 3 years of supervised release.

Trafficking in Secondhand Firearms Stolen from FFL's Residence. *Charlotte, NC.* On November 16, 1998, an FFL reported the theft of 29 firearms from his personal collection at his residence. A confidential informant advised local law enforcement authorities that the FFL's stepson had stolen the firearms. The firearms were entered into the ATF Suspect Gun Database. Subsequent investigation revealed that the defendant traded the firearms to three 20-year-old youths, for crack cocaine on several occasions. During the execution of a search warrant

at a crack distribution house, the three 20-year-old youths were apprehended with three stolen firearms including an Norinco 7.62 X 39mm SKS rifle. In May 1999, the firearms thief and three youthful crack cocaine dealers were indicted.

The firearms thief pled guilty to violations of 18 USC Sections 2, Aiding, Abetting, Counseling, Commanding, or Soliciting a Federal Crime; 18 USC 924(c), Use and/or Carrying a Firearm in Relation to a Drug Trafficking Crime; 21 USC 846, Conspiracy to Distribute Cocaine and Cocaine Base; and 18 USC 924(o), Conspiracy to Use and Carry Firearms During and in Relation to a Drug Trafficking Crime. He was sentenced on July 23, 2000, to 84 months in prison and received a fine of \$20,000.

The first youth pled guilty to violations of 21 USC 846, Conspiracy to Distribute Cocaine and Cocaine Base; and 18 USC 924(o), Conspiracy to Use/Carry Firearms During and in Relation to a Drug Trafficking Crime. He was sentenced on June 19, 2000, to 65 months in prison and 24 months probation.

The second youth pled guilty to violations of 21 USC 846, Conspiracy to Distribute Cocaine and Cocaine Base; and 18 USC 924(o), Conspiracy to Use/Carry Firearms During and in Relation to a Drug Trafficking Crime. He was sentenced on June 19, 2000, to 96 months in prison and 36 months probation. The third youth pled guilty to violations of 21 USC 846, Conspiracy to Distribute Cocaine and Cocaine Base; and 18 USC 924(o), Conspiracy to Use/Carry Firearms During and in Relation to a Drug Trafficking Crime. On December 16, 1999, he received a sentence of 96 months in prison, 60 months probation and a \$20,000 fine.

Convicted Felon Youth Gang Member in Possession of Stolen Firearms and Obliterated Serial Number Firearm. *Houston, TX.* On March 18, 1999, members of the ATF Violent Gang Task Force assisted the Houston Police Department's Street Level Narcotics Enforcement Unit in the execution of a search warrant at the residence of a 22-year-old convicted felon youth gang member. Officers and agents recovered marijuana as well as 5 firearms including a stolen Harrington & Richardson .32

revolver, a Phoenix .25 semiautomatic pistol that was forcibly taken from a 48-year-old woman during a purse snatching, a RG Industries .25 revolver with an obliterated serial number, a Colt .45 semiautomatic pistol, and a Marlin 9mm rifle.

The 22-year-old youth was charged with violating 18 U.S.C. Sections 922(g)(1) - Convicted Felon in Possession of a Firearm, 922(j) - Possession of a Stolen Firearm, and 922(k) - Receipt, Shipment or Transportation of a Firearm with an Obliterated Serial Number. On March 17, 2000, the defendant pled guilty to 18 U.S.C. 922(g)(1) and was sentenced to 24 months imprisonment, 3 years supervised release, and a \$600 fine.

Small-Scale Interstate Gun Trafficking. New York, NY. This investigation was initiated in the Spring of 1999 after a handgun was recovered in an attempted robbery where the victim suffered a non-fatal wound. The firearm was recovered by the New York Police Department and traced by ATF to the original purchaser in Killeen, Texas, a 21-year-old youth who was enlisted in the United States Army. ATF conducted additional analyses of Multiple Sales data that revealed the youth had purchased 10 additional firearms in recent months, including 4 Intratec Tec-9 9mm semiautomatic pistols. When ATF interviewed the defendant, he confessed that he had used his military identification to purchase 14 firearms from area pawnshops during the Spring of 1999, and had trafficked 6 firearms to New York City where they were "sold on the streets." He also admitted to obliterating the serial numbers on some of the firearms to conceal his identity. ATF New York subsequently recovered five of the firearms that were destined for sale in New York.

On February 8, 2000, defendant pled guilty to violating 18 USC Sections 922(a)(1)(A)- Dealing Firearms Without a License, 922(k)- Transporting, Shipping, or Receiving in Interstate Commerce a Firearm with the Serial Number Obliterated, and 371-Conspiracy to Violate Federal Law. On May 18, 2000, he was sentenced to 37 months imprisonment.

Convicted Felon Youth Gang Member in Possession of Obliterated Serial Number Firearm in Public Park. Bronx, NY. On September 15, 1999,

a 21-year-old convicted felon and member of the "Bloods" street gang was arrested in a park located in the Grand Concourse section of the Bronx, by the New York City Police Department for illegal possession of a firearm and a controlled substance. The firearm was a Lorcin .380 semiautomatic pistol with an obliterated serial number. The obliterated serial number was subsequently raised and the gun traced by ATF to a purchaser, who is also a convicted felon, in Hampton, Virginia. The 21-year-old defendant later stated that he could possibly obtain firearms from an adult in Hampton, Virginia.

On December 17, 1999, the youth was convicted by a Federal jury of violating 18 USC Section 922(g)(1), Convicted Felon in Possession of a Firearm. On March 31, 2000, he was sentenced to 46 months imprisonment and 3 years supervisory release.

Interstate Small-Scale Straw Purchasers Trafficking New and Secondhand Firearms to Gang Members. St. Louis, MO. On April 17, 2000, after receiving information from the St. Louis Police Department, ATF arrested three suspects, ages 22, 21, and 19, who were transporting across State lines six handguns that they had purchased at pawnshops and gun stores in Mississippi. The handguns were new and secondhand 9mm, .40, and .45 semiautomatic pistols. Four of the six handguns had obliterated serial numbers. Subsequent investigation revealed that the suspects intended to sell those firearms to gang members in Chicago, Illinois. Subsequent firearms trace analysis revealed that one of the defendants had purchased a handgun that was recovered in an illegal use of a weapon crime in downtown St. Louis.

On October 24, 2000, the three defendants pled guilty to violations of 18 U.S.C. Section 922(k), Transporting, Shipping, or Receiving in Interstate Commerce a Firearm with the Serial Number Obliterated. Two defendants were sentenced to 18 months incarceration and 3 years supervised release; the other defendant was sentenced to 12 months incarceration and 3 years supervised release.

Large-Scale Trafficking in New and Secondhand Firearms by Corrupt Licensed Dealer and Unlicensed Seller at Gun Shows. St. Paul, MN. In April

1998, the FBI requested that ATF assist in the trace of a Davis .380 semiautomatic pistol used by a 27-year-old male in a bank robbery. The trace revealed that a former FFL, using a current license issued to a Minnesota sports shop, sold the pistol. ATF initiated an investigation of the sports shop FFL, the former FFL, and a third defendant involved in the illegal transfers. The investigation revealed that the former FFL, using the license of the current FFL, purchased and then resold over 1,100 new and secondhand firearms without completing the required transaction paperwork. The investigation further revealed that many firearms were sold to youths at gun shows.

In October 1999, three defendants were indicted for 18 U.S.C. Section 371- Conspiracy to Commit a Federal Crime, 922(a)(1)(A)- Dealing in Firearms Without a License, 924(a)(1)(A)- Making False Statements in FFL Records, and 2- Aiding and Abetting the Commission of a Federal Crime. In June of 2000, all three pled guilty to misdemeanors, and were sentenced to 1 year probation, \$1500 fine, and 100 hours community service.

Theft of New and Used Firearms From Licensed Dealer for Use in Armed Robbery. Austin, TX. On September 15, 1999, a Federal Firearms Licensee located in Austin, Texas, was burglarized. During the burglary, 24 new and used firearms and 5 bulletproof vests were stolen. These firearms included Sig Sauer 9mm, .40, and .45 semiautomatic pistols, a Heckler & Koch .45 semiautomatic pistol, a Colt .45 semiautomatic pistol, and a Smith & Wesson 9mm pistol. The ATF Austin Field Office was notified of the burglary and initiated an investigation. On September 24, 1999, an armed robbery occurred at an Austin jewelry store. Approximately \$500,000 worth of jewelry was stolen. The armed robbers were subsequently tracked to a private residence in San Antonio, TX, via a tracking device, similar to devices used by banks, located in one of the stolen jewelry boxes. The San Antonio Police Department officers arrested three adult males ages 24, 25, and 27, who were in possession of the stolen jewelry as well as 11 firearms, and 5 bulletproof vests that were stolen from the Austin FFL. ATF Austin responded to San Antonio and attempted to interview the three suspects. All three suspects refused to cooperate.

ATF agents noticed one of the suspects had a freshly healing cut on his hand. Based on suspect blood that was left at the FFL burglary crime scene, coupled with the recovery of the items stolen from the Austin FFL, ATF agents obtained a Federal court order for a blood sample from this suspect for DNA analysis. ATF submitted the blood sample and recovered blood evidence to the State Police Laboratory, and a DNA analysis established that the recovered blood evidence from the FFL burglary matched the suspect. The suspect was indicted, which led to the suspect's cooperation. All three suspects were convicted in Federal court for the burglary of the FFL and robbery of the jewelry store. As part of this investigation, ATF was able to establish that the defendants had stolen the firearms from the FFL for use in the armed robbery of the jewelry store.

On June 9, 2000, the 24-year-old defendant pled guilty to 18 USC Sections 1951, Interference with Commerce by Robbery, and 924(e), Brandishing a Firearm During and in Relation to a Crime of Violence. He was sentenced to 130 months incarceration followed by 3 years of supervised release.

On June 9, 2000, the 25-year-old defendant pled guilty to 18 USC Sections 922(u), Theft of a Firearm from a Licensed Firearms Dealer, 1951, Interference with Commerce by Robbery, and 924(e), Brandishing a Firearm During and in Relation to a Crime of Violence. He was sentenced to 154 months incarceration followed by 3 years of supervised release. On June 9, 2000, the 27-year-old defendant pled guilty to 18 USC Sections 1951, Interference with Commerce by Robbery, and 924(e), Brandishing a Firearm During and in Relation to a Crime of Violence. He was sentenced to 130 months incarceration followed by 3 years of supervised release.

Large-Scale Trafficking in Secondhand Firearms by Unlicensed Dealer at Gun Shows. Dallas, TX. In January 1998, an informant provided information to ATF that a Dallas area 53-year old unlicensed dealer was selling firearms at gun shows and flea markets to anyone who walked up to his table. An undercover ATF agent purchased 2 Ruger 9mm semiautomatic pistols, a Rossi .357 revolver, a Taurus .38 revolver, and a Smith & Wesson .357 revolver. After these undercover purchases, a search warrant

EXHIBIT "3"

Table 1: Illustrative Example of “Fictitious” Traces Included in FTS Data

FTS ID	Request Date	Comp Code	Crime Code	MFG	Serial Number	Model	Recovery City (SA City)	DOB: Possessor	Final Sale?	FFL ID
T20000182559	08-11-00	S4	0999	SR	311-96186	P95	Wilmington, DE	09/07/68	Y	993xxxxx
T20000182582	08-11-00	S4	0999	SR	311-86186	P95	Wilmington, DE	09/07/68	Y	616xxxxx
T20000182590	08-11-00	S7	0999	SR	311-76186	P95	Wilmington, DE	09/07/68	Y	574xxxxx
T20000182596	08-11-00	SK	0999	SR	311-66186	P95	Wilmington, DE	09/07/68	Y	163xxxxx
T20000182603	08-11-00	SK	0999	SR	311-56186	P95	Wilmington, DE	09/07/68	Y	461xxxxx
T20000182612	08-11-00	R6	0999	SR	311-46186	P95	Wilmington, DE	09/07/68	Y	434xxxxx
T20000182616	08-11-00	S4	0999	SR	311-36186	P95	Wilmington, DE	09/07/68	Y	851xxxxx
T20000182620	08-11-00	S4	0999	SR	311-26186	P95	Wilmington, DE	09/07/68	Y	159xxxxx
T20000182628	08-11-00	S4	0999	SR	311-16186	P95	Wilmington, DE	09/07/68	Y	986xxxxx
T20000182636	08-11-00	S4	0999	SR	311-06186	P95	Wilmington, DE	09/07/68	Y	584xxxxx

Source: Firearms Tracing System

EXHIBIT "4"

COMPREHENSIVE FIREARMS TRACING: STRATEGIC AND INVESTIGATIVE USES OF NEW DATA ON FIREARMS MARKETS

Philip I. Cook & Anthony A. Braga*

I. INTRODUCTION

In 1999, more than 150,000 firearms were submitted by law-enforcement agencies for tracing by the Bureau of Alcohol, Tobacco, and Firearms (ATF), three times as many as in 1993.¹ This growth in trace requests indicates the success of ATF's program to persuade state and local agencies of the strategic value of comprehensive firearms tracing. About four dozen cities now submit all firearms confiscated by the police for tracing, and the growing database of trace results has provided the raw material for improved intelligence on the channels by which guns are acquired by criminals. But the proper interpretation and use of these data remains controversial.

Firearms tracing is nothing new. The Gun Control Act of 1968² established the regulations that make it possible, at least in principle, to determine the chain of commerce for a firearm from the point of import or manufacture to the first retail sale.³ Best practice in a police investigation of a gun homicide or assault often includes submitting the gun (if available) for tracing, in the hope of

* Acknowledgments: We would like to thank Terry Austin of the Bureau of Alcohol, Tobacco, and Firearms for providing us with the 1999 ATF firearms trace data as part of ATF's efforts to enhance the development of the Youth Crime Gun Interdiction Initiative. We would also like to thank Glean Pierce and Alan Saiz of Northeastern University for their assistance in acquiring the data utilized in this study, and Jens Ludwig, Susan Ginsburg, and John Freeman for their helpful comments.

1. The data on traces in 1999 were made available to us by an ATF official in the form of a computer file. There are several ways to count the yearly number of firearms trace requests received by ATF. Firearms trace data can be temporally ordered by any of the following: the date of the firearms recovery; the date the trace request was submitted; the date the trace request was completed; and, if the trace is successful, the date the firearm was first sold at retail. In this paper, we counted the number of traces in 1999 by the date of the firearms recovery. If the recovery date was not known, we used the date the firearms trace request was submitted to ATF.

2. 18 U.S.C. § 922 (1994).

3. *See id.*

identifying a suspect or developing the case against a suspect.⁴ But law-enforcement agencies obtain hundreds of thousands of firearms every year that are not linked to a particular violent crime, having been confiscated for some other reason—most often because they were being carried or possessed illegally. While tracing such guns is unlikely to provide information useful in solving a particular homicide or assault, such comprehensive gun-trace data can provide guidance to the regulatory- and criminal-enforcement activities of ATF and more generally provide a statistical basis for understanding the supply side of the gun-violence problem.

The Treasury Department's success in expanding and improving ATF's tracing capacity, persuading more jurisdictions to submit all recovered guns for tracing if they are linked to a crime, and making the results generally available, has created a new tool for combating gun violence. The promising uses for these data can be placed in three categories: (1) informing strategic planning efforts to interdict the transactions by which criminals tend to acquire their guns; (2) identifying specific firearm dealers and traffickers as targets for enforcement actions; and (3) providing a basis for evaluating the effects of changes in gun-control laws. Critics have questioned all three of these uses on the grounds that firearms recovered by police and successfully traced do not constitute a representative sample of firearms used in violent crime, and that the information provided by a typical trace is rather limited.⁵ In what follows, this Article discusses these concerns and provides a preliminary assessment of the promises and pitfalls of these data.

The case for comprehensive tracing of firearms rests on the belief that these data will increase the effectiveness of efforts to restrict the availability of guns to youths and criminals. If in fact guns are so widely and readily available as to render futile any effort to regulate their supply, more data will not be helpful.⁶ The trace data by themselves cannot resolve that issue, but do provide guidance about promising lines of attack on the illicit supply of guns. The efficacy of such supply-side enforcement is the ultimate measure of the value of comprehensive trace data.

Part II provides details on the tracing process and offers new tabulations based on 1999 data for how guns are successfully traced, and the reasons for failure when they are not. Part III provides a brief history of the development of comprehensive tracing as a component of the supply-side strategy conducted by the Clinton administration. Part IV discusses the statistical relationship of the trace

4. See YOUTH CRIME GUN INTERDICTION INITIATIVE, U.S. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. DEPT OF THE TREASURY, CRIME GUN TRACE ANALYSIS REPORTS: THE ILLEGAL YOUTH FIREARMS MARKET IN 17 COMMUNITIES 4 (1997).

5. See e.g., CONG. RESEARCH SERVICE, REP. 92-434, "ASSAULT WEAPONS": MILITARY-STYLE SEMI-AUTOMATIC FIREARMS FACTS AND ISSUES 65 (1992); Paul H. Blacogna, *The Limitations on BATF Firearms Tracing Data for Policymaking and Homicide Research*, in PROCEEDINGS OF THE HOMICIDE RESEARCH WORKING GROUP MEETINGS, 1997 AND 1998 61; Gary Kleck, *BATF Gun Trace Data and the Role of Organized Gun Trafficking in Supplying Guns to Criminals*, 18 ST. LOUIS U. PUB. L. REV. 23, 29-37 (1999).

6. See Kleck, *supra* note 5, at 42-43.

"sample" to the relevant "population" of guns in the hands of criminals. Part V provides an analysis of what the trace data tell us about trafficking patterns: that newer guns are over-represented in crime even though criminal users are rarely among the first purchasers, and that the percentage of crime guns imported from out of state tends to be closely linked to the stringency of local controls. Taken together, these findings suggest that licensed dealers are playing a significant role in "supplying the suppliers" of guns to criminals and that firearms trafficking may be one of the important channels by which guns reach criminals, especially in the tight-control states. Part VI then reviews the case for using trace data to guide ATF's enforcement efforts against specific dealers and traffickers and the limitations of this approach. Part VII illustrates the use of these data in the evaluation of gun-control laws. The final Part offers conclusions concerning the promise and pitfalls of wholesale tracing.

II. TRACING THEORY AND PRACTICE

The rather cumbersome procedure used by ATF to trace firearms reflects the fact that most of the relevant commercial-transactions records are not centralized, but rather are kept piecemeal by the dealers, distributors, and manufacturers. This arrangement reflects the intention of Congress to create a mechanism for tracing guns used in crime without establishing a national registry of firearms owners.

A. The Legal Framework

The Gun Control Act of 1968 ("GCA") and its accompanying regulations established the legal framework for regulating firearms transactions and the associated recordkeeping.⁷ The Act was intended to limit interstate commerce in guns so that states with strict regulations were insulated from states with looser regulations.⁸ To that end, the GCA established a system of federal licensing for gun dealers and required that all individuals engaged in the business of selling guns must be a Federal Firearms Licensee ("FFL").⁹ The FFLs serve as the gatekeepers for interstate shipments: only they may legally receive mail-order shipments of guns, and they may not sell handguns to residents of other states. FFLs are explicitly required to obey state and local regulations in transacting their business.¹⁰

The GCA also sets forth conditions on the transfer of firearms. FFLs may not sell handguns to anyone under the age of twenty-one, or long guns to anyone under the age of eighteen, nor may they sell any gun to someone who is proscribed from possessing one.¹¹ The list of those proscribed by federal law includes individuals with a felony conviction or under indictment, fugitives from justice,

7. See 27 C.F.R. § 178.124 (1969); see also Franklin E. Zimring, *Firearms and Federal Law: The Gun Control Act of 1968*, 4 J. LEGAL STUD. 133, 150 (1975).

8. See Zimring, *supra*, at 133.

9. See 18 U.S.C. § 922(a) (1994); see also Zimring, *supra* note 7, at 149.

10. See 18 U.S.C. § 922(a).

11. See *id.*

illegal aliens, and those who have been committed to a mental institution.¹² FFLs must require customers to show identification and fill out a form swearing that they do not have any of the disqualifying conditions specified in the GCA. Beginning in 1994, the Brady Violence Prevention Act required that FFLs initiate a background check on all handgun purchasers through law-enforcement records;¹³ as specified in the Act, the background-check requirement was expanded to include the sale of long guns beginning in 1998.¹⁴

Most important for our purposes, the GCA established a set of requirements designed to allow the chain of commerce for any given firearm to be traced from its manufacture or import through its first sale by a retail dealer.¹⁵ Each new firearm, whether manufactured in the United States or imported, must be stamped with a unique serial number.¹⁶ Manufacturers, importers, distributors, and FFLs are required to maintain records of all firearms transactions, including sales and shipments received.¹⁷ FFLs must also report multiple handgun sales and stolen firearms to ATF and provide transaction records to ATF in response to firearms trace requests. When FFLs go out of business, they are to transfer their transaction records to ATF, which then stores them for use in tracing.¹⁸ Thus, the GCA created a paper trail for gun transactions that, at least in principle, can be followed by ATF agents.

B. The Tracing Process

The tracing process begins with a law-enforcement agency's submission of a trace-request form to ATF's National Tracing Center ("NTC").¹⁹ The form requests information regarding the firearm type (pistol, revolver, shotgun, rifle, etc.), the manufacturer, caliber, and serial number, the location of the recovery, the criminal offense associated with the recovery, and the name and date of birth of the firearm possessor.²⁰ This information is entered into ATF's Firearms Tracing System at the NTC, where it is first checked against two partially computerized databases kept by ATF: records of out-of-business FFLs that are stored by ATF and records of multiple handgun purchases reported on an ongoing basis by FFLs.²¹

If there is no "hit" from these two databases, NTC contacts the firearm manufacturer (for domestic guns) or the importer (for foreign guns) and requests

12. *See id.*

13. Brady Violence Prevention Act of 1993, Pub. L. No. 103-159, 107 Stat. 1536 (1993) (codified at 18 U.S.C. § 922(g)-(i) (1994)).

14. *See* 18 U.S.C. § 922(g)(1) (1994).

15. *See* 27 C.F.R. § 178.124 (1968).

16. *See* 27 C.F.R. § 178.92(a)(1) (1968).

17. *See* 18 U.S.C. § 923(g)(1)(A) (1994).

18. *See* 18 U.S.C. § 923(g)(4) (1994).

19. *See* U.S. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. DEP'T OF THE TREASURY, COMMERCE IN FIREARMS IN THE UNITED STATES 19 (2000) [hereinafter COMMERCE IN FIREARMS IN THE UNITED STATES].

20. *See id.*

21. *See id.* at 20.

information on which distributor first handled the gun.²² ATF then follows the chain of subsequent transfers until it identifies the first retail seller. That FFL is then contacted with a request to search his or her records and provide information on when the gun was sold and to whom.²³ Under current law, FFLs are required to comply with such requests, and usually do.

The statistics in Table 1 are for the 154,000 firearms submitted for tracing in 1999.²⁴ Of these, just fifty-four percent were successfully traced, usually through the FFL who first sold the gun at retail. About one gun in ten was traced through the out-of-business records or multiple-sales reports from FFLs. The forty-six percent of trace requests that failed did so for a variety of reasons. About ten percent of the traces failed because the gun was too old.²⁵ Similar proportions failed because of problems with the serial number, errors in the submission form, or problems obtaining the necessary information from the FFL that first sold the gun at retail.

22. *See id.*

23. *See id.*

24. This total omits the 11,000 requests from foreign agencies.

25. Firearms manufactured or imported before 1968 cannot be traced in most cases because they were not subject to the serial-number and record-keeping requirements of the GCA. *See* Identification of Firearms, 27 C.F.R. § 179.102 (2000); YOUTH CRIME GUN INTERDICTION INITIATIVE, *supra* note 4. Until recently the National Tracing Center's ("NTC") policy was not to trace firearms manufactured before 1990, unless specifically requested by law enforcement officials. *See* YOUTH CRIME GUN INTERDICTION INITIATIVE, *supra* note 4, at 3. However, with an increased budget and enhanced technology, the NTC greatly improved its capacity to trace firearms and ended that policy in 1999. *See* U.S. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. DEPT OF THE TREASURY, CRIME GUN TRACE REPORTS, 1999: NATIONAL REPORT 52 (2000) [hereinafter CRIME GUN TRACE REPORTS, 1999: NATIONAL REPORT].

TABLE 1: TRACE RESULTS: GUNS SUBMITTED FOR TRACING, 1999

Trace Result	Count	Percentage
Completed Traces (how)	82,662	53.5
Out of Business records	13,166	8.5
Multiple sale reports	3,627	2.3
FFL record	60,526	39.2
Other	5,343	3.5
Not Traced (reason)	71,832	46.5
Too old	14,046	9.1
Serial number problem	16,917	10.9
Error on Trace request	15,738	10.2
Dealer record problem	16,610	10.7
Other	8,521	5.6
Total	154,494	100.0

Source: Original computations from ATF's 1999 firearm-trace-requests database

It should be clear that even when a trace is "successful", it provides rather limited information about the history of the gun. Most successful traces only access the data on the dealer's record for the first retail sale of the gun. Generally, subsequent transactions cannot be traced from the sorts of records required by federal law.

There are two rather minor exceptions where a transaction involving a used (i.e., second-hand) gun can be traced. First, if a used gun is included in a sale of more than one handgun to the same purchaser, that transaction is reported by the FFL and will become part of the NTC's multiple-handgun-transfer database. Second, if the trace involves a gun that was sold second-hand by an FFL who subsequently went out of business and, as the law requires, transferred his transactions records to ATF, that transaction will also be accessible at the NTC. As shown in Table 1, only eleven percent of traces (about twenty percent of successful traces) were completed by use of one of these two databases in 1999. The number of successful traces that involved the sale of used guns is unknown, since the transaction form does not indicate whether the gun is new or used.

In any event, most transactions involving used guns are either off-the-books transfers by private individuals, which cannot be traced because no record keeping is required, or are documented transactions by FFLs that are not reported to ATF. Hence, they are not included in one of their computerized databases.²⁶ In

26. Between 30% and 40% of firearms are acquired from someone who is not an FFL. See PHILIP J. COOK & JENS LUDWIG, GUNS IN AMERICA: RESULTS OF A COMPREHENSIVE NATIONAL SURVEY ON FIREARMS OWNERSHIP AND USE 27 (1996).

exceptional instances where a firearm is involved in a particularly important crime, ATF may launch an "end to end" or "investigative" trace in an attempt to document the chain of possession beginning with an interview of either the first or the most recent known owner.²⁷ Needless to say, this type of trace is expensive and far from routine.²⁸

Someone learning about tracing for the first time may find it a remarkably cumbersome process in this age of computers and telecommunications. Modest changes in the current system could make a big difference.²⁹ For example, if FFLs were required to report serial numbers for all sales to NTC, the tracing process would be greatly facilitated without creating a central registry of gun owners. The states could also develop reporting or registration systems. Currently, only eleven states do have such a system, and only three (California, Maryland, and Massachusetts) are useful for tracing purposes.³⁰

III. THE IMPLEMENTATION OF COMPREHENSIVE TRACING

Until recently, most law-enforcement agencies did not trace firearms unless they needed the information to solve a particular crime. In 1993, about 55,000 trace requests were submitted to ATF.³¹ A concerted effort by ATF and the Clinton Administration has generated a considerable increase in the volume of trace requests.³² This effort entailed enhancements in the capacity and efficiency of the NTC and an outreach effort that has persuaded a number of jurisdictions to submit all guns for tracing and provided local officials with training in how to do so.³³

The expansion in firearms tracing was part of a campaign to strengthen ATF's licensing and regulatory-enforcement efforts while attacking illicit gun trafficking. This focus on reducing the availability of firearms is not a new idea.³⁴

27. CRIME GUN TRACE REPORTS, 1999: NATIONAL REPORT, *supra* note 25, at 54-55.

28. The Youth Crime Gun Interdiction Initiative ("YCGI") program soon will commence "end to end" tracing for all firearms recovered from persons under 21. *See id.*

29. Jeremy Travis & William Starnito, *A Modest Proposal to End Gun Running in America (Big Cities, Big Problems: Solutions for the 1990's)*, 19 FORDHAM URB. L.J. 795 (1992).

30. Kleck asserts that law-enforcement agencies in states with registration systems initiate their traces with the state registration database. If true, such traces would not be included among the traces tabulated by the NTC. *See Kleck, supra* note 5, at 24-25. The 11 states are California, Connecticut, Hawaii, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, South Carolina, and West Virginia plus Washington, D.C. and Puerto Rico. Telephone interview with John Freeman, ATF Crime Gun Analysis Branch (Dec. 4, 2000).

31. *See COMMERCE IN FIREARMS IN THE UNITED STATES, supra* note 19, at 21.

32. *See id.*

33. *See id.* at 20.

34. *See STEVEN BRILL, FIREARM ABUSE: A RESEARCH AND POLICY REPORT 3-4 (1977); Mark H. Moore, The Bird in the Hand: A Feasible Strategy for Gun Control, 2 J. POL'Y ANALYSIS & MGMT 185, 187 (1983); Mark H. Moore, Keeping Handguns from Criminal Offenders, 455 ANNALS AM. ACAD. POL. & SOC. SCI. 92, 94 (1981) [hereinafter Moore, *Keeping Handguns from Criminal Offenders*]; Franklin E. Zimring, *Street Crime**

and ATF has a history of investigating and seeking prosecution of firearms traffickers.³⁵ However, the priority given to this supply-side approach has varied over the decades. During the Nixon years, ATF's criminal-enforcement efforts were targeted on locking up violent criminals who happened to be in violation of firearms statutes.³⁶ Beginning in 1976, the Ford Administration initiated an effort to make broader use of the licensing and enforcement authority of the ATF, with particular focus on stemming the flow of guns to street gangs and organized crime.³⁷

This shift in enforcement priorities proved controversial. The National Rifle Association ("NRA") opposed the gun-trafficking focus on the grounds that the ATF was violating the constitutional rights of gun owners by their overzealous enforcement strategies.³⁸ After the election of Ronald Reagan in 1980, and the election of a Republican majority in the Senate, ATF made a deliberate effort to disassociate itself with controlling the illegal gun trade and instead refocused on using the firearms laws as a tool for controlling criminals.³⁹ It shifted virtually all of its enforcement resources to apprehending armed street-level drug traffickers and armed criminals, in support of the drugs and crime initiatives of the Reagan and Bush Administrations.⁴⁰

The political environment changed again with the election of President Clinton. Congress enacted the Brady Act in 1993⁴¹ and a partial ban on assault weapons in 1994.⁴² The President expressed his belief that the ready availability of guns contributed to the violence problem in his 1993 *Memorandum on Gun Dealer Licensing to the Secretary of the Department of the Treasury*:

A major problem facing the nation today is the ease with which criminals, the mentally deranged, and even children can acquire firearms. The gruesome consequences of this ready availability of guns is found in the senseless violence occurring throughout the country with numbing regularity. While there is not one solution to

and New Guns: Some Implications for Firearms Control, 4 J. CRIM. JUST. 95, 102-03 (1976).

35. WILLIAM J. VIZZARD, *IN THE CROSS FIRE: A POLITICAL HISTORY OF THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS* 49 (1997).

36. *See id.* at 45-7.

37. *See id.* at 49.

38. *See* DAVID HARDY, *TASK FORCE TO INVESTIGATE THE ENFORCEMENT OF POLICIES OF THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, THE B.A.T.F.'S WAR ON CIVIL LIBERTIES* 10 (1979).

39. *See* VIZZARD, *supra* note 35, at 93.

40. *See id.* ATF's ability to make a successful case against firearms traffickers was undermined by the NRA-sponsored McClure-Volkmer Firearms Owners Protection Act in 1986, which made it difficult to prove that an unlicensed seller was in the business of selling guns, rather than simply someone who happened to be selling off his private collection. *See* Anthony A. Braga, *More Gun Laws or More Gun Law Enforcement*, 20 J. POL'Y ANALYSIS & MGMT 545, 47 (2001).

41. Brady Violence Prevention Act of 1993, Pub. L. No. 103-159, 107 Stat. 1536 (1993) (codified at 18 U.S.C. § 922(g)-(j) (1994)).

42. Violent Crime Control and Law Enforcement Act of 1994, Assault Weapon Ban, Pub. L. No. 103-322: 18 U.S.C. § 922(v) (repealed).

the plague of gun-related violence, there is more than sufficient evidence indicating that a major part of the problem involves the present system of gun dealer licensing, which encourages a flourishing criminal market in guns.⁴³

Following this directive, ATF put more resources into crime gun tracing, regulating gun dealers, and investigating gun traffickers.⁴⁴

Before President Clinton's memorandum, obtaining a federal dealer's license from ATF was just a matter of paying a small fee and filling out a form. By 1993, there were over 280,000 people who had done so—most of whom were not actually in the business of selling guns to the public.⁴⁵ ATF at that time lacked the authority and resources to screen applicants effectively or to inspect their operations after issuing the license.⁴⁶ Thus, the federal licensing system, which had been intended to regulate retail commerce in guns, was itself unregulated. After the Clinton memorandum, ATF stiffened license-application requirements and worked with state and local agencies to ensure that FFLs were complying with applicable state and local laws governing firearms retailing.⁴⁷ Further, the Crime Control Act of 1994 increased the fee for a three-year license from \$30 to \$200.⁴⁸ The cumulative effect has been to reduce the number of federal licensees to about 100,000, thereby enhancing ATF's ability to serve its regulatory function.⁴⁹

ATF's push to expand firearms tracing was in part grounded in the development of new applications for trace data. In the early 1990s, methods for utilizing firearms-trace data to detect gun traffickers were developed by several ATF field divisions and ATF's National Tracing Center. ATF's Boston Field Division was among the pioneers of a comprehensive approach, tracing all guns

43. William Clinton, Memorandum for the Secretary of the Treasury on Gun Dealer Licensing, August 11, 1993, 58 Fed. Reg. 50,833 (1993).

44. See *COMMERCE IN FIREARMS IN THE UNITED STATES*, *supra* note 19, at 15-16.

45. See U.S. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. DEPT OF THE TREASURY, OPERATION SNAPSHOT 9 (1993). Operation Snapshot, an ATF study of 400 randomly selected licensed retail dealers, revealed that nearly half of them had made no gun sales in the 12 months prior to the study. See *id.* Just 20% had sold as many as 10 guns during the prior year and only 7% had sold at least 50 guns. See *id.* ATF concluded that most licensed dealers did not appear to be making a livelihood from the business of firearms dealing. See *id.* at 12. Rather, most seemed to be gun enthusiasts using their FFL privileges, particularly their ability to purchase guns through the mail at wholesale prices, to enhance their personal collections and perhaps make transfers to family, friends, and acquaintances. See *id.*

46. See JOSH SUGARMANN, *MORE GUN DEALERS THAN GAS STATIONS: A STUDY OF FEDERALLY LICENSED FIREARMS DEALERS IN AMERICA I* (1992).

47. GERRIT J. WINTAMUTE, *Guns and Gun Violence, in THE CRIME DROP IN AMERICA 45* (Alfred Blumstein & Joel Wallman eds., 2000).

48. See 18 U.S.C. §923(a) (1994).

49. GLENN L. PIERCE ET AL., NATIONAL REPORT ON FIREARMS TRACE ANALYSIS FOR 1996-1997 3 (1998); *COMMERCE IN FIREARMS IN THE UNITED STATES*, *supra* note 19, at 15-17; U.S. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. DEPT OF THE TREASURY, GUN DEALER LICENSING AND ILLEGAL GUN TRAFFICKING 2-3 (1997).

recovered by the Boston Police Department beginning in January 1991.⁵⁰ In partnership with academic researchers, ATF and the Boston Police Department analyzed the resulting data to describe the nature of the local gun market and provide tactical guidance to investigators.⁵¹

The results of these trace studies, paired with convincing anecdotal evidence on the successful application of trace data in detecting gun traffickers, generated interest in the value of firearms trace data. In July 1996, President Clinton announced the Youth Crime Gun Interdiction Initiative ("YCGII"), with commitments from a number of cities to trace all recovered crime guns.⁵² The program has expanded from seventeen cities in 1996 to thirty-eight cities in 2000, with additional cities to be added in 2001.⁵³ Other jurisdictions have also expanded their use of gun tracing. Six states, for example, have recently adopted comprehensive tracing as a matter of state policy, either by law (California, Connecticut, North Carolina, and Illinois), by executive order (Maryland), or by law-enforcement initiative (New Jersey).⁵⁴

IV. THE STATISTICAL PROPERTIES OF FIREARMS-TRACE DATA

As more jurisdictions adopt a policy of comprehensive tracing, the database on trace requests becomes more useful for statistical purposes in two ways. First, the larger database supports a more detailed analysis than would otherwise be feasible. For example, ATF is able to produce separate reports on the statistical patterns for each city that participates fully in the YCGII. Second, a jurisdiction that submits all confiscated guns for tracing can be confident that the resulting database of trace requests is representative of a well defined population of guns—namely (and trivially), those recovered by the police during a particular time period. But to be useful for strategic-planning purposes, it is important to know how these data relate to a different population of guns—those in the hands of criminals.

50. This arrangement was put in place by retired ATF special agent David Carlson, now of Northeastern University. See David M. Kennedy et al., *Youth Violence in Boston: Gun Markets, Serious Youth Offenders, and a Use-Reduction Strategy*, 59 *LAW & CONTEMP. PROBS.* 147, 170 (1996).

51. See *id.*

52. See Fox Butterfield, *Federal Program Will Track Sales of Guns to Youth*, *N.Y. TIMES*, July 8, 1996, at A1. The name of this Initiative is a bit misleading, because it was not limited to youths. *Id.*

53. See U.S. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. DEP'T OF THE TREASURY, *TREASURY RELEASES REPORT ON 1999 CRIME GUN TRACES* ¶7 (visited April 22, 2001) <<http://www.atf.treas.gov/press/sy01press/113000yegfirelease.htm>>.

54. See *CRIME GUN TRACE REPORTS 1999: NATIONAL REPORT*, *supra* note 25, at 51.

A. The Gun Population of Interest

Statisticians use the term "population" to refer to a collection of items, events, or individuals (i.e., guns, shootings, victims).⁵⁵ A "sample" is a subset of a population that may be used to make inferences about the whole.⁵⁶ Whether these inferences are accurate depends on the extent to which the sample is representative of the population, or can be adjusted to be representative, with respect to the characteristics that are being investigated.

The population from which the YCGII guns are sampled are known as "crime" guns, by which is meant any gun "that is illegally possessed, used in crime, or suspected to have been used in crime. An abandoned firearm may also be categorized as a crime gun if there is reason to believe it was used in a crime or illegally possessed."⁵⁷

Most trace requests are associated with guns that were confiscated in connection with possession or carrying offenses, or with drug dealing (see Table 2).⁵⁸ A subset of the trace requests are associated with violent crimes, and hence can be said to be sampled from that more narrowly defined population. Finally, it could be argued that most all "crime" guns are relatively likely to be used at some point in criminal violence—that is, after all, the rationale for the laws restricting possession and carrying. These may also be viewed as a sample from the population of guns that are at great risk of misuse.

55. WILLIAM MENDELHALL ET AL., INTRODUCTION TO PROBABILITY AND STATISTICS 244-247 (10th ed. 1999).

56. See *id.*

57. CRIME GUN TRACE REPORTS 1999: NATIONAL REPORT, *supra* note 25, at xiii. ATF does not include firearms held for "safekeping" by law enforcement or "found guns" that are not tied to a crime. See *id.* at 10.

58. To be specific, the statistics in Table 2 indicate that almost two-thirds of the "crime" handguns submitted for tracing from the YCGII cities in 1999 were coded as associated with carrying, possession, or other firearms offenses, while only 13% were associated with specific violent crimes. "Vice and Narcotics" is the third category, accounting for about one-fifth of the guns, presumably those that were picked up in connection with arrests for these crimes. There are far fewer long guns recovered by police than handguns, but those that are recovered exhibit a similar pattern of crime involvement.

TABLE 2: CIRCUMSTANCES OF GUN RECOVERIES: YCGII GUNS SUBMITTED FOR TRACING, 1999, HANDGUNS AND LONG GUNS

Circumstances	Handgun Count	Handgun Percentage	Long Gun Count	Long Gun Percentage
Homicide	1,427	2.6	338	2.3
Assault and Robbery	5,682	10.5	1,553	10.4
Vice and Narcotics	10,621	19.5	4,116	27.6
Firearms Offenses	35,064	64.5	8,393	56.4
Other	1,569	2.9	493	3.3
Total	54,363	100.0	4,893	100.0

Source: Original computations from ATF's 1999 firearm-trace-requests database for YCGII cities

B. The Sample Selection Process

Consider the population of guns defined as those actually used in criminal violence during the year. The sample of such guns that are successfully traced is the result of a sequence of three selection processes, that may be labeled "recover," "submit for trace," and "trace success." Figure 1 offers a schematic representation of how these three processes operate to produce a sample from the original population. The key question is how representative that sample is of the population of interest.