

203172

TABLE OF CONTENTS

PROPERTY OF

National Criminal Justice Reference Service (NCJRS)

Box 6000

Rockville, MD 20849-6000

Final Report

1

Guns First Training Curriculum

2

National Guns First Training Curriculum

3

Project Assessment

4

**Update and Supplement to
National Guns
First Training Curriculum**

5

TRAINING AND ADMINISTRATIVE SUPPORT TO THE INTERSTATE FIREARMS TRAFFICKING COMPACT

Final Report

**Including progress for
July 1, 2003 through September 30, 2003**

Submitted by: Melissa Reuland, Project Director

Overview

On July 26, 1995, PERF received funding from the Bureau of Justice Assistance (BJA) for Grant Number 95-DD-BX-0042, Training and Administrative Support to the Interstate Firearms Trafficking Compact. The original grant provided funds to develop a train-the-trainer's curriculum on illegal firearms reduction strategies. The goals of the training was to inform and educate state and local law enforcement officers about existing federal and state firearms statutes, improve their investigation of firearms-related offenses, and sensitize them to the value of gathering and sharing information that will assist in the interdiction of illicit firearms.

PERF, in conjunction with BJA and the Bureau of Alcohol, Tobacco and Firearms (BATF) and representatives of the signatory states in the Interstate Firearms Trafficking Compact, designed the training curriculum and related materials to cover these topics. The grant also funded PERF to coordinate the delivery of the training program through the LECCs of the U.S. Attorneys' Office to the original signatory states of the Compact. This Compact included an agreement signed by the Governors of 14 East Coast states and the Mayor of the District of Columbia to combat the illegal distribution of firearms. The training programs for this initial grant were completed in October of 1998.

The Bureau of Justice Assistance awarded additional money to PERF on September 30, 1997 to expand the “Guns First: Training for Law Enforcement” project. Through this expansion project, PERF revised the content of the current “Guns First: Training for Law Enforcement” training curricula into the “National Guns First” training curriculum. PERF continued to use a train-the-trainers format with a modular approach, which allows the training to be tailored to the needs of a particular audience. Training modules include: federal law, state law, investigations and tracing.

PERF was also funded in this phase to conduct training sessions in ten sites outside of the original compact states. On October 1, 1998, BJA provided additional funds to conduct an additional 16 training programs and in November 1999 another 11 states were invited to participate in the program. This last project also included a project assessment and update to the program’s curriculum, to be prepared in a monograph format.

No-cost extensions were requested to extend the project through 9/30/03. This is the final report for the project detailing its accomplishments.

Training Curricula

As part of the original grant, PERF prepared a 5-module train-the-trainer curriculum guide in consultation with BATF and other experts. This curriculum and accompanying materials are contained in TAB 2. The original Guns First curriculum was then updated into the “National Guns First” curriculum, which is contained in TAB 3. PERF completed a recent, substantive update to the curriculum, which resulted in a “stand alone” monograph, beneficial to officers and other law enforcement officials regardless



of whether they attended the initial Guns First Training. This monograph was completed and disseminated to all LECCs who participated in the GUNS FIRST training programs. This update is contained in TAB 5.

Training Programs

PERF was funded to provide approximately 50 train-the-trainers programs. Due to efficient management of funds, in actuality PERF completed a total of 69 train-the-trainer programs in 42 states. Fifteen sites were approach to participate but declined to host training sessions. The attached Table lists all trainings offered, the training date and site, and the number of people trained. In all 2,661 law enforcement participants were trained through this program.

Project Assessment

The Guns First programs were designed as train-the-trainers programs, which could extend the impact of the curriculum beyond the original scope of the project. PERF assessed the successes attained by the program in a two-part evaluation. In developing the assessment of this program, PERF first sought to identify and operationalize key program goals as they related to both the original and extended program. Program goals and critical success factors were identified through a review of the original Compact Jurisdiction Agreement, the funding proposal, and training program curriculum. PERF approached the evaluation in two phases.

In the first phase, PERF contacted Law Enforcement Coordinating Committee Representatives (LECCs) in the U.S. Attorney's Offices, and others, who co-sponsored the training and worked collaboratively with PERF staff to identify training participants and speakers. In this phase, the program assessment sought to measure the following factors:

- **Program Format:** Was the “train-the-trainers” format appropriate and successful in disseminating the information to law enforcement in your district? Did law enforcement trainers offer the training in their departments (i.e. offer “secondary trainings”).
- **Program Content, Materials, and Delivery:** Was the content new and useful to law enforcement? Were the materials clear, comprehensive, and sufficient for offering secondary trainings? Were course instructors knowledgeable and well prepared?
- **Program Impacts on Collaboration:** Did the training program improve participant and participant department collaboration with U.S. Attorney's Office and federal law enforcement, specifically the BATF, as demonstrated by increases in federal gun cases and firearm tracing?

In the second phase of the assessment, PERF contacted actual training participants to determine the impact of the following training objectives:

- **Program Format and Dissemination:** Did participants offer secondary trainings in their departments and how many officers did they train? If they did not offer secondary trainings, why not?

- **Program Impacts:** How much impact did the training program have on the department's collaboration with the U.S. Attorney's office and the BATF? How much impact did the training have on awareness of firearms trafficking patterns in the area and firearms tracing? What, if any, new department policies or procedures were implemented as a result of the training?
- **Future Training:** Would the officer be interested in attending similar trainings in the future, and what types of training related to firearms trafficking and crime gun interdiction are needed?

The findings from the assessment indicate that while the train-the-trainer format was considered appropriate for this type of training, LECCs relayed sentiments that the format was actually not a very effective method of disseminating the training material. By contrast, training participants indicated that the format was more successful than the LECCs reported, but less than half of the responding participants reported holding a secondary training. A major reason cited for format ineffectiveness was that initial training participants were not responsible for department training. Future training programs may consider more stringent regulations over who may attend the training from state and local law enforcement agencies. Although this may increase the percentage of secondary trainings offered, the number of officers trained initially may decrease substantially. The complete report on project assessment, its outcomes and recommendations is provided in TAB 4.

Table of Completed Training Programs

<u>State</u>	<u>City</u>	<u>Officers Trained</u>	<u>Date of Training</u>
Alabama	Birmingham	70	September 24, 1999
Arizona	Phoenix	46	October 19-20, 1999
Arkansas	Little Rock	25	February 15, 2000
Arkansas	Hot Springs	25	February 15-16, 2000
California	Los Angeles	100	May 18, 1999
California	Sacramento	53	July 21, 1999
California	San Diego	80	November 16, 1999
Colorado	Denver	20	March 17, 2000
Connecticut	Cromwell	15	June 25-26, 1997
Delaware	Dover	31	March 25-26, 1997
Florida	Miami	8	September 8-9, 1997
Florida	Tallahassee	10	October 9-10, 1997
Florida	Tampa	16	September 25-26, 1997
Florida	Orlando	85	July 25, 2002
Georgia	Atlanta	41	March 2, 1998
Georgia	Forsyth	47	March 30, 1998
Hawaii	Honolulu	20	April 28, 2000
Illinois	Chicago	47	June 3, 1999
Illinois	Springfield	48	March 30, 1999
Illinois	Chicago	47	April 17, 2001
Indiana	Chestertown	22	June 22, 1999
Indiana	Munster	22	April 4, 2001
Kansas	Wichita	26	September 11, 2001
Kentucky	Lexington	60	November 9, 1999
Kentucky/Ohio		66	November 11, 2001
Maine	Augusta	24	February 19-20, 1998
Maryland	Columbia	13	February 18, 1998
Massachusetts	Boston	5	July 9-10, 1998
Michigan	Lansing	42	April 13, 1999
Minnesota	Minneapolis	25	September 28, 1999
Mississippi	Oxford	25	September 28, 2000
Missouri	St. Louis	19	May 30, 2001
Montana	Havre	23	June 26-27, 2002
Nebraska	Omaha	38	August 22, 2000
New Hampshire	Concord	42	October 10, 2000
New Jersey	Sea Girt	33	September 30, 1997
New Jersey	Sea Girt	52	October 7, 1997
New Jersey	Sea Girt	57	October 16, 1997
New Mexico	Albuquerque	16	May 4, 1999
New York	New York	44	October 8, 1998
New York	Albany	115	February 5-6, 1998
New York	Buffalo	84	June 10, 1998
North Carolina	Hickory	27	July 22-23, 1997
North Carolina	Raleigh	37	May 7-8, 1997
North Carolina		60	October 30, 2001
Ohio	Belleville	44	May 12, 1999

Table of Completed Training Programs

<u>State</u>	<u>City</u>	<u>Officers Trained</u>	<u>Date of Training</u>
Ohio	Perrysburg	27	April 12, 2001
Oklahoma	Muskogee	21	July 14, 2000
Oklahoma	Tulsa	47	August 24, 2000
Oklahoma	Ardmore	20	May 22, 2001
Oklahoma	Oklahoma City	50	May 23, 2001
Oregon	Portland	90	October 7, 1999
Oregon	Portland	27	October 16, 2001
Rhode Island	Newport	41	April 21, 1997
South Carolina	Columbia	32	September 23-24, 1997
South Carolina	Greenville	23	October 28-29, 1997
South Dakota	Sioux Falls	30	November 15, 2000
Tennessee	Knoxville	13	March 7, 2000
Tennessee	Nashville	70	February 23, 2000
Tennessee	Chattanooga	19	March 6, 2000
Texas	Houston	33	March 23, 1999
Utah	Salt Lake City	30	September 26, 2000
Virginia	Richmond	40	July 29-30, 1997
Washington	Seattle	23	July 18, 2000
West Virginia	Charleston	32	February 25-26, 1997
West Virginia	Wheeling	38	April 24, 2001
Wisconsin	Milwaukee/Madison	75	March 28, 2000
Wyoming	Cheyenne	25	December 7, 2000


COMBATING INTERSTATE FIREARMS TRAFFICKING

“GUNS FIRST”

Instructor's Guide



Bureau of Justice Assistance
Police Executive Research Forum

October, 1996



This project was supported by Grant No. 95-DD-BX-0042 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the agency.

ISBN # 1-878734-49-0



Acknowledgments

The Police Executive Research Forum (PERF) acknowledges the important contributions of many agencies and individuals who have contributed their resources, knowledge and energy to the completion of this curriculum guide. Without their support this curriculum guide would not have been possible.

PERF thanks the Bureau of Justice Assistance (BJA), U.S. Department of Justice, who awarded PERF a grant to prepare this training curriculum and to assist the Interstate Firearms Trafficking Compact (referred to hereafter as Compact) states in achieving their training goals. Special thanks are given to John Veen, BJA project manager, Discretionary Grants Division and Steve Yonkers, BJA program manager, State and Local Assistance Division.

The Bureau of Alcohol, Tobacco and Firearms (ATF) made significant contributions to this guide. Specifically, we would like to thank Gerald Nunziato, special agent in charge, National Tracing Center for his commitment of resources and personnel. Also at the National Tracing Center are Special Agent Gerry Crispino and Project Officer David Kreigbaum who we thank for their time and contributions regarding the National Tracing Center operations, the firearms tracing process and Project LEAD. Special Agent Mark Kraft, of the Career Development Division of ATF, dedicated many hours and resources to this guide regarding firearms trafficking investigations and federal firearms laws. Special Agent Dale Armstrong, program manager for Project Achilles and part of the Firearms Enforcement Division, also made significant contributions to this project in the areas of federal firearms laws and other enforcement efforts.

Representatives and members of the Compact states also deserve many thanks for their guidance and contributions to the development of this guide.

Kay Morrison, ATF resident agent in charge and her staff provided much needed practical guidance, resources and support in the development of this guide.

The Washington Field Division of the ATF also provided guidance and resources to the production of this curriculum. Specifically, John C. Killorin, assistant special agent in charge, and Ben Hayes, group supervisor of the Falls Church field office, provided fresh perspectives, guidance and resources regarding firearms trafficking.

Gwen Holden, executive director of the National Criminal Justice Association, contributed her time and resources to this project. Lisa Doyle Moran, assistant director for legal affairs, provided state law materials.

Phil McGuire served as a consultant in the development of this guide, and provided valuable assistance and guidance.



Table of Contents

Introduction	Preface - i
How to Use This Curriculum Guide	Preface - iii
Selecting Trainers	Preface - vi
Introductory Module	Intro - 1
Activity #1: Importance of Firearms Investigations	Intro - 5
Activity #2: Goals of Compact	Intro - 7
Activity #3: Definition of Terms	Intro - 9
Activity #4: Trafficking in the State	Intro - 10
Module Summary	Intro - 12
Module Resources	Intro - 13
Introductory Module Appendix	Intro - 14
State Law Module	State Law - 1
Activity #1: State Law Review	State Law - 4
Activity #2: Case Study	State Law - 6
Module Summary	State Law - 7
Module Resources	State Law - 8
State Law Module Appendix	State Law - 9
Federal Laws and Regulations Module	Federal Law - 1
Activity #1: Federal, State and Local Law	Federal Law - 5
Activity #2: Federal Firearms Laws	Federal Law - 8
Activity #3: Regulatory Enforcement	Federal Law - 18
Activity #4: Case Studies of Federal Law	Federal Law - 21
Module Summary	Federal Law - 22
Module Resources	Federal Law - 24
Federal Law Module Appendix	Federal Law - 25
Firearms Trafficking Investigations Module	Investigations - 1
Activity #1: Trafficking and Traffickers	Investigations - 4
Activity #2: Firearms Investigations	Investigations - 9
Activity #3: Sharing Information with ATF	Investigations - 13
Activity #4: Gun Concealment Recognition	Investigations - 15
Activity #5: Practical Activity	Investigations - 21
Module Summary	Investigations - 23
Module Resources	Investigations - 24
Investigations Module Appendix	Investigations - 25

Tracking Firearms Origins Module	Tracing - 1
Activity #1: Tracking Ownership History	Tracing - 5
Activity #2: Tracing Firearms	Tracing - 7
Activity #3: Trace Form Activity	Tracing - 14
Module Summary	Tracing - 15
Module Resources	Tracing - 16
Tracing Module Appendix	Tracing - 17
 Bibliography	 Biblio - 1
 Curriculum Appendix	 Appendix - 1

Introduction

Firearms Trafficking

There is consensus throughout the country that violence involving firearms has reached epidemic proportions. According to the 1994 Uniform Crime Reports compiled by the FBI, nearly one-third of violent crimes in the United States are firearms-related. In 1994, 69.6 percent of murders were firearms-related. In most instances the firearm was a handgun.

In 1994, the Chicago Police Department recovered more than 22,300 firearms used in crimes; the New York City Police Department recovered more than 13,000 firearms, including six automatic weapons; and the Washington, D.C., Metropolitan Police Department recovered 5,886 firearms, of which 2,596 were used in crimes. Each year, thousands of firearms are stolen from private citizens, firearms dealers, firearms manufacturers and interstate shipments. As of July 1, 1994, the National Crime Information Center (NCIC) database contained records on over 2,234,000 stolen firearms.

Stolen and illegally obtained firearms are recovered from violent crime scenes, from narcotics traffickers, and even from children at schools. Firearms are bartered for narcotics and are considered "tools of the trade" by narcotics traffickers. In fact, it was the expanded narcotics trade of the 1980s that gave rise to the significant increase in firearms violence and the trafficking that made the firearms available.

The role played by firearms traffickers in this process cannot be understated. Although the development of a firearms trafficking definition that encompasses all circumstances is difficult, firearms trafficking is broadly defined as the acquisition of firearms for the principal purpose of making firearms available to criminals and/or to people in areas where state and local laws limit the availability of firearms. Frequently, the firearms are trafficked to areas with strict gun control laws, thus negating the intended effect of the state or local law.

Firearms trafficking has become a very profitable venture for individuals willing to assume the risk of criminal prosecution in exchange for monetary (or some other) reward. A firearm may cost five to six times its original price when sold to criminals in major cities.

The typical unlicensed firearms trafficker is an enterprising individual who travels to a state with lax firearms laws, and who returns to his or her state of residence with the firearms, which then are sold, traded or distributed to criminal associates. The traffickers may use false or fraudulent identification documents or enlist friends or relatives to make purchases on their behalf. These "straw" purchases can be expected to increase with the implementation of the Brady law, which requires a waiting period and background check for people purchasing firearms.

Firearms trafficking is not limited to nonlicensed people. Unscrupulous firearms dealers knowingly sell firearms to prohibited purchasers, narcotics dealers, nonresidents and

obvious straw purchasers. Violations occur at their licensed premises, gun shows, and even from the trunks of their cars.

Firearms trafficking investigations are *not* an assault on the Second Amendment. What trafficking investigations *are* about is keeping guns out of the hands of prohibited purchasers, drug traffickers, gangs and violent criminals through the successful detection, investigation and prosecution of gun traffickers. Ultimately, firearms trafficking is about how criminals acquire firearms, and trafficking investigations are about reducing this problem.

The Interstate Firearms Trafficking Compact

Illegal firearms trafficking can only be effectively addressed through the formulation and implementation of a sound national approach. Cooperation and partnership among state and local authorities is a crucial piece of this overall strategy. Through the continual review and refinement of the firearms trafficking enforcement program, the Bureau of Alcohol, Tobacco and Firearms (ATF) will be able to enhance its mission and continue to provide effective leadership in the identification and investigation of firearms traffickers.

As part of its effort to curb illegal firearms trafficking, ATF entered into a cooperative agreement—the Interstate Firearms Trafficking Compact (Compact)—with the governors of 14 East Coast states and the mayor of the District of Columbia to combat the illegal distribution of firearms. This collaboration has several goals, one of which is to increase the investigative and prosecution effectiveness of the member states through specialized training of state and local law enforcement officers.

The Bureau of Justice Assistance (BJA), U.S. Department of Justice, awarded a grant to the Police Executive Research Forum (PERF) to prepare a training curriculum to assist the Compact states in achieving this goal. The curriculum that follows is the culmination of this collaborative effort. The BJA-sponsored training will be offered by PERF to all signatory states and the District of Columbia in a “train-the-trainers” format. PERF will conduct initial training sessions in each state, to be attended by state and local law enforcement trainers, who will then implement the training for officers in their localities. In this way, the important information contained in this document will reach large numbers of state and local officers.

How to Use This Curriculum Guide

This guide has been designed for state and local law enforcement trainers to use when conducting training on firearms trafficking in the Compact states. The curriculum has been designed to be flexible, so that trainers can accommodate classes of differing sizes and experience levels. The training uses a modular approach, allowing the exact content and order of the presentation to be tailored to the needs of a particular audience. In addition, the duration of each session may easily be altered if the trainer wants to expand or reduce a particular section.

Because this curriculum was designed to be used in the 14 Compact states and the District of Columbia, trainers will need to customize the curriculum where indicated. For example, there are sections that require the trainer to research and include information on local ordinances, regulations and statistics, and regional resources. The trainers should tailor this manual to any unique needs of the jurisdiction in which training is conducted. It is strongly recommended that trainers read carefully through the entire curriculum before beginning training to ensure adequate preparation. All citations may be found in the bibliography and at the end of each training module.

Format

This training curriculum is divided into five (5) **modules** that cover a specific area of firearms trafficking information. The modules are: Introduction, State Laws, Federal Laws and Regulations, Firearms Trafficking Investigations and Tracking Firearms Origins.

At the beginning of each module, the specific **goals** and **learning objectives** for the module are stated. Each of the modules is subdivided into a set of **activities** that contain the information needed to meet the individual learning objectives. Some of the activities are optional, and can be included at the trainer's discretion.

Also contained in the first part of each module is a **preparation guide** for the trainer. This guide is very important and sets forth practical suggestions for teaching that module. It should be carefully reviewed before initiating training. This guide contains a list of tasks, organized by activity, that need to be completed by the trainer before the session begins. These tasks include preparing overheads, participant handouts and certain state-specific materials. Whenever a task is mentioned in the preparation guide, a corresponding note is placed within the text of the module to indicate where that material is needed. The guide also sets forth "keys to success," or ways to maximize the impact of the module and enhance the learning objectives. This section points out difficult or controversial issues that may arise during that module, about which the trainees may desire additional information or discussion.

Following the preparation guide is a list of **materials** to be used by the trainer, such as overheads and trainer-prepared materials. Several suggested overheads and participant handout materials are provided in the appendix to each module and only require the trainer

to copy them. Other materials are not contained in this document and must be prepared by the trainer in advance.

Throughout the curriculum guide, the left-hand portion of each page contains the information needed for that activity and the right-hand portion contains corresponding **instructor's notes**. These notes provide specific directions to the instructor regarding where to use overheads (indicated by "**overhead**"), participant handout materials (indicated by "**distribute**") or supplemental documents that he or she has produced (indicated by "**trainer-prepared**"). These directions/suggestions appear on most pages of the curriculum guide.

A summary of the module's main points is included at the end of each module along with some questions and issues for discussion. Also at the end of the module is an appendix that contains the suggested overheads and handout materials for that module. In preparing for the course, the trainer should become familiar with these materials and select the overheads and handouts he or she feels should be used.

Curriculum Appendix

This appendix contains a **resource** list for trainers who need additional information. The trainer may elect to make this resource list available to participants. The trainer should add local resources to the list before providing it to participants. A listing of ATF Field Division Offices is also supplied to assist trainers in locating instructors.

The appendix also contains a **participation form** used to document that training has occurred. This form must be completed and faxed to PERF at 202-466-7826 *each time* the curriculum is taught. The answer key to the pre- and post-tests is also contained in this appendix.

Environment

To promote learning, trainers should pay particular attention to the environment. Every effort should be made to ensure the classroom has a comfortable temperature, has appropriate lighting, allows for the students to comfortably sit and write, is structured to encourage discussion, and accommodates all training equipment. Comfortable chairs and writing desks should be available, and instructors should be attentive to students' needs to take frequent breaks.

Participant Manual

The participant manual contains the goals, objectives and activity outlines for each of the training modules. Lines are provided for note-taking. Pre- and post-tests are placed at the beginning and end of the participant manual. Trainers should instruct participants to complete the pre-test before the introduction and the post-test at the end of the last module.

If the trainer has decided to reorder the modules or omit certain activities, similar adjustments need to be made to the participant manual before it is duplicated and distributed.

Selecting Trainers

This curriculum draws on materials from numerous agencies and individuals. In most of the modules, the preparation guide suggests that the law enforcement trainer work closely with trainers from other agencies. For example, in Modules 2 and 3, it is suggested that some of the material be presented by state and federal prosecutors, and in Modules 4 and 5, assistance may be solicited from a regional ATF agent. These individuals are invaluable resources for answering questions concerning federal and state laws and regulations, firearms investigations in specific jurisdictions, firearms tracing and myriad other concerns that are critical to successful training.

Law enforcement trainers should have a thorough knowledge of police agency policies, procedures and protocols for handling cases of firearms trafficking. Some investigative experience would also be beneficial. Police trainers should also be aware of state laws that may be applicable in firearms trafficking cases. Trainers from ATF, the state's attorney's office, the prosecutor's office, or other relevant law enforcement agencies should have a thorough knowledge of applicable statutes, investigative responsibilities and other problems that may concern law enforcement officers. Each trainer should understand the role and responsibility of the other professions, including differences in philosophy and terminology.

Additional qualifications include:

- familiarity with training methods used in this curriculum;
- demonstrated experience as a trainer;
- experience with organizing, presenting and discussing complex issues;
- ability to lead discussions and to encourage students to disclose preconceptions;
- sensitivity to the needs of officers in the training setting;
- recognized credibility with officers; and
- commitment to being thoroughly prepared for all training sessions.

It is important that the trainers express a genuine belief in using a coordinated approach to address interstate firearms trafficking, so that the police role can be presented to students in a coherent and straightforward manner. Revising and updating the curriculum on a regular basis is strongly advised and should be done in a cooperative effort among the police trainer and local experts on interstate firearms trafficking.

INTRODUCTORY MODULE

Goals: To convey the importance of investigating firearms and firearms trafficking, to define the broad policy initiatives laid out in the Interstate Firearms Trafficking Compact, and to provide information on the nature and extent of trafficking in the state.

LEARNING OBJECTIVES

At the completion of this module, students will be able to:

1. understand the importance of investigating firearms that come to the attention of law enforcement officers (e.g., officer safety issues);
2. summarize the objectives of the Interstate Firearms Trafficking Compact aimed at combating the illegal distribution of firearms;
3. define important terms such as illegal firearms trafficking, straw purchaser, tracing, and source and market states; and
4. describe the nature and extent of trafficking in their state and have a better understanding of how departments in their area are dealing with illegal trafficking of firearms.

PREPARATION GUIDE

It is recommended that this module be conducted by a law enforcement trainer with expertise in firearms trafficking. The suggested length of this module is 30 minutes.

Before the session, complete the following preparations:

- Select which overheads you will use and prepare them as transparencies and participant handouts.
- For activity #1:
 - Prepare the Participant Manuals for distribution.
 - Prepare introductory remarks to provide overview of gun violence. Use the material presented in the introduction to the manual.
 - Update statistics if necessary.
 - Obtain information on a local example of gun-related crime.
 - Prepare list of on-scene investigations where officers would want to look for weapons (e.g., traffic stops, search warrants, when serving arrest warrants, etc.).
- For activity #2:
 - Prepare participant handout of Compact MOU and List of Signatory States contained in appendix to this module (optional).
- For activity #4:
 - Review your state's Trafficking Information Table carefully and select any other state's tables you may want to discuss.

- For activity #4 (cont.):
 - Obtain information on firearms trafficking in your state (e.g., the number of illegal guns seized, the states where these were purchased, the number of guns seized elsewhere that originated in your state, number of arrests for straw purchases, number of Federal Firearms Licensees (FFLs) and information on those that have been cited for violations). *[Resources for this information include local ATF offices, special task forces (state and local), etc.]*
 - Prepare overheads and participant handouts that capture state-specific trafficking information.

Keys to success in this module:

- State and local officers may not understand how trafficking relates to them, given that it is largely a federal law issue. It is very important to emphasize the relationship between reducing firearms trafficking and officer safety issues presented in activity #1. The example of a gun-related crime is especially important in making this connection real to officers. Consider having a victim or officer relate his or her own personal experience.
- Officers may question the validity of the state-specific data when they compare it with their own experiences. Review the "Statewide Differences" section of activity #4 to address this.

MATERIALS

Overheads included in appendix to this module:

- #1-The Problem of Firearms Trafficking
- #2-Interstate Firearms Trafficking Compact
- #3-Training Goals
- #4-Trafficking Terminology
- #5 (a-o)-Source of Firearms Recovered in...
- #6 (a-n)-Firearms Trafficked out of...

Handouts included in the appendix to this module:

- Compact MOU and List of Signatory States
(optional handout for activity #2)

Trainer-prepared materials:

- State Trafficking Information
(overhead and handout for activity #4)

ACTIVITY #1: Importance of Firearms Investigations

Goal: To understand the importance of investigating firearms that come to the attention of law enforcement officers.

Pre-Test

[Instructor: Distribute Participant Manuals and administer the pre-test.]

The Problem of Gun Violence

According to the 1994 Uniform Crime Reports compiled by the FBI, nearly one-third of violent crimes in the United States are firearms-related. In 1994, 69.6 percent of murders were firearms-related.

[Instructor: Expand this overview of the problem of gun violence with additional information if needed.]

Safety Issues

The safety of officers and citizens is the single most important reason for law enforcement officers to have a heightened awareness of firearms. In fact, guns are the number one cause of non-accidental death of on-duty officers. Further, according to the National Law Enforcement Memorial Fund:

- In 1994, 75 out of 79 murders of police officers, or 95 percent, were the result of shootings.
- Ninety-one percent of law enforcement officers killed from 1984 through 1993 were shot by criminals with firearms (FBI).
- Since the first law enforcement fatality in 1794, there have been 6,722 law enforcement officers shot and killed with firearms.
- There have been 32,652 firearm-related assaults against law enforcement officers from 1984 through 1993 (FBI).
- The number of firearm-related assaults against law enforcement officers has increased steadily over the past decade. For example, in 1984, there were 2,654 firearm assaults against officers, compared with 4,002 in 1993 -- a 51 percent increase.

Overhead #1

[Instructor: Use updated statistics if necessary.]

Instructor's Notes

Local Case Example

[Instructor: Recount local gun crime example.]

Guns are More Dangerous than Drugs

Each year, the number of police officers killed by firearms while looking for drugs or investigating other crimes increases. Although no one will kill you *with* a kilo of cocaine, they will kill you *over* a kilo of cocaine, most often with a gun. *Drug* traffickers may have firearms, but *firearms* traffickers always do -- it's the nature of their business.

Preventing Use of Firearms in Violent Crime

Looking for, seizing and investigating weapons is important to law enforcement because firearms trafficking is one of the ways criminals get the guns used to commit violent crimes, including assaults on police officers. Enforcement of firearms trafficking laws is one method of disarming these violent criminals and preventing the violent--often fatal--misuse of firearms.

Summary

When police officers are involved in an on-scene investigation, the most important thing is to ensure the safety of the officers and citizens involved. In every situation this means looking for weapons that can cause harm to the officers, or others, before looking for evidence of other crimes. For example, officers must look for guns before looking for drugs. **We call this putting "Guns First."**

[Instructor: Provide examples of on-scene investigations where officers would want to look for weapons.]

ACTIVITY #2: Goals of Compact

Goal: To review objectives of the Interstate Firearms Trafficking Compact as stated in the Memorandum of Understanding, to combat the illegal distribution of firearms.

Overview

Despite the diligent efforts of law enforcement, firearms continue to be available to those who engage in criminal activity. Although most licensed firearms dealers are law abiding, some engage in unlawful distribution of firearms. Many other firearms are purchased with fraudulent identification or through straw purchases, where a seemingly legitimate purchaser turns firearms over to the ultimate (and illegal) possessor. Members of the Compact states recognize that an interstate cooperative effort is necessary to solve this problem.

The Compact Agreement

The Compact agreement was entered into by the governors of the signatory states and the director of the Bureau of Alcohol, Tobacco and Firearms. The parties agreed that it was to their mutual benefit to cooperate in eliminating the illegal trafficking of firearms and in the investigation and prosecution of cases involving criminal misuse of firearms.

Objectives of the Agreement

The Compact agreement has the following objectives:

- for each participating agency to develop a comprehensive detailed strategy to thwart the illegal distribution and possession of firearms;

Overhead #2

*[Instructor: **Distribute** **handout** of Compact MOU and List of Signatory States (optional).]*

- to establish procedures governing interagency cooperation;
- to provide for effective communication among the participating agencies;
- for ATF to trace all firearms used in crimes and provide intelligible firearms trace data to all participating agencies;
- to identify and target illegally possessed firearms and their sources, interdict illegal gun shipments, enforce existing firearms laws, and arrest and prosecute individuals involved in these offenses;
- to conduct joint investigations where applicable;
- to increase investigative and prosecutorial effectiveness through specialized training; and
- for each of the states and ATF to coordinate exchange of information to ensure that licensees are in compliance with both federal and state licensing requirements for firearms dealers.

The Goal of the Training

The goal of this training curriculum is to provide law enforcement officers with information about firearms trafficking to increase the effectiveness of firearms trafficking investigations.

Overhead #3

ACTIVITY #3: Definition of Terms

Goal: To define important terms such as firearms trafficking, straw purchaser, and source and market states.

Firearms Trafficking Terminology

1. **Firearms Trafficking:** The acquisition of firearms for the purpose of unlawful resale to criminals or people in areas where state and local laws limit firearms availability, with monetary profit being the traffickers' main motive.
2. **Source Areas:** Those areas where large numbers of firearms are acquired from various sources and transported to other jurisdictions for sale to criminals or those who cannot legally purchase firearms.
3. **Market Areas:** Those areas where firearms, acquired in a source state, are then marketed unlawfully and transferred to criminals.
4. **Time to Crime:** The amount of time between acquisition of a firearm and its recovery during use in a crime.
5. **Straw Purchase(r):** A purchase of a firearm by an individual (the straw purchaser) who is not the ultimate recipient of the firearm. It is purchased at the request of another, who may or may not be able to legally purchase/possess a firearm.
6. **Suspect Firearm:** A firearm that was purchased by a suspected straw purchaser and transferred to the trafficker, but has not yet been recovered.

Overhead #4

ACTIVITY #4: Trafficking in the State

Goal: To understand the nature and extent of firearms trafficking in your state and learn how law enforcement departments in the state are handling firearms trafficking cases.

State Trafficking Information Tables

The tables in this series were provided by the Bureau of Alcohol, Tobacco and Firearms. The information is based solely on trace requests made between November 4, 1994 and November 3, 1995, and successfully completed as of November 11, 1995. Each table reflects the number of firearms successfully traced by the ATF National Tracing Center for Interstate Firearms Trafficking Compact member states during this period. The total for each state represents the total number of traces successfully completed, not the total number of firearms recovered in crimes, nor the total number of trace requests received from that state.

This information should be used in three ways. First, students can look at their state as a market area and look to see what other states are sources of firearms recovered and successfully traced (see tables on Overheads #5a-5o). Second, students can view their state as a source area for other states in the Compact and review each state's numbers to see where firearms purchased in that state are being recovered at crime scenes (see tables on Overheads #6a-6n). Finally, students can review the maps from other Compact states to identify trafficking corridors that involve their state.

It is important to note that comparisons of figures between states must be done with great caution, as the figures for each individual state reflect how many firearms were *traced* and **not** how many firearms were *recovered*.

[Instructor: Review your state's tables, which indicate the guns successfully traced by ATF that were recovered in your state (Overhead #5) or originated in your state (Overhead #6). Also review other state tables to identify trafficking corridors that involve your state.]

Overheads #5a-5o
Overheads #6a-6n

*[Instructor: Review additional state-specific information on this topic that is available. **Distribute trainer-prepared handout** on this topic.]*

Trainer-prepared Overhead

For example, just because there are twice as many guns traced in State X as compared with State Y, that does not mean more guns were recovered or used in crimes in State X. It may only mean that State X traces a higher percentage of the guns they recover. Likewise, just because more guns from State Z were recovered in State X than in State Y, does not mean that more guns from State Z are being trafficked to State X than to State Y. It may again be that since State X traces more of its recovered firearms, a larger number of those weapons originating in State Z are reflected in their numbers.

Statewide Differences

Just as differences between *states* can be explained by understanding differences in the number of traces requested, so can differences between *regions of a state*. For example, the New York State figures on traces may be skewed by New York City's numbers, because it traces the largest percentage of guns in the state.

MODULE SUMMARY

Important points to remember:

1. Because guns injure and kill law enforcement officers, we must always put guns first.
2. Because criminals get firearms through trafficking, we must aim to reduce firearms trafficking.

The training modules that follow provide information to assist officers in reaching the goal of reduced firearms trafficking. This training includes information on:

- laws that pertain to firearms trafficking,
- ways to detect and respond to trafficking operations, and
- the importance of tracing firearms and cooperating with ATF.

QUESTION AND ANSWER SESSION

1. Prompt participants for questions.
2. Ask the following questions to generate discussion and support learning:
 - a. Ask participants to recount any personal experiences with traffickers or firearms tragedies.
 - b. Ask participants to develop a list of additional situations where it is important to look for "Guns First."

MODULE RESOURCES

Activity #1:

*National Law Enforcement Officers Memorial Fund,
605 E St. NW, Washington, DC, 202-737-3400.*

Activity #2:

*Memorandum of Understanding among Compact
States.*

Activity #3:

*Firearms Trafficking School, September, 1995, Bureau
of Alcohol, Tobacco and Firearms.*

Activity #4:

None.

INTRODUCTORY MODULE APPENDIX

Overheads included in this appendix:

- #1-The Problem of Firearms Trafficking
- #2-Interstate Firearms Trafficking Compact
- #3-Training Goals
- #4-Trafficking Terminology
- #5 (a-o)-Source of Firearms Recovered in...
- #6 (a-n)-Firearms Trafficked out of...

Handouts included in this appendix:

- Compact MOU and List of Signatory States

The Problem of Firearms Trafficking

- Firearms are #1 cause of nonaccidental death of on-duty officers
- Trafficking is one way criminals get firearms
- "Guns First" strategy to combat trafficking

Interstate Firearms Trafficking Compact

- Agreement among 14 states, the District of Columbia and ATF
- Cooperate to eliminate illegal trafficking of firearms
- Develop and provide training to state and local law enforcement

Training Goals

- To provide law enforcement officers with information about firearms trafficking
- To increase effectiveness of trafficking investigations

Trafficking Terminology

- Firearms trafficking
- Source areas
- Market areas
- Time to crime
- Straw purchase(r)
- Suspect firearm

Source of Firearms Recovered In Connecticut¹

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	195	73.86%
Delaware	1	0.38%
Florida	10	3.79%
Georgia	12	4.55%
Maine	1	0.38%
Maryland	1	0.38%
Massachusetts	6	2.27%
New Jersey	1	0.38%
New York	7	2.65%
North Carolina	9	3.41%
Rhode Island	2	0.76%
South Carolina	6	2.27%
Virginia	12	4.55%
<u>West Virginia</u>	<u>1</u>	<u>0.38%</u>
TOTAL	264	100.00%

Analysis: The majority of guns recovered in Connecticut were purchased there. Less than 25 percent of guns traced were trafficked into Connecticut from other states, with the largest percentages coming from Georgia and Virginia (5 percent each).

¹ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Connecticut traced 322 guns, only 264 (82%) came from Compact states.

Source of Firearms Recovered In Delaware²

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	2	0.99%
Delaware	141	69.80%
Florida	7	3.47%
Georgia	4	1.98%
Maine	0	0.00%
Maryland	13	6.44%
Massachusetts	0	0.00%
New Jersey	2	0.99%
New York	7	3.47%
North Carolina	12	5.94%
Rhode Island	0	0.00%
South Carolina	3	1.49%
Virginia	9	4.46%
<u>West Virginia</u>	<u>2</u>	<u>0.99%</u>
TOTAL	202	100.00%

Analysis: The majority of guns recovered in Delaware were purchased there. Approximately 30 percent of guns traced were trafficked into Delaware from other states, with the largest percentages coming from Maryland and North Carolina (6% each).

² Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Delaware traced 265 guns, only 202 (76%) came from Compact states.

Source of Firearms Recovered In Florida³

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	4	0.27%
Delaware	1	0.07%
Florida	1,299	86.14%
Georgia	80	5.31%
Maine	2	0.13%
Maryland	13	0.86%
Massachusetts	11	0.73%
New Jersey	6	0.40%
New York	23	1.53%
North Carolina	22	1.46%
Rhode Island	1	0.07%
South Carolina	13	0.86%
Virginia	25	1.66%
<u>West Virginia</u>	<u>8</u>	<u>0.53%</u>
TOTAL	1,508	100.00%

Analysis: The majority of guns recovered in Florida were purchased there. Less than 14 percent of guns traced were trafficked into Florida from other states, with the largest percentage coming from Georgia (5%).

³ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Florida traced 1,880 guns, only 1,508 (80%) came from Compact states.

Source of Firearms Recovered In Georgia⁴

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	1	0.06%
Delaware	0	0.00%
Florida	107	6.37%
Georgia	1,408	83.86%
Maine	0	0.00%
Maryland	15	0.89%
Massachusetts	7	0.42%
New Jersey	3	0.18%
New York	25	1.49%
North Carolina	45	2.68%
Rhode Island	0	0.00%
South Carolina	41	2.44%
Virginia	21	1.25%
<u>West Virginia</u>	<u>6</u>	<u>0.36%</u>
TOTAL	1,679	100.00%

Analysis: The majority of guns recovered in Georgia were purchased there. Less than 16 percent of guns traced were trafficked into Georgia from other states, with the largest percentage coming from Florida (6%).

⁴ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Georgia traced 2,013 guns, only 1,679 (83%) came from Compact states.

Source of Firearms Recovered In Maine⁵

<u>State</u>	<u># of Guns From:</u>	<u>% of Total</u>
Connecticut	1	2.50%
Delaware	0	0.00%
Florida	3	7.50%
Georgia	1	2.50%
Maine	28	70.00%
Maryland	1	2.50%
Massachusetts	4	10.00%
New Jersey	0	0.00%
New York	2	5.00%
North Carolina	0	0.00%
Rhode Island	0	0.00%
South Carolina	0	0.00%
Virginia	0	0.00%
<u>West Virginia</u>	<u>0</u>	<u>0.00%</u>
TOTAL	40	100.00%

Analysis: The majority of guns recovered in Maine were purchased there. Less than 30 percent of guns traced were trafficked into Maine from other states, with the largest percentages coming from Massachusetts (10%) and Florida (8%).

⁵ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Maine traced 53 guns, only 40 (75%) came from Compact states.

Source of Firearms Recovered In Maryland⁶

<u>State</u>	<u># of Guns From:</u>	<u>% of Total</u>
Connecticut	10	0.49%
Delaware	15	0.73%
Florida	114	5.53%
Georgia	84	4.08%
Maine	0	0.00%
Maryland	1,295	62.86%
Massachusetts	12	0.58%
New Jersey	11	0.53%
New York	38	1.84%
North Carolina	111	5.39%
Rhode Island	0	0.00%
South Carolina	61	2.96%
Virginia	250	12.14%
<u>West Virginia</u>	<u>59</u>	<u>2.86%</u>
TOTAL	2,060	100.00%

Analysis: The majority of guns recovered in Maryland were purchased there. Less than 38 percent of guns traced were trafficked into Maryland from other states, with the largest percentages coming from Virginia (12%), Florida (6%) and North Carolina (5%).

⁶ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Maryland traced 2,529 guns, only 2,060 (81%) came from Compact states.

Source of Firearms Recovered In Massachusetts⁷

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	19	4.65%
Delaware	2	0.49%
Florida	27	6.60%
Georgia	22	5.38%
Maine	16	3.91%
Maryland	5	1.22%
Massachusetts	236	57.70%
New Jersey	2	0.49%
New York	14	3.42%
North Carolina	23	5.62%
Rhode Island	5	1.22%
South Carolina	19	4.65%
Virginia	15	3.67%
<u>West Virginia</u>	<u>4</u>	<u>0.98%</u>
TOTAL	409	100.00%

Analysis: The majority of guns recovered in Massachusetts were purchased there. Less than 43 percent of guns traced were trafficked into Massachusetts from other states, with the largest percentages coming from Florida (7%), North Carolina (6%) and Georgia (5%).

⁷ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Massachusetts traced 614 guns, only 409 (67%) came from Compact states.

Source of Firearms Recovered In New Jersey⁸

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	27	2.23%
Delaware	19	1.57%
Florida	180	14.85%
Georgia	119	9.82%
Maine	10	0.83%
Maryland	24	1.98%
Massachusetts	12	0.99%
New Jersey	445	36.72%
New York	77	6.35%
North Carolina	88	7.26%
Rhode Island	5	0.41%
South Carolina	66	5.45%
Virginia	118	9.74%
<u>West Virginia</u>	<u>22</u>	<u>1.82%</u>
TOTAL	1,212	100.00%

Analysis: The majority of guns recovered in New Jersey were purchased there. Approximately 30 percent of guns traced were trafficked into New Jersey from other states, with the largest percentages coming from Florida (15%), Georgia (10%) and Virginia (10%).

⁸ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while New Jersey traced 1,810 guns, only 1,212 (67%) came from Compact states.

Source of Firearms Recovered In New York⁹

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	73	3.43%
Delaware	12	0.56%
Florida	571	26.79%
Georgia	183	8.59%
Maine	13	0.61%
Maryland	40	1.88%
Massachusetts	30	1.41%
New Jersey	40	1.88%
New York	487	22.85%
North Carolina	169	7.93%
Rhode Island	4	0.19%
South Carolina	181	8.49%
Virginia	275	12.90%
<u>West Virginia</u>	<u>53</u>	<u>2.49%</u>
TOTAL	2,131	100.00%

Analysis: The majority of guns recovered in New York were purchased in Florida (27%), with only 23 percent coming from New York itself. Of the remaining guns that were trafficked into New York from other states, the largest percentages came from Virginia (13%), Georgia (9%) and North Carolina (8%).

⁹ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while New York traced 3,061 guns, only 2,131 (70%) came from Compact states.

Source of Firearms Recovered In North Carolina¹⁰

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	0	0.00%
Delaware	0	0.00%
Florida	35	5.89%
Georgia	25	4.21%
Maine	1	0.17%
Maryland	6	1.01%
Massachusetts	5	0.84%
New Jersey	3	0.51%
New York	6	1.01%
North Carolina	407	68.52%
Rhode Island	1	0.17%
South Carolina	61	10.27%
Virginia	38	6.40%
<u>West Virginia</u>	<u>6</u>	<u>1.01%</u>
TOTAL	594	100.00%

Analysis: The majority of guns recovered in North Carolina were purchased there. Approximately 32 percent of guns traced were trafficked into North Carolina from other states, with the largest percentages coming from South Carolina (10%) and Virginia (6%).

¹⁰ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while North Carolina traced 705 guns, only 594 (84%) came from Compact states.

Source of Firearms Recovered In Rhode Island¹¹

<u>State</u>	<u># of Guns From:</u>	<u>% of Total</u>
Connecticut	5	6.49%
Delaware	0	0.00%
Florida	5	6.49%
Georgia	5	6.49%
Maine	1	1.30%
Maryland	1	1.30%
Massachusetts	5	6.49%
New Jersey	1	1.30%
New York	4	5.19%
North Carolina	2	2.60%
Rhode Island	43	55.84%
South Carolina	1	1.30%
Virginia	2	2.60%
<u>West Virginia</u>	<u>2</u>	<u>2.60%</u>
TOTAL	77	100.00%

Analysis: The majority of guns recovered in Rhode Island were purchased there. Approximately 45 percent of guns traced were trafficked into Rhode Island from other states, with an additional 6.5 percent coming from Connecticut, Florida, Georgia and Massachusetts each.

¹¹ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Rhode Island traced 100 guns, only 77 (77%) came from Compact states.

Source of Firearms Recovered In South Carolina¹²

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	0	0.00%
Delaware	1	0.48%
Florida	15	7.21%
Georgia	19	9.13%
Maine	0	0.00%
Maryland	2	0.96%
Massachusetts	0	0.00%
New Jersey	0	0.00%
New York	1	0.48%
North Carolina	33	15.87%
Rhode Island	0	0.00%
South Carolina	127	61.06%
Virginia	8	3.85%
<u>West Virginia</u>	<u>2</u>	<u>0.96%</u>
TOTAL	208	100.00%

Analysis: The majority of guns recovered in South Carolina were purchased there. Approximately 39 percent of guns traced were trafficked into South Carolina from other states, with the largest percentages coming from North Carolina (16%) and Georgia (9%).

¹² Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while South Carolina traced 248 guns, only 208 (84%) came from Compact states.

Source of Firearms Recovered In Virginia¹³

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	10	0.29%
Delaware	5	0.15%
Florida	146	4.24%
Georgia	85	2.47%
Maine	4	0.12%
Maryland	223	6.48%
Massachusetts	23	0.67%
New Jersey	9	0.26%
New York	47	1.36%
North Carolina	217	6.30%
Rhode Island	1	0.03%
South Carolina	80	2.32%
Virginia	2,519	73.14%
<u>West Virginia</u>	<u>75</u>	<u>2.18%</u>
TOTAL	3,444	100.00%

Analysis: The majority of guns recovered in Virginia were purchased there. Approximately 27 percent of guns traced were trafficked into Virginia from other states, with the largest percentages coming from Maryland (6%) and North Carolina (6%).

¹³ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Virginia traced 4,105 guns, only 3,444 (84%) came from Compact states.

Source of Firearms Recovered In West Virginia¹⁴

<u>State</u>	<u># of Guns From:</u>	<u>% of Total</u>
Connecticut	1	0.49%
Delaware	0	0.00%
Florida	18	8.78%
Georgia	6	2.93%
Maine	0	0.00%
Maryland	4	1.95%
Massachusetts	2	0.98%
New Jersey	0	0.00%
New York	3	1.46%
North Carolina	5	2.44%
Rhode Island	0	0.00%
South Carolina	2	0.98%
Virginia	16	7.80%
<u>West Virginia</u>	<u>148</u>	<u>72.20%</u>
TOTAL	205	100.00%

Analysis: The majority of guns recovered in West Virginia were purchased there. Approximately 28 percent of guns traced were trafficked into West Virginia from other states, with the largest percentages coming from Florida (9%) and Virginia (8%).

¹⁴ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while West Virginia traced 303 guns, only 205 (68%) came from Compact states.

Source of Firearms Recovered In the District of Columbia¹⁵

<u>State</u>	<u>#of Guns From:</u>	<u>% of Total</u>
Connecticut	3	0.52%
Delaware	1	0.17%
Florida	19	3.27%
Georgia	25	4.30%
Maine	0	0.00%
Maryland	232	39.93%
Massachusetts	1	0.17%
New Jersey	0	0.00%
New York	1	0.17%
North Carolina	41	7.06%
Rhode Island	0	0.00%
South Carolina	24	4.13%
Virginia	214	36.83%
<u>West Virginia</u>	<u>20</u>	<u>3.44%</u>
TOTAL	581	100.00%

Analysis: The majority of guns recovered in the District of Columbia were purchased in Maryland. Approximately 99.00 percent of guns traced were trafficked into the District of Columbia from other states, with the largest percentages coming from Maryland (39.93%) and Virginia (30.48%).

¹⁵ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while the District of Columbia traced 702 guns, only 581 (82.76%) came from Compact states.

Firearms Trafficked out of Connecticut¹

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	NA	NA
Delaware	2	1.31%
Florida	4	2.61%
Georgia	1	0.65%
Maine	1	0.65%
Maryland	10	6.54%
Massachusetts	19	12.42%
New Jersey	27	17.65%
New York	73	47.71%
North Carolina	0	0.00%
Rhode Island	5	3.27%
South Carolina	0	0.00%
Virginia	10	6.54%
<u>West Virginia</u>	<u>1</u>	<u>0.65%</u>
TOTAL	153	100.00%

Analysis: Of the guns trafficked out of Connecticut, the largest percentage, almost 50 percent, ended up in New York. Another 18 percent were recovered in New Jersey and almost 13 percent in Massachusetts.

¹ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Delaware²

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	1	1.79%
Delaware	NA	NA
Florida	1	1.79%
Georgia	0	0.00%
Maine	0	0.00%
Maryland	15	26.79%
Massachusetts	2	3.57%
New Jersey	19	34.0%
New York	12	21.4%
North Carolina	0	0.00%
Rhode Island	0	0.00%
South Carolina	1	1.78%
Virginia	5	8.93%
<u>West Virginia</u>	<u>0</u>	<u>0.00%</u>
TOTAL	56	100.00%

Analysis: Of the guns trafficked out of Delaware, the largest percentage, almost 35 percent, ended up in New Jersey. Another 27 percent were recovered in Maryland and almost 22 percent in New York.

² Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Florida³

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	10	0.81%
Delaware	7	0.57%
Florida	NA	NA
Georgia	107	8.64%
Maine	3	.24%
Maryland	114	9.21%
Massachusetts	27	2.18%
New Jersey	180	14.54%
New York	571	46.12%
North Carolina	35	2.83%
Rhode Island	5	0.40%
South Carolina	15	1.21%
Virginia	146	11.8%
<u>West Virginia</u>	<u>18</u>	<u>1.45%</u>
TOTAL	1,238	100.00%

Analysis: Of the guns trafficked out of Florida, the largest percentage, 47 percent, ended up in New York. Another 15 percent were recovered in New Jersey and almost 12 percent in Virginia.

³ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Georgia⁴

<u>State</u>	<u># of Guns To:</u>	<u>% of Total</u>
Connecticut	12	1.86%
Delaware	4	0.62%
Florida	80	12.4%
Georgia	NA	NA
Maine	1	0.16%
Maryland	84	13.02%
Massachusetts	22	3.41%
New Jersey	119	18.45%
New York	183	28.37%
North Carolina	25	3.88%
Rhode Island	5	0.78%
South Carolina	19	2.95%
Virginia	85	13.18%
<u>West Virginia</u>	<u>6</u>	<u>0.93%</u>
TOTAL	645	100.00%

Analysis: Of the guns trafficked out of Georgia, the largest percentage, 29 percent, ended up in New York. Another 19 percent were recovered in New Jersey, and approximately 13 percent each in Florida, Maryland and Virginia.

⁴ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Maine⁵

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	1	2.08%
Delaware	0	0.00%
Florida	2	4.17%
Georgia	0	0.00%
Maine	NA	NA
Maryland	0	0.00%
Massachusetts	16	33.33%
New Jersey	10	20.83%
New York	13	27.08%
North Carolina	1	2.08%
Rhode Island	1	2.08%
South Carolina	0	0.00%
Virginia	4	8.33%
<u>West Virginia</u>	<u>0</u>	<u>0.00%</u>
TOTAL	48	100.00%

Analysis: Of the guns trafficked out of Maine the largest percentage, 34 percent, ended up in Massachusetts. Another 27 percent were recovered in New York and 21 percent in New Jersey.

⁵ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Maryland⁶

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	1	0.13%
Delaware	13	1.64%
Florida	13	1.64%
Georgia	15	1.89%
Maine	1	0.13%
Maryland	NA	NA
Massachusetts	5	0.63%
New Jersey	24	3.02%
New York	487	61.25%
North Carolina	6	0.75%
Rhode Island	1	0.13%
South Carolina	2	0.25%
Virginia	223	28.05%
<u>West Virginia</u>	<u>4</u>	<u>0.50%</u>
TOTAL	795	100.00%

Analysis: Of the guns trafficked out of Maryland the largest percentage, 61 percent, ended up in New York. Another 28 percent were recovered in Virginia.

⁶ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Massachusetts⁷

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	6	5.13%
Delaware	0	0.00%
Florida	11	9.40%
Georgia	7	6.00%
Maine	4	3.42%
Maryland	12	10.26%
Massachusetts	NA	NA
New Jersey	12	10.26%
New York	30	25.64%
North Carolina	5	4.27%
Rhode Island	5	4.27%
South Carolina	0	0.00%
Virginia	23	19.66%
<u>West Virginia</u>	<u>2</u>	<u>1.71%</u>
TOTAL	117	100.00%

Analysis: Of the guns trafficked out of Massachusetts the largest percentage, 27 percent, ended up in New York. Another 21 percent were recovered in Virginia and 11 percent each in Maryland and New Jersey.

⁷ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of New Jersey⁸

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	1	1.28%
Delaware	2	2.56%
Florida	6	7.7%
Georgia	3	3.85%
Maine	0	0.00%
Maryland	11	14.1%
Massachusetts	2	2.56%
New Jersey	NA	NA
New York	40	51.28%
North Carolina	3	3.85%
Rhode Island	1	1.28%
South Carolina	0	0.00%
Virginia	9	11.54%
<u>West Virginia</u>	<u>0</u>	<u>0.00%</u>
TOTAL	78	100.00%

Analysis: Of the guns trafficked out of New Jersey the largest percentage, 52 percent, ended up in New York. Another 14 percent were recovered in Maryland and 12 percent in Virginia.

⁸ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of New York⁹

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	7	2.76%
Delaware	7	2.76%
Florida	23	9.06%
Georgia	25	9.84%
Maine	2	0.80%
Maryland	38	14.96%
Massachusetts	14	5.51%
New Jersey	77	30.31%
New York	NA	NA
North Carolina	6	2.36%
Rhode Island	4	1.57%
South Carolina	1	0.39%
Virginia	47	18.5%
<u>West Virginia</u>	<u>3</u>	<u>1.18%</u>
TOTAL	254	100.00%

Analysis: Of the guns trafficked out of New York the largest percentage, 31 percent, ended up in New Jersey. Another 19 percent were recovered in Virginia and 15 percent in Maryland.

⁹ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of North Carolina¹⁰

<u>State</u>	<u># of Guns To:</u>	<u>% of Total</u>
Connecticut	9	1.22%
Delaware	12	1.63%
Florida	22	3.00%
Georgia	45	6.11%
Maine	0	0.00%
Maryland	111	15.08%
Massachusetts	23	3.13%
New Jersey	88	11.96%
New York	169	22.96%
North Carolina	NA	NA
Rhode Island	2	0.27%
South Carolina	33	4.48%
Virginia	217	29.48%
<u>West Virginia</u>	<u>5</u>	<u>0.68%</u>
TOTAL	736	100.00%

Analysis: Of the guns trafficked out of North Carolina the largest percentage, 30 percent, ended up in Virginia. Another 23 percent were recovered in New York and 15 percent in Maryland.

¹⁰ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Rhode Island¹¹

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	2	10.53%
Delaware	0	0.00%
Florida	1	5.26%
Georgia	0	0.00%
Maine	0	0.00%
Maryland	0	0.00%
Massachusetts	5	26.32%
New Jersey	5	26.32%
New York	4	21.05%
North Carolina	1	5.26%
Rhode Island	NA	NA
South Carolina	0	0.00%
Virginia	1	5.26%
<u>West Virginia</u>	<u>0</u>	<u>0.00%</u>
TOTAL	19	100.00%

Analysis: Of the guns trafficked out of Rhode Island the largest percentage, 60 percent, is split between Massachusetts and New Jersey. Another 23 percent were recovered in New York and 12 percent in Connecticut.

¹¹ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of South Carolina¹²

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	6	1.12%
Delaware	3	0.56%
Florida	13	2.43%
Georgia	41	7.68%
Maine	0	0.00%
Maryland	61	11.42%
Massachusetts	19	3.56%
New Jersey	66	12.36%
New York	181	33.9%
North Carolina	61	11.42%
Rhode Island	1	0.19%
South Carolina	NA	NA
Virginia	80	14.98%
<u>West Virginia</u>	<u>2</u>	<u>0.37%</u>
TOTAL	534	100.00%

Analysis: Of the guns trafficked out of South Carolina the largest percentage, 34 percent, ended up in New York. Another 15 percent were recovered in Virginia and 13 percent in New Jersey.

¹² Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Virginia¹³

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	12	1.52%
Delaware	9	1.14%
Florida	25	3.17%
Georgia	21	2.66%
Maine	0	0.00%
Maryland	250	31.69%
Massachusetts	15	1.90%
New Jersey	118	14.96%
New York	275	34.85%
North Carolina	38	4.82%
Rhode Island	2	0.25%
South Carolina	8	1.01%
Virginia	NA	NA
<u>West Virginia</u>	<u>16</u>	<u>2.03%</u>
TOTAL	789	100.00%

Analysis: Of the guns trafficked out of Virginia the largest percentage, 35 percent, ended up in New York. Another 32 percent were recovered in Maryland and 15 percent in New Jersey.

¹³ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of West Virginia¹⁴

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	1	0.42%
Delaware	2	0.83%
Florida	8	3.33%
Georgia	6	2.50%
Maine	0	0.00%
Maryland	59	24.58%
Massachusetts	4	1.67%
New Jersey	22	9.17%
New York	53	22.08%
North Carolina	6	2.50%
Rhode Island	2	0.83%
South Carolina	2	0.83%
Virginia	75	31.25%
<u>West Virginia</u>	<u>NA</u>	<u>NA</u>
TOTAL	240	100.00%

Analysis: Of the guns trafficked out of West Virginia the largest percentage, 31 percent, ended up in Virginia. Another 25 percent were recovered in Maryland and 22 percent in New York.

¹⁴ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

**MEMORANDUM OF UNDERSTANDING
TO COMBAT THE ILLEGAL DISTRIBUTION OF FIREARMS**

This agreement is entered into by the Governors of the signatory states and the Director of the Bureau of Alcohol, Tobacco and Firearms. The parties hereto agree that it is to their mutual benefit to cooperate in eliminating the illegal trafficking of firearms and in the investigation and prosecution of cases involving criminal misuse of firearms.

BACKGROUND

As the number of violent crimes committed with firearms continues to rise nationwide, government officials must develop and implement new law enforcement strategies to combat this dangerous trend.

Despite the diligent efforts of law enforcement, firearms continue to be available to those who engage in criminal activity. Some licensed firearms dealers are engaged in unlawful distribution of firearms. Many other firearms are purchased with fraudulent identification or through straw purchases, where a seemingly legitimate purchaser turns firearms over to the ultimate (and illegal) possessor. Each party to this agreement recognized that only through the development of an interstate cooperative effort can this difficult problem be brought to an identifiable resolution.

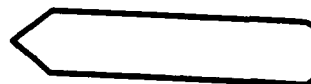
PURPOSE

This memorandum will formalize relationships between the participating agencies with regards to policy and procedures, utilization of resources, planning and training, in order to maximize inter-agency cooperation and coordination.

OBJECTIVES

- Each participating agency shall develop a comprehensive detailed strategy to thwart the illegal distribution and possession of firearms.
- Establish procedures governing interagency cooperation.
- Provide for an effective communication system among the participating agencies.
- The primary focal point to facilitate effective communication will be the Bureau of Alcohol, Tobacco and Firearms, who shall act as the central recipient of all information relating to firearms used in crimes. In furtherance of this agreement, the Bureau of Alcohol, Tobacco and Firearms shall trace all firearms used in crimes and provide intelligible firearms trace data to all participating agencies.
- Identify and target illegally possessed firearms to their source, interdict illegal gun shipments, enforce existing firearms laws, and arrest and prosecute individuals involved in these offenses.
- Where applicable, conduct joint investigations.
- Increase investigative and prosecution effectiveness through specialized training.
- Each of the states and ATF will coordinate exchange of information to ensure that licensees are in compliance with both federal and state licensing requirements for firearms dealers.

It is the intent of the signatories that this multi-state agreement insure coordination, cooperation, and the mutual conduct of joint investigations. The result of this mutual cooperation and coordination will be the successful prosecution of illegal firearms traffickers in state and federal jurisdictions.



LIST OF SIGNATORY STATES

Connecticut

Delaware

District of Columbia

Florida

Georgia

Maine

Maryland

Massachusetts

New Jersey

New York

North Carolina

Rhode Island

South Carolina

Virginia

West Virginia

STATE LAW MODULE

Goal: To provide students with information on their state's firearms laws and prosecution of firearms trafficking cases.

LEARNING OBJECTIVES

At the completion of this module, students will be able to:

1. understand relevant state firearms laws and how they impact on firearms trafficking, and
2. summarize case studies where enforcement of state and local laws has led to decreased firearms trafficking (optional).

PREPARATION GUIDE

It is recommended that this module be conducted by a law enforcement trainer, assistant state's attorney general and/or prosecutor with knowledge of the state firearms laws and cases prosecuted. The suggested length of this module is one hour and 15 minutes.

Before the session, complete the following preparations:

- Select which overheads you will use and prepare them as transparencies and participant handouts.
- For activity #1:
 - Prepare a summary of your state statutes regarding firearms and trafficking.
 - Prepare case examples of the impact of state laws on trafficking.
 - Obtain information on elements of proof for state laws and pointers for officers on improving case preparation.
 - Obtain information on prosecution of firearms cases (e.g., the number of cases prosecuted in the state during recent time period, reasons why prosecutions are or are not pursued in your state, such as caseload, prosecutorial priorities).
 - Prepare overheads and participant handouts of state law summary and pointers for improved case preparation.
- For activity #2:
 - Identify one or more local law enforcement officers who have been involved in successful firearms cases to share their experiences (optional).

Keys to success in this module:

- Officers may doubt the commitment of prosecutors to pursue firearms offenses. Early in this module, stress why these cases need to be investigated. Assist officers in understanding the competing demands on prosecutors and the ways in which cases are selected for prosecution in your area (activity #1).

MATERIALS

Overheads included in the appendix to this module:

- #1(a-b)-State Law Components (parts 1 & 2)

Trainer-prepared materials:

- State Law Summary
(handout for activity #1)
- Pointers for Improved Case Preparation (overhead and handout for activity #1)

ACTIVITY #1: State Law Review

Goal: To understand relevant firearms laws of the state and their impact on reducing firearms trafficking.

State Firearms Law Review

[Instructor: Distribute trainer-prepared handout summarizing your state's statutes. Review the summary, using Overheads #1a and b as guides. Provide case examples for clarification. Describe impact of these laws on trafficking.]

Overheads #1a-b

State Law and the Flow of Firearms

It is important to recognize that the laws of each state can have an impact both on crime within the state as well as that in neighboring states. For example, when Virginia adopted its "one-gun-a-month" law, there was a rash of gun shop burglaries within the state. Also, because the law only referred to handguns, shotguns became the gun of choice to traffic.

Instructor's Notes

Ways for Officers to Improve Case Preparation

In general, the best way to assist prosecutors in trying cases is to understand the law and its elements, and to understand that the prosecutor must prove each element in the law to obtain a conviction. Law enforcement officers should always be thinking about what evidence they can collect for each one of the elements to best assist prosecutors in proving that element.

*[Instructor: Provide information on the prosecution of firearms cases and pointers for officers on improving their case preparation. **Distribute trainer-prepared handout (s) on this topic.**]*

Trainer-prepared Overhead

Instructor's Notes

ACTIVITY #2: Case Study

[Optional]

Goal: To present case studies where enforcement of state and local laws has led to a decrease in firearms trafficking.

[Instructor: Provide information on cases of interest.]

MODULE SUMMARY

This module presented state laws that restrict the behavior of citizens with regard to firearms. It is important for officers to be aware of these laws and to understand their elements so they may enforce them and help prepare cases for prosecution. This module also emphasized that laws in neighboring states can have an impact on trafficking in your state.

QUESTION AND ANSWER SESSION

1. Prompt participants for questions.
2. Ask the following questions to generate discussion and support learning:
 - a. Ask participants to discuss impediments they have encountered during prosecution of their firearms cases. Brainstorm ways to avoid or counteract these problems. This can include better case preparation, better communication with prosecutors, etc.
 - b. Ask officers who have worked firearms trafficking cases to share their experiences.

MODULE RESOURCES

Activity #1:

National Criminal Justice Association, Guide to State Firearms Provisions, Washington D.C. (Work in Progress under Department of Justice Bureau of Justice Assistance grant #: 95-MU-MU-0001).

Trainer-prepared.

Activity #2:

Trainer-prepared.

STATE LAW MODULE APPENDIX

Overheads included in this appendix:

- #1(a-b)-State Law Components (parts 1 & 2)

State Law Components

Part 1

- Right to bear arms
- Preemption provision
- Possession restrictions
- Place restrictions
- Requirements for possessing and purchasing a firearm

State Law Components

Part 2

- Restrictions on sale of firearms
- Liability for minor access
- Transfer of juveniles to criminal court
- Reporting requirements
- Miscellaneous provisions

FEDERAL LAWS AND REGULATIONS MODULE

Goal: To provide students with an overview of relevant federal firearms laws and regulations and how they can be applied to local law enforcement efforts to reduce trafficking.

LEARNING OBJECTIVES

At the completion of this module, students will:

1. understand the interaction, overlap and conflict between federal and state law and explain why enforcement agencies may want to pursue federal and local laws in addition to state laws;
2. be able to describe the important features of the relevant federal firearms laws;
3. understand the importance of regulatory enforcement in reducing trafficking of firearms; and
4. become familiar with case studies where local law enforcement officials have initiated federal investigations that had an impact on firearms trafficking (optional).

PREPARATION GUIDE

It is recommended that this module be conducted by a law enforcement trainer, assistant U.S. attorney and/or legal counsel from a regional ATF office. The suggested length of the module is one hour and 15 minutes.

Before the session, complete the following preparations:

- Select which overheads you will use and prepare them as transparencies and participant handouts.
- For activity #1:
 - Obtain information on your state law preemption provisions and areas of the state law that run counter to federal law.
 - Obtain information on factors that contribute to the decision of which jurisdiction will prosecute.
- For activity #2:
 - Select those federal laws that you wish to cover in the training. Some may already be summarized in this manual, some may not. A list of appropriate federal firearms statutes is contained in the appendix to this module.
 - Obtain information on any federal laws you wish to add to the module (optional).
 - Prepare overheads and handouts for those laws you add to these materials.
- For activity #3:
 - Obtain information on efforts made by local law enforcement to reduce FFLs.
 - Obtain information on local FFL requirements.
 - Prepare overhead and handout of FFL requirements.

- For activity #4:
 - Identify one or more local law enforcement officers who have been involved in successful federal firearms cases to share their experiences (optional).

Keys to success in this module:

- Officers may not understand the relevance of these federal laws because they are not responsible for enforcing them. Stress the importance of being aware of these laws so that when they become privy to information that may be relevant to a federal investigation, they can be instrumental in assisting ATF.
- In order to enhance the significance of this module, select federal laws that you feel are most relevant to your jurisdiction. The laws summarized in this module were chosen because state and local law enforcement officers would be most likely to encounter situations related to them. If these materials do not summarize a law you feel is important, feel free to add what is necessary. A list of federal firearms laws pertaining to trafficking is contained in the appendix to this module.
- For simplicity's sake, a great deal of information about the requirements of proof for these laws has been omitted. Be sensitive to the level of detail you provide about the laws. It is most important to stress that officers should contact ATF if they suspect that a federal law has been violated.
- Consider inviting a representative from the regulatory branch of ATF to present the information on compliance with the FFL requirements.

MATERIALS:

Overheads included in the appendix to this module:

- #1-Federal, State and Local Law
- #2-Importance of Federal Laws
- #3-Title 18, U.S.C., Section 924(e)(1)
- #4-ATF Violent Offender Program Criteria
- #5 (a-e)-Title 18, U.S.C., Section...
- #6-Regulatory Enforcement

Reference materials included in the appendix to this module:

- Federal Firearms Trafficking Violations

Trainer-prepared materials:

- Additional Federal Law Summaries
(optional overhead and handout for activity #2)
- Local FFL Requirements
(overhead and handout for activity #3)

ACTIVITY #1: Federal, State and Local Law

Goal: To understand the interaction, overlap and conflict between federal and state law and explain why enforcement agencies may want to pursue federal laws and local ordinances in addition to state laws.

Overview

The issue here revolves around the concept of concurrent jurisdiction. Concurrent jurisdiction exists when there is more than one body of law under which prosecution can be sought. In many cases concurrent jurisdiction exists among federal law, state law and local ordinances. Where concurrent jurisdiction exists, prosecution can be pursued by authorities from any of the jurisdictions involved.

Interaction of State and Federal Law

There can be no state law that is in conflict with the federal law. However, there may be overlap in the state and federal law such that they prohibit the same activity. In this case, concurrent jurisdiction exists and either authority can bring charges.

The process of determining which authority will prosecute is an important issue for law enforcement. This decision of who will prosecute is based on several factors: politics, available resources and the penalties required by each level for the violation. A state or local jurisdiction may conduct an independent or joint investigation with the federal government, ultimately turning the case over to the federal level for prosecution because the penalties are higher. Most communities work out this arrangement amicably.

Overhead #1

Interaction of Local Ordinance and State Law

There are three mechanisms for controlling the amount of overlap between state and local authority:

- 1) the localities may be preempted entirely by the state constitution from enacting ordinances for firearms,
- 2) the localities can be preempted from enacting ordinances for specific firearms-related issues, such as licensing or juvenile handguns (this is called partial preemption), or
- 3) the localities are not preempted at all from enacting firearms ordinances.

If a locality is not preempted, the only requirement is that the ordinance not conflict with the state law. This means that the ordinance can only be more restrictive than the state law. For example, in Massachusetts, no one under the age of 18 may purchase a handgun. In Boston, a local ordinance prohibits anyone under the age of 21 from purchasing a handgun. This ordinance is more restrictive than the state law, but is not in conflict with it.

In recent years there has been a trend for states to institute a complete preemption of firearms laws. When this occurs, the existing local ordinances are often "grandfathered" in. This means that any existing ordinances in effect prior to preemption by the state will remain valid.

State-Specific Information

- Preemption provisions
- Areas that run counter to federal law

What Factors Contribute to the Decision of Who Will Prosecute

- Resources
- Politics
- Penalties

[Instructor: Provide information on relationship between your state law and the federal law.]

[Instructor: Provide additional information on how these decisions are made in your area.]

Importance of Federal Laws

The federal law is one tool among many that law enforcement officers can use to curb the flow of firearms to criminals because it specifically addresses the interstate aspect of firearms trafficking.

Example:

Officers stop a car in a state with tough purchase laws (i.e., a market state). They find a number of unloaded guns stored in the trunk. Although the officers are suspicious that trafficking is occurring, state law permits the transport of unloaded firearms. Under state law the officers can take no action.

However, if the officers conduct a search of the car and discover that the weapons were purchased in another state by a straw purchaser or someone using false identification, the occupants of the car may be subject to criminal penalties under federal law. Federal law prohibits the illegal purchase and transport of firearms across state lines. This is the interstate nexus addressed by federal law.

In addition, under federal law sentencing guidelines, offenders in some circumstances will be subject to greater penalties. For example, carrying a concealed weapon may be only a misdemeanor violation under state law, while federal law may carry a 15 year mandatory sentence under Section 922(g)(1) and/or 924(e).

Overhead #2

ACTIVITY #2: Federal Firearms Laws

Goal: To describe the important features of relevant federal firearms laws.

FEDERAL EFFORTS TO STOP CAREER CRIMINALS

The majority of individuals arrested today for violent crimes will be rearrested and convicted tomorrow for the same or more serious crimes. In 1984, enactment of the Armed Career Criminal Act directly and uniquely gave the Bureau of Alcohol, Tobacco and Firearms (ATF) the capability to remove these career criminals from society.

Title 18, U.S.C., Section 924(e)(1)

Title 18, U.S.C., Section 924(e) calls for the mandatory imprisonment of not less than 15 years for anyone

- (1) who violates Section 922(g) (i.e., a convicted felon, alien or fugitive, who possesses or receives a firearm or ammunition that has traveled in interstate commerce), and
- (2) who has three prior state or federal convictions for violent felonies or serious drug offenses, including extortion, burglary or arson, or an offense involving the use of explosives

This statute does not allow for parole, probation or early release. In addition, the statute provides for a discretionary fine of \$25,000.

Overhead #3

CASE EXAMPLE:

In 1981, Barry Wise is convicted of two counts of nighttime burglary of a residence. The burglaries took place on two separate nights and count as "separate criminal acts." Because Congress specifically cited burglary as a violent crime in this statute, this counts as two separate felony offenses.

In 1989, Wise is the subject of a major drug investigation. A warrant is executed at his residence. During the entry phase, Wise takes a shot at one of the officers. He is arrested and cocaine is recovered. Wise is convicted of possession with intent to distribute and assault with intent to kill. These offenses took place as part of the same criminal act and count as one prior conviction. Wise now has three felony convictions.

In 1995, Wise is arrested for possession of stolen property. Recovered from his waistband is a Taurus 9mm pistol. If convicted of this offense, Wise will face at least 15 years in prison and a fine of up to \$25,000.

While the 1995 charge is not a serious felony, the three prior violent felonies in conjunction with possession of a firearm subject him to the much stiffer penalty under statute 924(e)(1).

ATF, with the assistance of state and local law enforcement agencies, has had tremendous success in gaining significant prison sentences through aggressive enforcement of this statute.

ATF Violent Offender Program

The ATF Violent Offender Program, approved by the NCIC Advisory Policy Board on Dec. 6, 1990, is yet another law enforcement tool in the fight against violent crime on our nation's streets. The program will identify career criminals who meet the below-listed criteria. These subjects will be entered into NCIC's ATF Violent Felon File. When a law enforcement officer encounters one of these violent felony offenders, *the officer should exercise extreme caution*. This individual has demonstrated a history of violent criminal acts. If the officer discovers that *the offender is in possession of a firearm*, the officer should contact ATF immediately. The ATF Communications Center, available 24 hours a day at 202-927-8050, will respond to the inquiring law enforcement department within 10 minutes, and an ATF special agent will contact the department to assist in the investigation of federal firearms violations.

ATF Armed Violent Offender: Program Criteria

Before being placed in the ATF Violent Offender Program, the subject must meet all four of the following criteria:

- The subject must have a minimum of three prior felony convictions for crimes of violence or drug trafficking.
- The subject must have a felony conviction for a violent crime in which a firearm or other weapon was used.
- The subject must have a conviction for a crime in which he/she injured or killed his/her victim.
- The subject has either been on probation/parole or released from prison within the last five years.

Overhead #4

The Violent Offender Program focuses on the criminal, not just the crime. ATF believes that the subjects meeting the above criteria are among the most dangerous violent criminals on the streets today.

Expected Results

The expected benefits of the Violent Offender Program are

- enhancement of police officer safety,
- officers are alerted to active armed career criminals who are in violation of the federal firearms laws,
- significant mandatory sentences of 15 years to life without probation or parole,
- reduction of violent crime by removing armed violent felons from society, and
- protection of citizens from armed career criminals.

ADDITIONAL FEDERAL FIREARMS LAWS

1. Title 18, United States Code, Section 922(a)(6)

It is unlawful for any person

- (1) in connection with the purchase/acquisition, or
- (2) attempted purchase/acquisition

of a firearm to make false oral or written statements or to provide false, fictitious identification, which is likely to mislead, to an FFL as to a fact effecting the lawfulness of the sale (e.g., lying on an ATF Form 4473 - Gun Transfer Record, or on the Brady Form).

PENALTY: Up to 10 years imprisonment and/or a \$25,000 fine per offense.

CASE EXAMPLES:

- 1. A convicted felon obtains a false Georgia state driver's license using an alias and uses it to buy a handgun at a federally licensed gun dealer. On the 4473 (Application to Purchase a Firearm), he answers "No" in response to the question "Have you ever been convicted of a crime for which the maximum penalty exceeds one year?"

A violation of statute 922(a)(6) occurred when the purchaser lied/misrepresented to the dealer that he had not been convicted of a felony. Note, however, that *any* false statement to a dealer is a violation of federal law and subjects the offender to the relevant penalties.

- 2. A New York resident travels to Connecticut and pays a Connecticut resident \$100 to buy him two Glock 9mm pistols.

[Instructor: Review the federal law summaries and case examples that you have selected.]

Overheads #5 (a-e)

The Connecticut resident violates this statute and the New York resident could be charged with aiding and abetting.

By posing as the actual purchaser and using his Connecticut driver's license and signing the 4473, the Connecticut resident is making a false written statement (i.e., that he, a resident of Connecticut, is buying the guns), which causes the federal firearms licensee (FFL) to complete an illegal transfer. If the New York resident had come in with a New York identification, he would have been denied the purchase.

A statute 922(a)(6) violation has occurred because the gun was not purchased for use by the Connecticut resident, but instead was purchased for use by the New York resident. The Connecticut resident has presented false or misleading information by acting as the intended owner/user of the weapon, and can be subject to full penalty under this section.

2. Title 18, United States Code, Section 922(u)

It is unlawful for any person to

- (1) steal, or
- (2) unlawfully take away from an FFL/FFL's place of business

any firearm in the FFL's business inventory.

PENALTY: Fined or imprisoned not more than five years per offense.

CASE EXAMPLES:

- 1. Burglary or robbery of an FFL.

3. Title 18, United States Code, Section 922(g)

It is unlawful for any person who:

- (1) has been convicted of a felony,
- (2) is a fugitive from justice, or
- (3) is an illegal alien

to possess or receive any firearm or ammunition that has traveled in interstate commerce (across state lines).

PENALTY: Up to 10 years imprisonment and/or a \$250,000 fine per offense.

CASE EXAMPLES:

1. In 1989, Matt Hastings was convicted of armed robbery and sentenced to five years in jail. He actually served three months.

In 1995, Hastings is stopped by the police for speeding. As the officer approaches the vehicle, he observes the butt of a gun sticking up from the space between the driver's seat and the arm rest. Hastings is the only occupant of the car and the vehicle is registered to him.

Even though Hastings served only three months of his five year sentence, he has violated statute 922(g) because he is a convicted felon and in possession of a firearm.

NOTE: The interstate nexus or travel in interstate commerce can occur in different ways, including transportation of the weapon across state lines by the possessor, or travel across state lines of the firearm or any of its component parts during manufacture.

2. In 1996, Dan White, a convicted felon, jumps out of an apartment window during a drug raid. He is pursued by a uniformed officer acting as outside cover. After a short chase, White is apprehended.

In his coat pocket is a magazine from a 9mm Smith and Wesson pistol, containing ammunition. No gun is recovered. No drugs are recovered.

White would be subject to prosecution under statute 922(g) because he is a convicted felon and he was caught with a magazine containing ammunition.

NOTE: White does not need to have a firearm in order to be prosecuted under this statute; possession of ammunition is sufficient.

4. Title 18, United States Code, Section 924(c)

Whoever,

- (1) during and in relation to any crime of violence or drug trafficking crime,
- (2) for which he may be prosecuted in a court of the United States,
- (3) uses or carries a firearm,

is subject to the following penalties.

PENALTIES:

The offender, in addition to the punishment provided for the crime of violence or drug trafficking crime, *shall be sentenced to a consecutive term of five years imprisonment.*

If the firearm is a short-barreled shotgun or rifle, *the punishment is 10 years consecutive imprisonment.*

If the firearm is a machine gun, or destructive device, or is equipped with a silencer, *the punishment is 30 years consecutive imprisonment.*

CASE EXAMPLES:

1. Brad and Bob Campbell, brothers, show up to a cocaine deal with five ounces of crack. Bob does most of the talking. Unknown to them, the man they are planning to sell the crack to is an undercover narcotics officer. During the deal, Bob says "If this is a rip or you're a cop, Brad is gonna kill you." As Bob says this, Brad pulls back his jacket to reveal a Colt .357 revolver.

Both men can be charged with a violation of this statute; Brad carried the firearm and Bob used it.

In this example, Brad carried a weapon during a drug crime and is therefore punishable under statute 924(c). Bob is also punishable under this statute because, while he did not carry the weapon on his person, his reference to Brad's weapon and the threat made to the officer constitute *use* of the weapon during the drug crime. Both would be subject to a five-year consecutive term in prison in addition to the sentence they receive for the drug charge.

2. Based on an informant's information, officers implement a tactical operation to raid an apartment where crack is being cooked. A guard at the door has a "sawed-off" shotgun with a 12-inch barrel. One-quarter kilo of powder cocaine and one-quarter kilo of crack are recovered.

The guard in this example is subject to penalty under 924 (c) because the "sawed-off" shotgun is being *used* to guard or protect the drug operation. Because the weapon is a "sawed off" shotgun, the guard would be subject to a 10-year consecutive term in addition to his sentence for the drug crime.

5. Title 18, United States Code, Section 922(j)

It is unlawful for any person to knowingly

- (1) receive,
- (2) possess,
- (3) conceal,
- (4) store, .
- (5) barter,
- (6) sell, or
- (7) otherwise dispose of

any stolen firearms or ammunition that are shipped or transported across state lines either before or after being stolen.

PENALTY: A fine or imprisonment not greater than 10 years.

CASE EXAMPLE:

Jeff Thomas and Paul Foster break into the Maryland home of an avid sportsman and gun collector and steal 10 handguns and seven rifles. All of the weapons were manufactured in a state other than Maryland.

Jeff and Paul would be subject to penalty under statute 922(j) because they knowingly received stolen firearms in Maryland that had been transported to Maryland from another state across state lines.

NOTE: Jeff and Paul only need to know they are in possession of stolen firearms in order to be punished under this statute; they do not need to know that the weapons have traveled across state lines.



ACTIVITY #3: Regulatory Enforcement

Goal: To understand the importance of regulatory enforcement in reducing firearms trafficking.

Overview

The regulatory effort is of paramount importance in reducing the flow of firearms to criminals. Firearms come from a legitimate stream of commerce. If the legitimacy of that commerce is maintained, through enforcement of the rules that regulate it, illegal purchases and transfers should decrease. Enforcement of regulations may have an even stronger impact on reducing trafficking than investigations will.

Several states in the Compact have joined forces with ATF to increase compliance with federal and local regulations and to reduce the number of Federal Firearms Licensees (FFLs) in the area. For example, in New York City, a team of a law enforcement officer and an ATF agent contacts all new and renewal applicants for FFLs to explain the nature of compliance with licensing. As a result of this educational effort, more than half of these applicants decide not to apply.

This process may weed out those dealers who are not in compliance with FFL requirements and who may be most likely to work outside of the legitimate stream of commerce, engaging in illegal activity.

Impact of the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Act)

The Crime Act of 1994 legislated that gun dealers must be in compliance with state and local regulations in addition to federal regulations. This means that if a dealer is not in compliance with state and local regulations, the FFL can be taken away and the dealer put out of business. This allows officers to focus on a smaller number of FFLs.

Overhead #6

[Instructor: Present information on efforts made by local law enforcement to reduce FFLs.]



[Instructor: Distribute trainer-prepared handout on local FFL requirements and review.]

Trainer-prepared Overhead



Cooperation with Dealers

One approach available to law enforcement officers is target hardening of the marketplace to reduce illegal firearms transactions. This involves working directly with dealers to help them avoid attracting individuals with criminal intent (e.g., straw purchasers and thieves). This can be achieved in the following ways:

1. *Straw Purchases*: Educate dealers about typical activities and actions of straw purchasers to encourage a proactive deterrence approach. Dealers can make it clear that straw purchases will not be tolerated by displaying prominent store notices, similar to anti-shoplifting campaigns, to this effect.
2. *Thefts*: To reduce "smash and grab" and gang thefts, dealers can install security measures that make the store harder to break into, such as pull-down metal doors or bars over windows.

Dealers may be concerned that this target-hardening approach will place undue burdens on them. One way to elicit their cooperation is to inform them that illegal purchasers often leave behind a string of problems for firearms dealers, including bad checks, bad credit cards, stolen merchandise, lost time spent working with law enforcement investigators and unwanted scrutiny by those investigators. Legitimate dealers have a vested interest in reducing straw purchases.

In this way, officers can work with dealers and appeal to their business sense. Because it is always in the best interest of a gun dealer NOT to have one of his or her guns show up in a crime, many will work with authorities. Increasing the number of legitimate, cooperative and law-abiding dealers can reduce firearms trafficking.

Sharing Information

Officers who work particular neighborhoods may begin to suspect that a gun dealer in his or her area is working outside the law. Their suspicions may be based on neighborhood sources or direct observation. If the business is licensed under state law, there are regulatory boards to enforce those licensing requirements. Officers should make the appropriate authority aware of the information, so that further investigation can occur. The answer to the problem may be largely regulatory, which is often cheaper than legal solutions.

Instructor's Notes

ACTIVITY #4: Case Studies of Federal Law *(Optional)*

Goal: To present case studies where state or local law enforcement have initiated federal investigations that have had an impact on firearms trafficking.

[Instructor: Provide case study information if available.]

MODULE SUMMARY

This module stressed the importance of the federal law as an additional tool for law enforcement to use in combating firearms trafficking. Federal law sometimes allows for stiffer penalties and may be selected over state law for that reason. Federal law also restricts certain trafficking behaviors that may not be covered by state law. By becoming aware of these restrictions, state and local law enforcement officers may be able to contribute to larger-scale federal investigations.

Several important relevant federal laws were covered, including 924(e)(1) which mandates 15-year sentences for three-time felons who are caught with firearms. The ATF Violent Offenders Program maintains a database on individuals who may fall under this statute should they be in possession of a firearm. Officers are provided with this information through NCIC to protect their safety and so that they may assist ATF in enforcing the statute.

This module also emphasized the importance of enforcement of firearms regulations and cooperation with gun dealers in curbing trafficking. If the legitimacy of firearms sales is maintained, through enforcement of the rules that regulate it, illegal purchases and transfers should decrease. In addition, legitimate firearms dealers will likely cooperate with law enforcement to detect and apprehend offenders.

QUESTION AND ANSWER SESSION

1. Prompt participants for questions.
2. Ask the following questions to generate discussion and support learning:
 - a. What is the single most important thing to do when encountering a person registered in the Violent Offenders Program?
(Exercise extreme caution; contact ATF immediately if the person is in possession of a firearm.)
 - b. Ask officers who have worked on federal cases to share their experiences.
 - c. Ask officers to relate their experiences with local firearms dealers. Have they been positive, negative or totally lacking? How can they be improved?

MODULE RESOURCES

Activity #1:

None.

Activity #2:

*Violent Offenders Program Description, Bureau of
Alcohol, Tobacco and Firearms.*

Activity #3:

Trainer-prepared materials.

Activity #4:

Trainer-prepared materials.

FEDERAL LAW MODULE APPENDIX

Overheads included in this appendix:

- #1-Federal, State and Local Law
- #2-Importance of Federal Laws
- #3-Title 18, U.S.C., Section 924(e)(1)
- #4-ATF Violent Offender Program Criteria
- #5 (a-e)-Title 18, U.S.C., Section...
- #6-Regulatory Enforcement

Reference materials included in this appendix:

- Federal Firearms Trafficking Violations



Federal, State and Local Law

- Interaction of state and federal law: Concurrent jurisdiction
- Interaction of local and state law
- State-specific information

Importance of Federal Laws

- Federal laws affect flow of firearms from one state to another. This is essential to most trafficking.
- Federal law sentencing guidelines and penalties may be stronger than those in states.

Title 18, U.S.C., Section 924(e)(1)

- Whoever violates Section 922(g), (i.e., is a convicted felon, fugitive or alien who possesses or receives a firearm/ammunition that has traveled in interstate commerce), and
 - has three prior convictions for violent felonies or serious drug offenses
- shall be imprisoned not less than 15 years and fined no more than \$25,000.

ATF Violent Offender Program Criteria

- At least three prior felony convictions
- At least one felony conviction that involved use of a firearm
- At least one felony conviction where the victim was killed or injured
- Placement on probation/parole, or release from prison within the past five years

Title 18, U.S.C., Section 922(a)(6)

- It is unlawful for any person in conjunction with the purchase/acquisition or attempted purchase/acquisition of a firearm,
- to make false statements or to provide false identification to an FFL (e.g., lying on an ATF Form 4473 - Gun Transfer Record, or on the Brady Form).

Title 18, U.S.C., Section 922(u)

- It is unlawful for any person to
 - steal, or
 - unlawfully take away from any dealer's place of business,
- any firearm in the dealer's business inventory.

Title 18, U.S.C., Section 922(g)

- . It is unlawful for any person who
 - has been convicted of a felony,
 - is a fugitive from justice, or
 - is an illegal alien
- . to possess or receive any firearm or ammunition that has traveled in interstate commerce (across state lines).

Title 18, U.S.C., Section 924(c)

Statute

- **Whoever,**
 - **during and in relation to any crime of violence or drug trafficking crime,**
 - **for which he may be prosecuted by a court of the United States,**
 - **uses or carries a firearm,**
- **shall be subject to the following penalties:**

Title 18, U.S.C., Section 924(c)

Penalties

- In addition to the punishment provided for the crime of violence or drug trafficking crime, shall be sentenced to a consecutive term of five years imprisonment.
- If the firearm is a short-barreled shotgun or rifle, the punishment is 10 years consecutive imprisonment.
- If the firearm is a machine-gun or destructive device, or is equipped with a silencer, the punishment is 30 years consecutive imprisonment.

Title 18, U.S.C., Section 922(j)

- It is unlawful for any person to knowingly
receive, possess, conceal, store,
barter, sell, or otherwise dispose of
- any stolen firearm(s) or ammunition that
are shipped or transported across state
lines (before or after being stolen).

Regulatory Enforcement

- Firearms come from a legitimate stream of commerce.
- Maintain legitimacy via enforcement of regulatory rules.
- Regulatory enforcement will likely have a greater impact than investigation.

FEDERAL FIREARMS TRAFFICKING VIOLATIONS

CHAPTER 44, TITLE 18 U.S.C. SECTION:

- 922 (a)(1)(a) - Willfully and knowingly engaged in the business of dealing in firearms without a license.
- 922 (a)(3) - An unlicensed person transporting or receiving firearms into a state of residency that were obtained in another state.
- 922 (a)(5) - An unlicensed person transporting or shipping firearms to other unlicensed persons knowing they are not residents of the same state.
- 922 (a)(6) - Making false oral or written statements to an FFL (Federal Firearms Licensee) in connection with the purchase of firearms. (e.g., lying on an ATF Form 4473 gun transfer record or lying on the Brady Form).
- 922 (b)(2) - Sale or delivery of firearms by an FFL to a person where the purchase or possession of those firearms would violate state law.
- 922 (b)(3) - Sale or delivery of handguns by an FFL to a person the FFL has reasonable cause to believe resides in a state other than the FFL's place of business.
- 922 (c) - FFL selling or delivering firearms to a person at a location other than the FFL's place of business.
- 922 (d) - No one may sell or deliver a firearm to a person known to be a prohibited person (e.g., a convicted felon, illegal alien, under indictment).
- 922 (e) - Failure to declare/notify a common carrier of a firearm(s) (e.g., on a train, plane, bus or shipping company).
- 922 (i) - Shipping or transporting stolen firearms in interstate commerce/across state lines.
- 922 (j) - Possession of firearms known to be stolen.
- 922 (k) - Transporting, receiving, or possessing firearms with obliterated serial numbers.

- 922 (m) - FFL making false entries in records with respect to firearms sales or acquisitions. (misdemeanor)
- 922 (s) - Transfer of a firearm by an FFL in violation of the 5-day waiting period.
- 922 (u) - Theft of firearms from an FFL.
- 924 (a)(1)(A) - FFL or unlicensed person making false statement or entries in records required to be kept with respect to firearms.
- 924 (m) - Any person who travels from a state or foreign country other than his/her own with the intent of violating 922(a)(1)(A) - false statements, and who acquires or attempts to acquire firearms as a result of their false statement is in violation of this statute.
- 2- Aiding or abetting an act to be committed in violation of the law.
- 371- Two or more persons conspiring to violate the law.
- 1715 - Unlawful for an unlicensed person to ship any handgun or firearm that could be concealed on a person through the U.S. Mail.
- 1956 (a)(1) - Domestic money laundering. (e.g., if it can be shown that proceeds from drug trafficking were used to purchase firearms for trafficking purposes, money laundering may be a charge.)

Important Intelligence Gathering Violations

CHAPTER 44, TITLE 18, U.S.C. SECTION:

- 922 (g) - Prohibited person in possession of a firearm (e.g., convicted felon, illegal alien).
- 924 (c) - Use of a firearm during or in relation to a crime of violence or drug trafficking crime.
- 924 (e) - Possession of a firearm by a career criminal.

The above-listed statutes, and any other armed violations of the law, can provide valuable intelligence and leads with respect to identifying the illegal firearms traffickers who are supplying firearms to the criminal element if the firearms recovered from criminals are traced.

FIREARMS TRAFFICKING **INVESTIGATIONS MODULE**

Goal: To provide general investigative techniques for detecting and reducing illegal trafficking of firearms.

LEARNING OBJECTIVES

At the completion of this module, students will:

1. be familiar with firearms trafficking methods and traffickers (e.g., practices, trafficking corridors, patterns in trafficking);
2. be aware of investigation techniques that assist in uncovering and responding to firearms trafficking operations;
3. be able to explain the importance of sharing information with ATF to help reduce firearms trafficking and cite a case study example of such an effort; and
4. be able to employ techniques to recognize individuals who are carrying concealed firearms.

PREPARATION GUIDE

It is recommended that this module be conducted by a state firearms investigator or regional ATF agent. The suggested length of this module is one hour and 30 minutes.

Before the session, complete the following preparations:

- Select which overheads you will use and prepare them as transparencies and participant handouts.
- For activity #2:
 - Prepare participant handout of most frequently traced weapons contained in appendix to this module (optional).
 - Obtain information on local statutes/ordinances on prohibited persons, and local policies and procedures for confiscation and investigation of firearms. Prepare overheads and handouts as needed.
 - Obtain case study information to support investigative techniques discussed.
 - Obtain information on methods for safe and proper loading and unloading of weapons (optional).
 - Consider inviting an interdiction expert to discuss interview techniques (optional).
 - If your jurisdiction follows a community policing model, obtain information on community partnerships and problem solving for trafficking (optional).
- For activity #3:
 - Check to see if your jurisdiction offers commendations for officers involved in federal cases.
 - Check to see if your jurisdiction is working on a joint investigation/task force with ATF and describe.

Keys to success in this module:

- Officers, once alerted to the safety risks involved in investigating trafficking, may want to discuss procedures to maintain their safety. Some of these issues are reviewed in activity #4.
- Include additional experts or officers with experience to provide information on unusual or interesting investigations techniques.

MATERIALS:

Overheads included in the appendix to this module:

- #1-Why Investigate Firearms?
- #2-Trafficking and Traffickers
- #3-A Theory of Trafficking
- #4-Firearms Investigations: Evidence of Trafficking
- #5-Firearms Investigations: Police Response Options
- #6-Firearms Investigations: Identifying Straw Purchasers
- #7-Sharing Information with ATF
- #8(a-d)-Concealment Recognition
- #9(a-b)-Practical Activity

Handouts included in the appendix to this module:

- Top Ten Firearms Traced
(optional handout for activity #2)

Trainer-prepared materials:

- Local Policies and Procedures
(overhead and handout for activity #2)

ACTIVITY #1: Trafficking and Traffickers

Goal: To become familiar with firearms trafficking methods and traffickers.

Overview

The introductory module explained the importance of investigating firearms trafficking. In sum, firearms trafficking poses a significant risk to officer safety because traffickers always have guns. Further, by reducing firearms trafficking, law enforcement can help prevent the use of firearms in these and other violent crimes. The next section presents patterns of behavior that are characteristic of firearms traffickers and the mechanisms of firearms trafficking. This information is useful in conducting investigations of these operations.

Understanding the Firearms Trafficker

Two main factors influence firearms traffickers: basic human nature and economic theory. Basic human nature tells us that people will follow the path of least resistance and attempt to avoid risk wherever possible. Economic theory predicts that if local and state laws create a dry zone (D.C. or New York), where supply is low but demand is high, enterprising individuals will seize the opportunity to supply that demand.

Where Guns Originate and Where They Go

Guns originate in source states. A source state is usually characterized by some or all of the following: 1) a high number of Federal Firearms Licensees (FFLs), 2) lenient state/local gun laws, 3) close proximity to urban centers or other places guns are desired, and 4) lax law enforcement scrutiny. The principal market states, or areas for guns to be sold, are often large urban areas with restrictive gun laws and/or areas with high existing crime rates (e.g., narcotics trade).

Overhead #1

Overhead #2

A trafficking corridor is a major artery that connects locations with an abundant supply of firearms (i.e., source states) to areas with a high demand (i.e., market states). For example, Interstate 95 is a well-known trafficking corridor involving many East Coast states. When law enforcement officers stop vehicles on these corridors, there is a much higher risk of encountering an armed and dangerous firearms trafficker. If aware of the corridors, officers can be more alert to trafficking and better prepared to protect themselves. This leads to better enforcement, apprehension and suppression of firearms trafficking.

Once guns reach their destination, they are sold or traded to criminals, gang members, prohibited people and seemingly law-abiding citizens. The critical influence of firearms traffickers is the ability to supply weapons to a large number of people who have criminal, violent intent. These weapons are responsible for making circumstances extremely dangerous, not only for law enforcement officers, but for community members.

Methods of Transportation

Trafficked firearms are transported from source to market states in the following ways:

- by automobile, sometimes concealed in areas of the vehicle that have been specially altered/modified to accept firearms, such as arm rests, spare tires, wheels, etc. Firearms traffickers may be armed or have easy, immediate access to the weapons, making this mode of transport the most dangerous for officers;
- by train, where there are none of the security measures found in airports;
- by airplane, concealed in checked baggage;
- by bus, carried by the straw purchaser or unsuspecting associate of the trafficker, or shipped unaccompanied to the trafficker who travels by an alternate method; or
- by U.S. Mail and UPS.

A Theory of Trafficking

ATF special agent Mark Kraft uses the “barbecue theory” to explain trafficking patterns. If a person wants to build a barbecue and the bricks needed are in a neighbor’s backyard, that person will likely carry one or two bricks at a time and make numerous trips. If, however, the bricks are a few miles away, the person will likely use a truck and make a single trip.

Likewise in trafficking, people will transport only two or three guns at a time if the market area is close to the source area. There is less risk of attracting attention and if they get caught, they only stand to lose a few guns and will face smaller penalties. Because the market is nearby, the trafficker can always go back tomorrow and get more firearms. If, however, the trafficker needs to travel farther for the guns, he or she will take more weapons on each trip, risking more, but for a greater benefit.

The Importance of This Theory for Law Enforcement

This theory suggests that when law enforcement officers encounter trafficking suspects who are traveling greater distances, they will be more likely to find large quantities of guns in the vehicle. For example, when searching a vehicle on I-95 in New Jersey that is occupied by New York residents, one of whom has a Maryland identification card as well as a New York driver’s license, the officer should be looking for five, 10 or 20 guns, not one or two. If traffickers have taken the time and risk to travel that far, they will probably have a significant number of weapons.

On the other hand, when the market area is close to the source area, traffickers will be seen with only one or two weapons at a time. Although this case may not seem as important as a case involving larger quantities of guns, this type of trafficking is the most common and contributes the largest proportion of weapons to criminals.

Overhead #3

Law enforcement officers should not overlook these types of small cases if they hope to have a significant impact on trafficking. Further, a small seizure can lead to the identification of a major trafficker.

It is also true that trafficking of firearms in any number, small or large, poses a significant threat to officer safety. You only need one gun to cause an injury or fatality. Officer safety is again the most important reason to exercise caution while investigating these cases.

Examples of Firearms Trafficking

Case Example #1 (Purchase Firearms Using Falsified Identification):

A person from a market area obtains a false identification card, such as a state identification or nondriver's identification card, using a false address, or address of a relative or someone they know in a source area. The falsified identification is used to buy guns, which is a criminal violation of 922(a)(6) of Title 18 U.S.C.

Case Example #2 (Purchase Through Straw Purchaser):

A person gets a straw purchaser, someone who is a resident of the source state, to buy the guns for him or her. Actually, the straw purchaser is just satisfying the paperwork requirements. The person from the market area supplies the money (usually cash), selects the guns, and even goes so far as to give the straw purchaser a list of guns to buy. This is a criminal violation of 922(a)(6) and 924(a)(1)A of Title 18 U.S.C.

Additional Sources of Trafficked Firearms

In addition to the sale of firearms to people with altered identification and straw purchasers, trafficked firearms are also obtained in the following types of situations:

- gun dealers selling guns without proper paperwork (“off the books”);
- burglary of gun dealers (“smash and grab”—very common along I-95 corridor; one gang committed 12 burglaries and stole over 500 guns);
- theft and diversion from interstate carriers such as UPS;
- theft of weapons from residences, flea markets/gun shows; and
- mail-order firearms, purchased in pieces.

Summary

This section reviewed the patterns of behavior that characterize traffickers and trafficking. This information is particularly helpful to law enforcement officers as they become aware of the importance of investigating firearms trafficking to reduce risks to officer safety and prevent the flow of firearms to those intent on committing violent acts.

ACTIVITY #2: Firearms Investigations

Goal: To be aware of investigation techniques that assist in uncovering firearms trafficking operations.

Overview

This section provides tips on identifying situations that might indicate firearms trafficking, and offers investigation techniques to obtain additional evidence that can be used to establish probable cause for arrest.

Firearms Trafficking Investigations

Federal law states that a person can transport a firearm from any place or state where a weapon is legally possessed to another place or state where it may also be legally possessed. Therefore, driving from Georgia to Massachusetts with a truckload of secured, unloaded weapons is not, in and of itself, a crime. More detailed investigation is needed to determine cause for arrest on federal or state charges. The following section provides techniques for law enforcement officers to use to detect firearms trafficking.

Evidence of Trafficking

When encountered in routine investigations, the following pieces of evidence, found singly or together, can give officers reason to believe that they have uncovered a trafficking operation:

- materials from gun shops [e.g., receipts from gun shops and lists of guns, forms that go with gun purchases that have false name or nonexistent address, bags from gun shops with logo on the bags, firearms manuals, empty gun boxes (boxes often contain the serial number)];

Overhead #4

Instructor's Notes

- identification irregularities (e.g., several occupants of a car are from an out-of-state market area, newly issued driver's license or nondriving identification card, person with multiple identification--one driver's license from a market area and a newly issued identification from a source area);
- firearms and ammunition, especially if rounds are missing from a box, indicating that they've been loaded into guns (e.g., large quantities of low-cost, frequently trafficked firearms are recovered in your area, or large numbers of firearms with obliterated serial numbers are being recovered in your area); and/or
- people in a car all say that the new guns belong to one occupant, or one passenger claims all guns.

The pieces of evidence listed above are indicative of trafficking operations and can often be overlooked by law enforcement officers untrained in their importance. For example, the existence of gun paperwork (receipts, lists, bags and boxes) in the possession of a person who has multiple identification from both source and market states is known to be associated with the illegal purchase of weapons.

However, these pieces of evidence are not conclusive without further investigation. The next section outlines investigative techniques to use in collecting additional, supportive information.

Police Investigative Response Options

There are several steps that officers can take to obtain further information and continue the investigation of firearms and possible trafficking violations:

- Identify and check the criminal status of people involved in the situation -- certain people are prohibited from owning firearms.

*[Instructor: **Distribute** **handout** of most frequently traced weapons (optional).]*

*[Instructor: **Distribute** **trainer-prepared handouts** on local policies and procedures on handling firearms and case study information to support investigative techniques.]*

Overhead #5

Trainer-prepared Overhead

Instructor's Notes

- Request a consent search of the vehicle, premises or person (have consent forms on hand).
- If guns have been found, collect as much information as you can on them and their origin (paper trail of receipts, gun shop bags, gun boxes, business cards, etc.).
- Inspect the location and condition of guns to see if statute violations have occurred (e.g., are guns concealed, being carried loaded, unsecured, etc.).
- Interview the people involved to obtain useful information for the case (e.g., conflicting or inconsistent stories, lack of obvious information, etc.).
- Investigate firearms theft reports made by individuals or by dealers that suggest guns have been sold "off the books." For example, interview the individual who reports a gun is stolen to discover if they know what guns were stolen, their make and caliber, or how much the guns individually cost. This inquiry will aid in determining if the person reporting the gun stolen is really a straw purchaser trying to hide their affiliation with a trafficker.

These investigative techniques are designed to provide the officer with probable cause for arrest and/or confiscation of the firearms. At the very least, when encountering situations that are suspected of involving firearms trafficking, the officer should exercise extreme caution, because firearms may be nearby and involved people may feel nervous or threatened. If the officer does have probable cause that a statute has been violated, the suspect may be arrested and evidence seized. Proper evidence collection procedures should be used to preserve any possible fingerprint evidence. **Even if there is no probable cause to arrest, the information collected may still be vital to ATF. (See next activity - "Sharing Information with ATF.")**

[Instructor: Provide information on safe loading and unloading of weapons (optional).]

[Instructor: Provide information from interdiction expert on interview techniques (optional).]

[Instructor: Provide community policing practices and strategies appropriate to your jurisdiction (optional).]

Identifying Straw Purchasers

Because straw purchasers are so vital to firearms trafficking, a few special investigative tips are useful in identifying them. Straw purchasers often:

- purchase many weapons in a short amount of time and know nothing about them,
- purchase weapons and no ammunition, and
- report firearms stolen shortly after purchasing them.

Straw purchasers may get as much as \$50 per gun, and crack cocaine is sometimes used to pay them if the actual buyer is a drug dealer. Drug dealers who give a straw purchaser cash to buy the guns and know a crack addict can't be trusted with the cash, will demand receipts from straw purchasers. Some traffickers will go so far as to accompany the straw purchaser to the dealer, and may later be able to be identified by witnesses. The receipt and/or list given to the straw purchaser can become evidence in an investigation. The paper trail may also have fingerprints.

Summary

This section provided law enforcement officers with an understanding of the earmarks of firearms trafficking operations and ways to obtain information that might support an arrest, either locally or at the federal level. The next section provides officers with information on how and why to share information with ATF.

Overhead #6

ACTIVITY #3: Sharing Information with ATF

Goal: To understand the importance of collecting and sharing information with department investigators and regional ATF offices to help reduce firearms trafficking.

Collecting Information from the Community

In performing their duties -- in patrol cars, out walking the beat and during neighborhood group meetings -- law enforcement officers often acquire information about citizens' concerns, or things citizens have witnessed or overheard that relate to firearms. Although officers may not have enough information to proceed with an investigation, the information they hear may raise a red flag.

For example, a community policing officer in Delaware is approached by a resident of the public housing development in his beat. The resident reports that she saw someone in the alleyway who had firearms in the trunk of his car and appeared to be selling them. The resident saw the first three letters of the license plate, knew the car was a late-model gray sedan, and thought the occupants were two young men.

Because of the incomplete nature of this information, the officer knows there is not much he can do on his own. However, the information suggests that illegal activity is occurring, and he knows it should not be ignored. What can he do?

Overhead #7

Sharing Information with ATF

The best way for the officer to put this information to use is to share it with a department investigator or an agent in the regional ATF office. To them, the information may be the missing link in a complex ongoing investigation, and therefore be vastly more important than it first appears.

It is important for law enforcement officers to know that ATF is a valuable resource. Agents will not belittle minor or incomplete information; they know how pieces of information from widely varying sources can often fit together to form a complete picture. In addition, working with a federal agency is good exposure for the officer and can allow his or her work to have a wider impact.

[Instructor: Provide information on commendations for officers involved in federal cases and joint investigations/task forces with ATF. Officers can be instructed to contact either regional ATF offices or task forces or investigative team members with information.]

ACTIVITY #4: Gun Concealment Recognition

Goal: To learn techniques that help officers recognize individuals who are carrying concealed firearms.

Overview

Generally, individuals who carry firearms exhibit certain tendencies that can be observed and articulated. While the observance of one such mannerism or behavior may not in itself be enough to initiate a stop or frisk, it may well justify further surveillance of the individual. If during additional observation, more mannerisms or behaviors are displayed, then the officer may have a reasonable suspicion to justify a stop and frisk based on cumulative observations. The following indicators of concealed weapons may help formulate reasonable suspicion.

Observing a Subject's Body Movements

Because most firearms are not kept holstered, armed individuals tend to demonstrate periodic protective body movements. Officers can do the following to determine if a person may be armed:

- *Identify individual's strong side.* The first step in identifying an armed subject is to distinguish his or her dominant or "strong side." This is because most individuals tend to carry their weapons in the waistband of their pants or in the pocket of their strong side. To identify the "strong side," it helps to know that:

- 1) people smoke cigarettes with their dominant hand;
- 2) people tend to wear their wrist watches on their weak hand; and
- 3) when a person begins to walk across an area, they

Overhead #8a

usually take their first step with their weak side, keeping their dominant foot stationary.

Many firearms are concealed between the belt buckle and the hip area. Some are concealed in the small of the back, although this is less likely and more easily recognizable because of the pronounced concealment movements required to keep it in place.

○ *Observe periodic touching of the gun.* Armed people will consciously and unconsciously check to ensure that their gun is secure. This check can include a very slight "security feel," a minor position adjustment of the weapon, or a full grasp of the weapon. An armed person may also discretely maneuver his or her forearm in a circular motion to secure the weapon. It is most likely that the gun will shift when the subject moves around, such as when exiting or entering a vehicle, climbing stairs, or stepping from a curb, or when the weather is rainy, and people tend to walk more quickly. Any of these activities could result in a check of the firearm's placement.

○ *Observe leg strides.* Because walking motions often cause a shift in the firearm, subjects carrying firearms tend to take a shorter leg stride on the side where they are holding the weapon. In addition, the arm swing on the side where the gun is being carried tends to be shorter, due to the need to protect the weapon from dislodging.

○ *Observe actions when approached.* When a subject carrying a firearm is approached by a police officer, the subject will tend to turn and conceal the armed side away from the officer, and stand in a more protective position.

Observing a Subject's Clothing

○ *Baggy clothing.* Because subjects who carry guns tend to conceal them in an accessible position, they

Overhead #8b

must wear baggy clothes and/or heavy coats. For example, in very cold weather a subject who wears a warm coat that is either unzipped or partially unbuttoned deserves further observation.

- *Protrusion from the clothing.* Guns may reveal themselves in the form of a protrusion, although this is more likely with holstered weapons. Officers should look for barrel protrusions in the pants, under the belt line, as well as gun-butt protrusions in the hip area of the shirt or jacket. Once an officer suspects that a subject may be carrying a weapon on his or her strong side, a closer look may reveal a protrusion that adds to the officer's articulable suspicion. Additionally, when a firearm is carried in a jacket, the additional weight causes the opposite side of the jacket to rise up. The gun side of the jacket will be lower both in the front and the back, and should be noticeable.

- *Clothing worn expressly for concealment properties.* Officers should be alert for people whose clothing does not fit the seasonal weather, which may add to an officer's suspicion that a person is carrying a gun.

- 1) A heavy overcoat worn in warm or moderate temperatures is one sign.

- 2) Also, a garment that does not match an outfit, such as a loose-fitting windbreaker-style jacket over suit pants, dress shirt and tie, is also a tip-off.

- 3) Police officers should be alert to look for individuals who wear belts that are not hooked inside the belt loops of their pants, or who wear belts when they have no belt loops on their pants at all, because the belt may have the sole purpose of securing and concealing a firearm.

- 4) Jacket or sweatshirt hoods have also been used by some individuals to carry firearms, but

because these areas allow too much room for the weapon to move around, subjects who carry weapons in their hoods will tend to fasten the ties on the hoods to limit movement, hold the gun snugly, but keep it easily accessible.

5) The manner in which a person wears gloves may also indicate that he or she is armed. For example, a person may wear one glove during periods of cold weather, but keep one bare hand (often the right hand) in his or her pocket.

6) Bags or fanny packs containing firearms may tend to lean heavily in a particular direction and tilt awkwardly downward. Officers should look for the uneven distribution of weight, and often an outline of a gun, in these bags. Women will most often carry guns in their purse. Officers should also be alert to the possibility that when the person is stationary his or her shoulder bag may be unzipped. Remember that when the armed person is stationary, accessibility to his or her weapon is critical, and thus he or she may leave the shoulder bag partially unzipped to make the gun more accessible.

Observations During Contacts or Stops

There are a number of principals that will maximize officer safety if an officer suspects someone of carrying firearms. They are:

- *Observation from patrol car.* Officers in patrol cars who observe subjects involved in suspicious activity should not suddenly slow down or depress their brakes, which may act as a clear indication to the subject that further police investigation will follow. Officers should try to make strategic use of their side and rear view mirrors to observe suspicious activity.

Overhead #8c

- *Approaching an armed subject.* An officer should always approach a person suspected of carrying a firearm from the subject's strong side and from the back if possible. This gives the approaching officer immediate control of the suspect's gun hand in the event the subject reaches for the weapon, while also providing the officer additional time to react by causing the suspect to make a full turn toward the officer while attempting to use a weapon. **BE ALERT WHEN APPROACHING A SUBJECT!** If an officer indicates that he or she wants to talk to a subject and the subject responds with a phrase such as "Huh?" or "What did you say?" extreme caution must be used, as this is a common delay tactic for someone attempting to decide how he or she will react to the officer.

- *Approach tactics.* Once an officer decides to approach a suspect, the location of that approach is an important tactical decision. The officer should choose a location that provides cover, while isolating the suspect and reducing the risk to other officers and the public. A "V-box" approach, where two or more officers approach a subject from opposing sides while the suspect is positioned against a wall, fence or other structure, is desirable.

- *Recognizing stash areas.* In areas where drug dealing or other criminal activity may be ongoing, individuals may try to stash their weapon in accessible locations, such as holes in the walls of a hallway, ledges, garbage cans or on top of the tire of a parked car, in the wheel-well area.

- *Confirmation of a weapon.* When officers conversing with a subject or subjects confirm the presence of a weapon, they should use a preestablished codeword to alert all personnel that a weapon has been observed. For example, if officers know that when a fellow police officer says, "Didn't I see you out here last night?", he or she means that a gun has been spotted, the officers should take strategically sound positions of control and safety.

o *Documenting facts surrounding arrest.* Arresting officers should take a moment immediately after apprehending an armed subject to document each of the factors on which they relied to formulate their articulable suspicion. This includes documenting the factors used to justify the stop, as well as any mannerisms or behaviors that occurred during the stop to justify the further step of a protective frisk. These notes should be preserved as potentially discoverable material for subsequent production in court.

Each of these factors are really tools for police officers to use to protect themselves and the community from armed subjects. While one or two of these factors in and of themselves may not be enough to justify a stop and frisk, as more factors or behaviors are observed and accumulate, an officer will be closer to reaching the judicially imposed standard of reasonable suspicion.

Vehicle Stops

During vehicle stops, an armed subject may attempt to reach for his or her weapon either to hide it or use it. An officer approaching a vehicle from the rear should observe whether or not the subject's shoulder rises on either side. A shoulder rise indicates that the subject is reaching for something. This motion may be followed by a bending forward, as if placing an item under or between the seat or in the glove compartment. Careful consideration should be given as to whether this motion occurred on the subject's "strong side."

Overhead #8d

ACTIVITY #5: Practical Activity

Case Example: "Routine" Traffic Stop

You stop a car going north on I-95 for a routine traffic stop. You discover that the vehicle is rented from New York. You see empty bags from a Maryland gun dealer on the floor of the back seat and find receipts from a gun shop. When you identify the occupants of the car, you find that all four have New York driver's licenses and one also has a newly issued Maryland state identification card.

Instructor Questions and Suggested Responses

Overview

Although there is no apparent violation, this situation has many of the earmarks of a gun trafficking case. There is potential for danger to the officer making the stop if the occupants of the car get scared and react violently. The officer could also potentially initiate a trafficking investigation, either alone or jointly with ATF, if he or she thoroughly investigates the situation and collects the requisite information.

1) What is this case indicative of and why?

Suggested Answer:

Case indicates potential for firearms trafficking, because of empty bags from gun shop in Maryland (a source state), multiple identification cards, and a car stopped on the way to a market state.

Overhead #9a

Overhead #9b

2) *What would you do?*

Suggested Answer:

- Identify occupants and check criminal status.
- Interview participants.
 - Split people up to talk to them.
 - Ask the standard five: what, why, when, where, who.
 - Look for inconsistencies among the parties.
 - Look for lack of important information you would expect the person to have (e.g., what type of guns did you buy? where are you going?).
- Request consent search.
- Check for violations in state statute.

3) *What evidence would you collect?*

Suggested Answer:

- Collect information on guns (receipts, gun shop bags, gun boxes, business cards).
- Take care to preserve fingerprints

MODULE SUMMARY

This module presented information on ways to detect and investigate trafficking operations. This involves understanding the methods and motivations of the trafficker and being able to identify earmarks of trafficking operations. This module also presented suggested response options for officers, which include arrest. If, however, there is no probable cause to make an arrest, officers are strongly encouraged to share information and their suspicions with ATF.

QUESTION AND ANSWER SESSION

1. Prompt participants for questions.
2. Ask the following questions to generate discussion and support learning:
 - a. What are the essential ways to maintain officer safety? (NCIC check for violent offender status; look for earmarks of trafficking that indicate that weapons are nearby).
 - b. What are some examples of how officers might come into contact with straw purchasers? (During neighborhood patrols; when responding to stolen weapons report.)
 - c. Why is it so important to share information with ATF? What types of information can be shared with them?
 - d. Ask officers to share tips on gun concealment recognition.

MODULE RESOURCES

Activity #1:

None.

Activity #2:

None.

Activity #3:

None.

Activity #4:

*Hobson, R.A., Collins, C.E. and Gallagher, R.T;
Identifying Characteristics of the Armed Gunman.
Washington, D.C., Metropolitan Police Department,
Patrol Services Division. 1995.*

INVESTIGATIONS MODULE APPENDIX

Overheads included in this appendix:

- #1-Why Investigate Firearms?
- #2-Trafficking and Traffickers
- #3-A Theory of Trafficking
- #4-Firearms Investigations: Evidence of Trafficking
- #5-Firearms Investigations: Police Response Options
- #6-Firearms Investigations: Identifying Straw Purchasers
- #7-Sharing Information with ATF
- #8(a-d)-Concealment Recognition
- #9(a-b)-Practical Activity

Handouts included in this appendix:

- Top Ten Firearms Traced



Why Investigate Firearms?

- . Officer safety.
- . Firearms traffickers always have guns
-- it's the nature of their business.
- . To prevent use of firearms in violent crime.

Trafficking and Traffickers

- Understand the characteristics of traffickers:
 - human nature
 - basic economics
- Know where guns originate and where they end up:
 - source states
 - market states

A Theory of Trafficking

- "Barbecue" Theory:
 - if traveling longer distances will take more guns
- Implications of theory for law enforcement officers

Firearms Investigations

Evidence of Trafficking

- . Materials from gun shops**
(receipts, paperwork, bags, manuals, boxes)
- . Identification irregularities**
(from market state, newly issued IDs, multiple IDs)
- . Firearms and ammunition**
- . Guns all belong to one person**

Firearms Investigations

Police Response Options

- Check status of people involved.
- Request consent search of vehicle.
- Collect information on guns and gun origins.
- Interview people involved.
- Investigate theft reports.

Firearms Investigations

Identifying Straw Purchasers

- Purchase many weapons in short time and know nothing about them
- Purchase weapons and no ammunition
- Report firearms stolen a short time after purchase

Sharing Information with ATF

- Collecting information from the community
- Sharing information with ATF

Concealment Recognition

Observe Body Movements

- Identify "strong side"
- Periodic touching of the gun
- Irregular leg strides
- Actions when approached

Concealment Recognition

Observe Subject's Clothing

- Baggy clothing
- Protrusion from clothing
- Clothing worn expressly for concealment

Concealment Recognition

Observe During Contacts or Stops

- Observation from patrol car
- Approaching an armed subject
- Approach tactics
- Recognizing stash areas
- Confirmation of a weapon
- Documenting facts surrounding arrest

Concealment Recognition

- Vehicle stops
 - Shoulder rise

Practical Activity

"Routine" Traffic Stop

- You stop a car going north on I-95.
- The vehicle is rented from New York.
- Empty gun dealer bags and receipts on floor.
- Occupants all have New York ID and one has newly issued Maryland state ID.

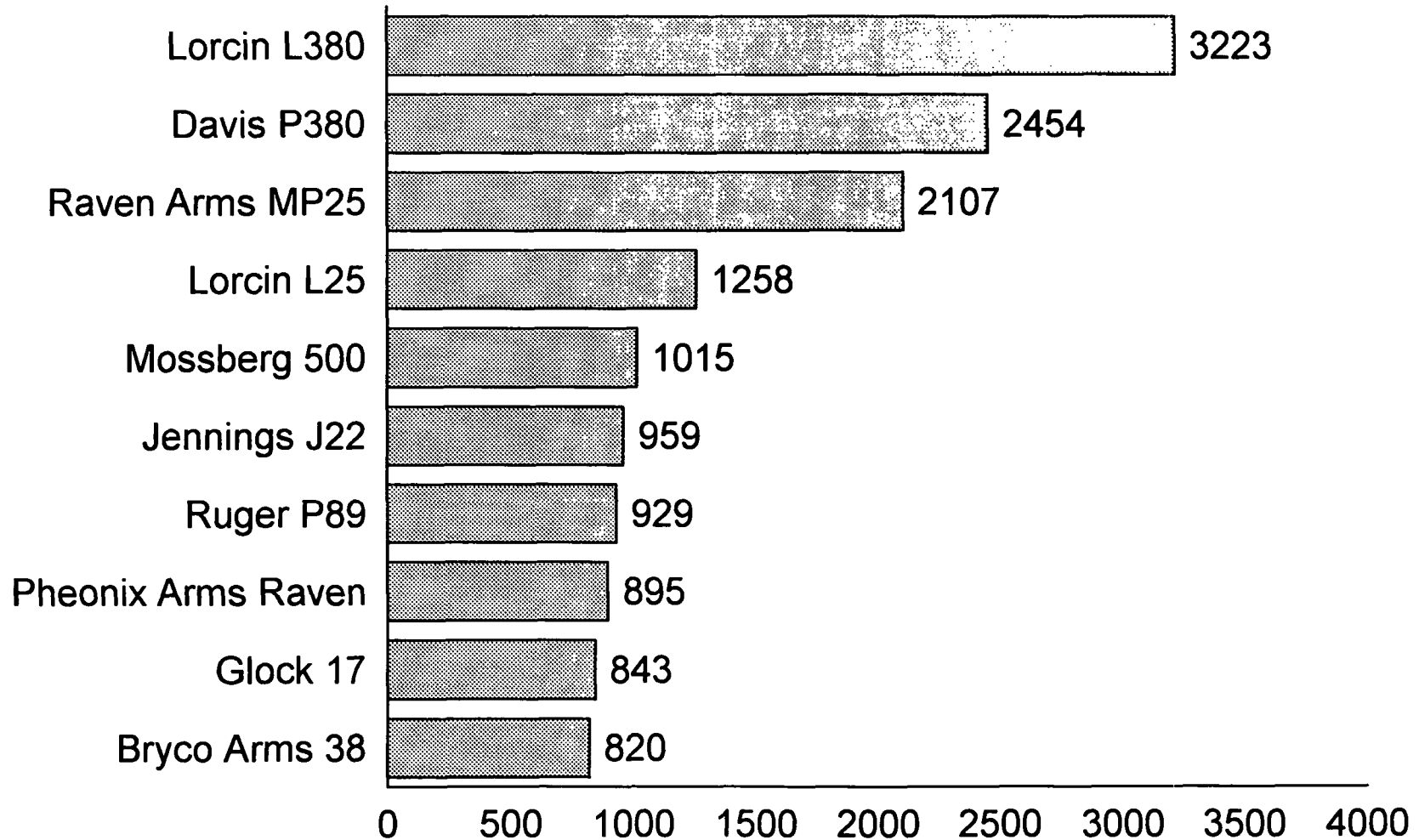
Practical Activity

Questions

- What is this case indicative of and why?
- What would you do?
- What evidence would you collect?

Top Ten Firearms Traced

Calendar Year 1994



Source: Bureau of Alcohol, Tobacco and Firearms



TRACKING FIREARMS ORIGINS **MODULE**

Goal: To understand the importance of thoroughly tracking the origins of confiscated firearms by using a four-step process involving National Crime Information Check (NCIC), suspect interviews, state databases and the National Tracing Center (NTC).

LEARNING OBJECTIVES

At the completion of this module, students will:

1. be able to follow a series of steps to track a firearm's ownership history, and
2. understand the role of the National Tracing Center, the mechanisms for tracing firearms and ways to use information obtained from a trace.

PREPARATION GUIDE

It is recommended that this module be conducted by a regional ATF agent. The suggested length of this module is one hour and 15 minutes.

Before the session, complete the following preparations:

- Select which overheads you will use and prepare them as transparencies and participant handouts.
- For activity #1:
 - Obtain information about state registration databases and/or state's involvement with CEASEFIRE or DRUGFIRE programs.
- For activity #2:
 - Consider including a demonstration of how the Project LEAD database assisted with a local investigation (optional).
 - Obtain copies of NTC Firearms Tracing Guide sufficient for the class size. This publication (#ATF P 3312.4) may be ordered from NTC by calling 1-800-788-7133, x 200.
 - Prepare handout of Firearms Terminology Materials contained in the appendix to this module.
 - Obtain information on the number of traces conducted in your jurisdiction and procedures used by your department to submit trace requests to NTC (e.g., NLETS or Batch Transfer).
 - Prepare handout of sample trace report contained in the appendix to this module.
- For activity #3:
 - Prepare handout of blank trace request form contained in the appendix to this module.

Keys to success in this module:

- Given that not all officers are encouraged to interview suspects about gun origins, and that they are not allowed to make plea bargain agreements, they may need to be informed of how they can work with investigative staff to expand information obtained about firearms.
- Officers may be concerned about paperwork involved and the amount of time it takes to complete trace requests. Provide information about strategies used by your department to ease this burden [e.g., batch download and National Law Enforcement Telecommunications System (NLETS) transfer] and reiterate the importance of tracing and what it can accomplish.
- Consider including a Project LEAD demonstration to illustrate how tracing firearms in your area has assisted investigations.

MATERIALS

Overheads included in the appendix to this module:

- #1-Tracking Ownership History
- #2-Tracing Firearms: Overview
- #3-Project LEAD
- #4(a-l)-NTC Tracing Process
- #5(a-c)-Trace Form Activity

Handouts included in the appendix to this module:

- Firearms Terminology Materials
(handout for activity #2)
- Sample Trace Report
(handout for activity #2)
- Blank Trace Request Form
(handout for activity #3)

Trainer-prepared materials:

- Number of Guns Traced Locally
(handout and overhead for activity #2)

Instructor's Notes

Trainer-obtained materials:

- National Tracing Center Firearms Tracing Guide
(one for each participant)

ACTIVITY #1: Tracking Ownership History

Goal: To learn how to track ownership history when firearms are seized during the course of an investigation.

Overview

Law enforcement officers seize and confiscate firearms in the process of numerous types of investigations. These include trafficking investigations, as well as crime scene investigations, drug raids and gun buy-back programs. Information on the origin of these weapons can help uncover firearms trafficking operations. These four steps should be followed to track the ownership history of confiscated weapons:

Step 1

The officer should first conduct an NCIC check to discover if the firearm was stolen.

Step 2

Many states maintain databases that allow the officer to determine to whom the firearm is licensed. The information contained in these databases differs for each state. Investigators may be able to check the databases in other nearby or suspected states, if the gun is not registered in their own state's database.

Step 3

If steps one and two indicate that the person in possession of the weapon is not the licensed owner, or are inconclusive, law enforcement officers should initiate an investigation of how the person obtained the firearm. For example, was it stolen? obtained through a straw purchaser? purchased at a flea market or through a disreputable dealer?, etc.

Overhead #1

[Instructor: Provide information about your state's registration database and your state's involvement with DRUGFIRE or CEASEFIRE programs.]

To do this, officers must conduct good debriefing interviews of all people found illegally possessing guns. These individuals should be asked about where they got the gun, what they know about illegal gun sales in the area, etc.

In addition, these people may want to provide information. Their information may be used as part of a plea bargain agreement. The intelligence they provide may be more valuable to law enforcement than the misdemeanor arrest is. Completed traces of the weapons will help to validate the information received.

This investigation will often reveal information that is important to a firearms trafficking investigation and should be shared with the regional ATF office (see Investigations Module, Activity # 3).

Step 4

In all cases, the officer should initiate an NTC trace through ATF of the weapon to provide further information for the investigation.

It is important to conduct NTC traces on all guns, even those that appear in individual state gun registration databases. By tracing these guns, departments are participating in the cooperative agreement of the Compact states to establish an accurate database to inform national investigations.

ACTIVITY #2: Tracing Firearms

Goal: To understand the importance of tracing all firearms, the mechanisms for tracing and ways to use information obtained from a trace.

Overview

This section provides information on the importance of tracing all firearms through ATF's National Tracing Center, the steps involved in collecting information for and submitting trace requests, and how to use the trace information to identify patterns and trends in trafficking.

The National Tracing Center: Mission and Capabilities

The National Tracing Center (NTC), which provides around-the-clock assistance to federal, state, local and foreign law enforcement, traces firearms that have been recovered in criminal investigations. ATF is the government agency that maintains records of out-of-business federal firearms licensees regarding their firearms sales. Since 1972, ATF has provided firearms tracing services to both foreign and domestic law enforcement agencies. During FY93, the NTC conducted 57,000 traces, and during FY94, the NTC traced more than 79,000 firearms recovered in crimes worldwide. It is estimated that in FY95, the NTC traced over 200,000 firearms.

The NTC provides for law enforcement the most proficient and effective method for researching the movement of firearms. As such, the systematic tracking of firearms from the manufacturer to the purchaser provides investigators with valuable leads in identifying potential violations and suspects.

Overhead #2

The NTC maintains a reference library to identify firearms, firearms manufacturers and importers. The NTC contacts manufacturers (foreign and domestic), importers, and wholesale and/or retail dealers for disposition, confirms accuracy and extent of trace, and communicates results of traces to the requester. The NTC identifies trends and trafficking patterns that provide investigative leads to the field.

The Importance of Tracing Firearms

As has been discussed, successful trafficking investigations stop the transfer of illegal weapons to criminals who might use the weapons to threaten the safety of a law enforcement officer or to commit a violent crime. The purpose of this module is to emphasize the importance of firearms tracing as a tool in building such investigations.

When every firearm is traced, an important database of crime gun intelligence is created. Searches of this database result in identification of related crimes and can produce investigation leads. The following example demonstrates the way that trace information is being used to develop leads and conduct investigations.

PROJECT LEAD: Putting Your Trace Data to Work

In 1993, the National Tracing Center initiated Project LEAD to use information gathered during the firearms tracing process. This information will be used to proactively identify and investigate suspected firearms traffickers, straw purchasers and corrupt federal firearms licensees.

LEAD is a computer-based relational database program that identifies commonalities among completed firearms trace requests. LEAD does this by producing a number of predefined reports. LEAD also has a "wild-card" search capability. Once the criteria are determined, any trace that fits will be identified.

Overhead #3

Project LEAD provides investigators with a tool to perfect a criminal firearms trafficking case. Use this system as you would an informant. Ask it questions, review and verify the information, and develop leads.

Project LEAD Data

LEAD contains the following categories of information:

1. firearms recovered and traced by the NTC, including the purchaser's name;
2. multiple sales of firearms reported by FFLs;
3. names of individuals in possession of a firearm;
4. names of individuals associated with recovery of a firearm, (e.g., if a firearm is recovered from a vehicle, all of the individuals in the vehicle at the time of the recovery are then associated with that firearm);
5. recovery locations of firearms; and
6. suspect guns, or firearms purchased by an individual who is a suspected firearms trafficker or straw purchaser, or firearms being sold illegally by an FFL.

An example case:

During routine scanning of the LEAD data, Agent Crispino ran a dealer Profile Report. He was looking for dealers who had sold a large number of firearms that ended up as crime guns. The report identified the Double Eagle Pawnbrokers as having sold four crime guns. In addition, the average number of years from sale to trace for these weapons was 1.54 years, which is well below the national average of five to six years.

In order to find out more about this dealer, Agent Crispino ran a query on the dealer, using his FFL number. This revealed that all four firearms had been purchased by the same individual, Patrick Absalom, on or around the same date. By running a query on Mr. Absalom, it was revealed that the guns were purchased in Georgia, but were recovered in New York.

[Instructor: Include ATF demonstration of how Project LEAD assisted with a local investigation (optional).]

Further queries indicated that another individual also purchased crime guns in Georgia on the same day, which also ended up in New York crimes. These findings were indicative of a possible trafficking operation involving these two individuals, either in conspiracy or as straw purchasers.

How to Submit Trace Requests

Because it would be impossible for the NTC to physically examine each weapon that requires tracing, a form has been prepared to transmit the relevant information to them. This section provides information on how to complete this form.

Overhead #4d: Select the trace priority. Urgent traces are requested when the firearm was involved in a crime of violence and/or when the trace information is essential to apprehending or holding a suspect. You **MUST** state a reason for the urgency in the "Remarks" section of the form. Routine traces involve crimes such as carrying a firearm without a permit, burglary and firearms trafficking.

Overhead #4e: It may not always be clear which numbers or markings on the firearm constitute the serial number or model number. If this is unclear, note additional numbers or markings in the "other marks" section.

ALWAYS indicate the importer name if the firearm is made by a foreign manufacturer. Because foreign-made firearms are often brought into the United States by several different importers, the specific importer must be specified for an accurate trace.

Overhead 4f: NTC will enter only one NCIC crime code. You must select the code that is most appropriate to your situation. In order for NTC to process the trace, the possessor information section should be completed. If this information is not available, the form must contain a completed recovery section.

*[Instructor: **Distribute** NTC publication "Firearms Tracing Guide." Review instructions for completing the trace form, using Overheads #4a-j. Additional explanation for some overheads is provided at left.]*

*[Instructor: **Distribute** Firearms Terminology Materials.]*

[Instructor: Provide information on number of traces conducted in your department and whether departments in your area use NLETS or Batch Transfer as the method of submitting trace requests.]

Overhead #4j: If the information you provide is incomplete or incorrect, the form will be returned for corrections, or the information returned to you will be incorrect. There have been cases where incorrect or incomplete information has led to the identification of the wrong owner, causing further delays.

Interpreting the Trace Results: Report Contents

The trace results report is sent to you and contains important information for your investigation.

- Information about who sold the gun is provided in the "Dealer Information" section.
- Information about who owns the firearm and whether they are associated with any other crime guns is provided in the "Purchaser Information" section.
- Information on whether other crime guns have been found at the same location is provided in the "Recovery Information" section.

If you have any questions about the trace report or the results of the trace, please contact NTC.

Using Trace Information

Information received from the National Tracing Center can assist state and local law enforcement officers to identify the nature and extent of trafficking in their area. Officers should take special notice if the trace reveals that:

- a significant number of firearms are being traced back to a particular dealer or individual;
- the "time to crime" statistic—the time it takes for a purchased firearm to end up as a traced crime gun—is shorter than the average of 5 years; and/or
- a purchaser resides in a high-crime area.

Overhead 4k(1-2)

*[Instructor: **Distribute** sample trace report for participants to review.]*

Overhead 4l

Law enforcement officers should work with ATF to interpret results and initiate investigations, because ATF may already have information on the problem dealer or trafficker you have identified. An officer may spend hours attempting to identify a source dealer or composite profile when one call to ATF may reveal that the offender/dealer is dead or imprisoned.

Learning from Both Successful and Unsuccessful Traces

While some traces are successful and reveal information about the firearms origin, others are not. If your department only examines successful traces, you may be skewing the understanding of the nature and extent of trafficking in your state. It is therefore important to obtain additional information about all traces (successful and unsuccessful) and analyze them both. Staff at the NTC Project Lead Help Desk (1-800-788-7133, extension 286) can often let you know why certain traces didn't succeed (e.g., gun was too old, out-of-business dealer, etc.) to help in this analysis.

For example, in department X, 60 percent of traces are unsuccessful and 40 percent are successful. A review of the unsuccessful traces reveals that they are largely due to old guns, which means that these firearms are most likely coming into the possession of criminals via burglaries or purchases from individuals. On the other hand, analysis of the successful traces indicates a short time-to-crime statistic, which may indicate that firearms involved in crimes are most likely being purchased through straw purchasers.

Instructor's Notes

These different scenarios will clearly result in different law enforcement approaches, one targeting household burglaries and the other targeting the identification of straw purchasers. In order for this department to select the most appropriate and effective approach, it must know that both scenarios are at work in their community and that burglaries may be more of a problem than straw purchases. If the department doesn't explore the reasons for the unsuccessful traces in addition to the successful ones, their enforcement efforts might be skewed in the wrong direction and not have the largest impact on gun crimes.

ACTIVITY #3: Trace Form Activity

The following exercise is an opportunity to practice completing a trace request form, using the tips learned in this module. Using only what you can see on the overhead, complete the trace form in your packet.

Questions:

1. What type of gun is pictured?

Answer: The gun pictured is manufactured by Bryco.

2. What is misleading about the gun's markings?

Answer: This gun's markings are misleading because it bears the name of two different manufacturers: Jennings and Bryco. However, in this case the gun is manufactured by Bryco and distributed by Jennings. The problem with tracing this gun is that if an officer completes the trace request form using Jennings as the manufacturer, the NTC may trace the wrong weapon. This can occur because Jennings may have manufactured a gun with the exact same serial number as the Bryco gun.

3. How can the confusing information be relayed properly to NTC?

Answer: All information and markings on a gun should be included in the trace request form. All questions on the form should be answered fully and any additional information that is available should be included in the comments section of the form. In addition, if you have any questions about how to complete the form, please contact the NTC; they will be helpful in answering your questions.

*[Instructor: Show **overhead #5a** (the picture of the Jennings Bryco gun) and **distribute** blank trace request forms. Instruct participants to complete the trace form based on the pictured firearm.]*

*When the participants are ready, show **overheads #5b and #5c**. This gun can be easily mis-coded on the form when officers don't write everything down. This example will point to the need for care when completing the form and the need to use the comments section of the form to add additional information.]*

Overheads 5(a-c)

MODULE SUMMARY

This module emphasized the importance of investigating firearms and tracing them through the NTC in order to eliminate firearms trafficking. The key to ATF's ability to investigate and reduce trafficking is a complete database of crime guns recovered in the United States. Through Project LEAD's reporting capabilities, searches of this database will enable federal, state and local law enforcement agencies to identify potential trafficking operations and eliminate them. To produce a complete database, it is important for law enforcement to trace all recovered firearms and to submit accurate trace request forms.

QUESTION AND ANSWER SESSION

1. Prompt participants for questions.
2. Ask the following questions to generate discussion and support learning:
 - a. What are the most important things to remember when completing a trace request form? (Be accurate and complete; if you do not know what some marking is, either call ATF or make a note in the appropriate section.)
 - b. How can your department use the trace results you obtain from ATF? (Identify problem dealers, problem individuals, possible criminal associations.)

MODULE RESOURCES

Activity #1:

None.

Activity #2:

None.

Activity #3:

None.

TRACING MODULE APPENDIX

Overheads included in this appendix:

- #1-Tracking Ownership History
- #2-Tracing Firearms: Overview
- #3-Project LEAD
- #4(a-l)-NTC Tracing Process
- #5(a-c)-Trace Form Activity

Handouts included in this appendix:

- Firearms Terminology Materials
- Sample Trace Report
- Blank Trace Request Form



Tracking Ownership History

Four Steps

- Conduct NCIC check.
- Check state database.
- Question how firearm was obtained.
- Initiate ATF trace.

Tracing Firearms

Overview

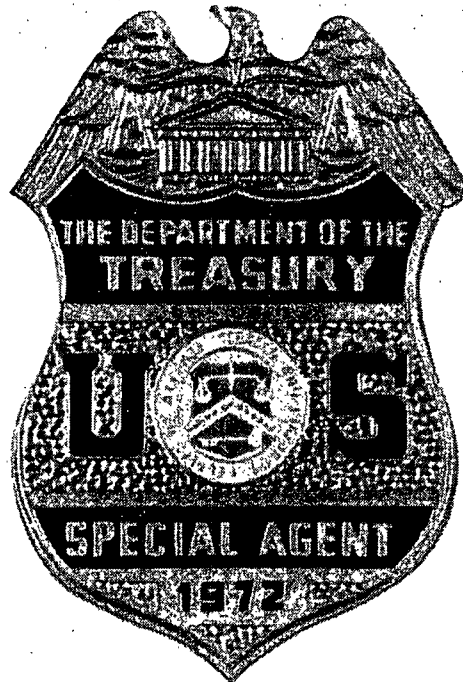
- The National Tracing Center (NTC)
- The benefits of tracing firearms
 - to build intelligence database
 - to identify related crimes
 - to provide investigative leads

Project LEAD

- Developed in 1993 by NTC.
- Goal is to help develop "leads" for firearms investigations.
- Database is queried for common features of trace requests.

Bureau of Alcohol, Tobacco and Firearms (ATF)

The National Tracing Center (NTC) and Firearms Tracing





Firearms Tracing

- Definition:
 - Firearms tracing is the process of tracking firearms recovered in crimes from the manufacturer to the final purchaser, who is either an individual or firearms dealer.



How to Fill Out a Trace Request Form

- Requester information
- Description of firearm
- Type of crime
- Possessor information
- Associate information
- Recovery location
- Vehicle information



Requester Information

Provides information about the individual or organization requesting the trace.

Bureau of Alcohol, Tobacco and Firearms National Tracing Center Trace Request Form Falling Waters, West Virginia 25419 FAX: 1-800-578-7223 Phone : 1-800-788-7133		
1. Priority: Urgent <input checked="" type="checkbox"/> Routine		2. (ATF) Case No.: 72103005543
Information Purposes Only: (Check this spot if you DO NOT want the results of this trace.)		
INITIATING SPECIAL AGENT		
3. Name: Joseph Cowley	4. FPC and FO: 721030 Atlanta Field Div.	5. Phone: (404) 696-4436
OTHER AGENCY REQUESTING TRACE		
6. Officer's Name: Ed Smiley		7. ORI Number (ask PD):
8. FAX: (404) 696-4528		9. Phone and Case No.: (404) 696-4529 - 00534

Tracing: #4d



Description of Firearm

Provides a description of the firearm you want traced. You must provide complete, accurate information in this section of the form.

PART II - DESCRIPTION OF FIREARM (Completed by Special Agent/Officer)			
10. Manufacturer: Bryco	11. Type: Pistol	12. Model: J22	13. Caliber: 22
14. Shot Capacity: 10	15. Barrel Length: 5 inch	16. Finish: Blue	17. Serial Number: 407859
18. Country of Origin: US	19. Importer: (Include Name and State)		20. Other Marks: Jennings



Possessor Information

Provides information on the individual who was in possession of the firearm when it was recovered.

NCIC CRIME CODES (Place an "X" beside the appropriate code)				
2099 Arson	5599 Found Property	1299 Robbery/Hijacking	5299 Weapons Offense	
1399 Assault	1099 Kidnap/Abduction	3699 Sex Crime	Other NCIC CODE:	
2299 Burglary	0911 Murder X	5202 Title I or Similar State Charge		
5211 Explosives	3599 Narcotics	5203 Title II or Similar State Charge	JUVENILE INVOLVED: Y N	
21. Name of Person In Possession of <u>Firearm:</u> Last: Edwards First: Sam Middle: Thomas		22. <u>Address:</u> Apt. No.: Street: 102 Peachtree City: Atlanta State: GA Zip Code: 30303		23. DOB: Place of Birth: 12/9/65 Savannah, GA
24. Sex: M	25. Race: W	26. Height: 6'0	27. Weight: 230	28. ID No./Type: 5546458

Tracing: #4f



Associate Information

Provides information on any individuals who were present or involved in the scene of the recovery.

29. Name of Associate: Last: Staley First: Kim Middle: Anne		30. Address: Apt. No.: Street: 105 Peachtree City: Atlanta State: GA Zip Code: 30303		31. DOB: Place of Birth: 8/11/69 Miami, FL
32. Sex: F	33. Race: A	34. Height: 5'4	35. Weight: 125	36. ID No./Type: 908594



Recovery Location and Vehicle Information

Provides information on the recovery location and vehicle. This data is valuable for statistical analysis.

37. Recovery <u>Date:</u> 10/10/95	38. Recovery <u>Location:</u> Apartment No.: Street: South City: Atlanta State: GA Zip Code: 30303	39. Vehicle Information: Tag No.: UDRIV State: GA Make: Honda Model: Accord Year: 1990
40. Remarks/ Special Instructions: Please trace to final purchaser.		
ATF F 7520.5 (1-95) PREVIOUS EDITIONS ARE OBSOLETE NTC MUST APPROVE ALL OTHER FORMS		

Tracing: #4h



Submitting a Trace Request

- After you complete the form, you can fax it in to NTC.
- Urgent traces are given top priority and can turn around in 24 hours.
- Routine traces take an average of 11 days for processing.



How Can You Help?

- Make sure your form is complete, accurate and legible.
- NTC sometimes refers dealers to you if they are uncooperative or refuse to provide requested information.



Interpreting the Trace Results

Report Contents

- Dealer information
 - where the gun came from
- Purchaser information
 - who owns the firearm and their association with other crime guns
- Recovery location
 - other crime guns that have been found in the same location



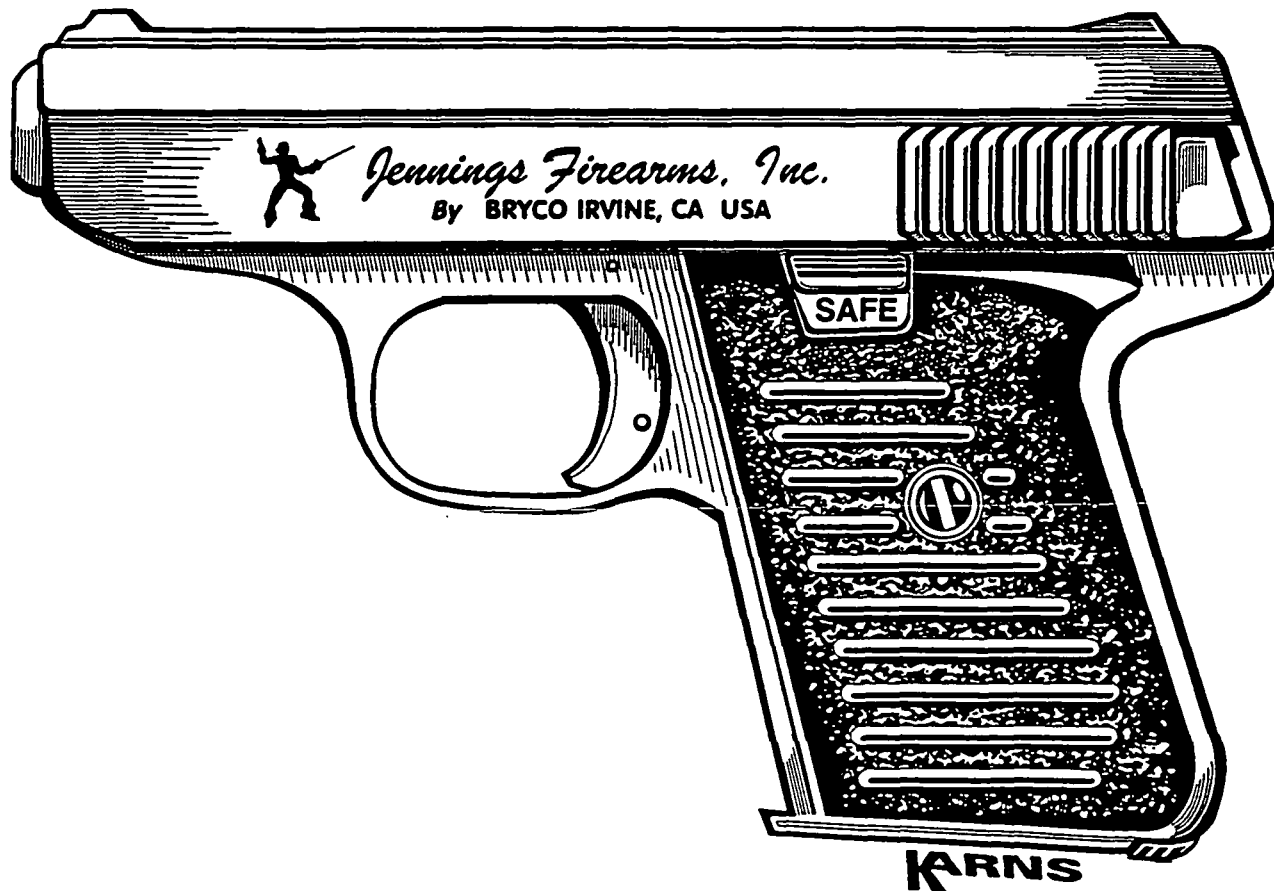
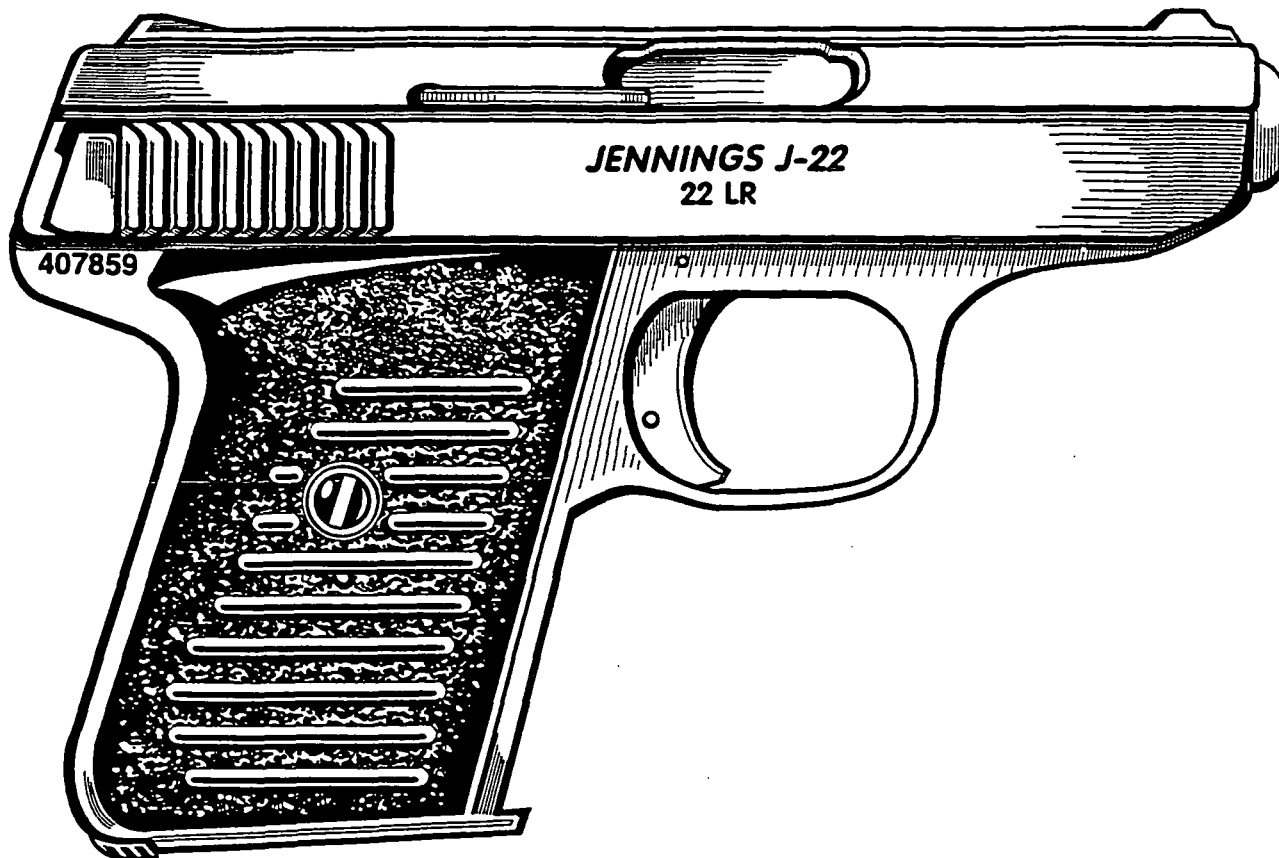
Interpreting the Trace Results Report Contents

- If you have questions about your trace results report, contact NTC.

Tracing Firearms

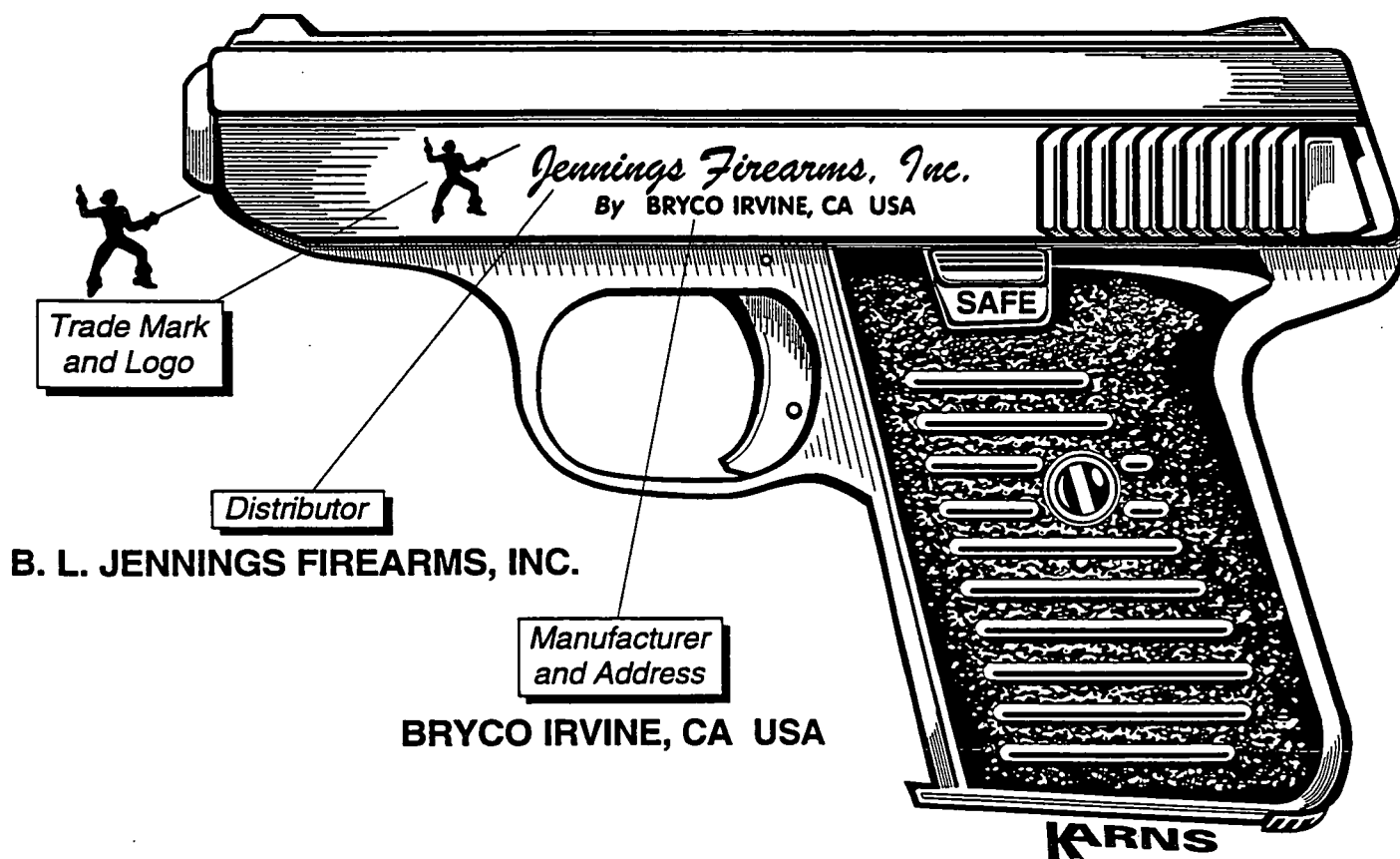
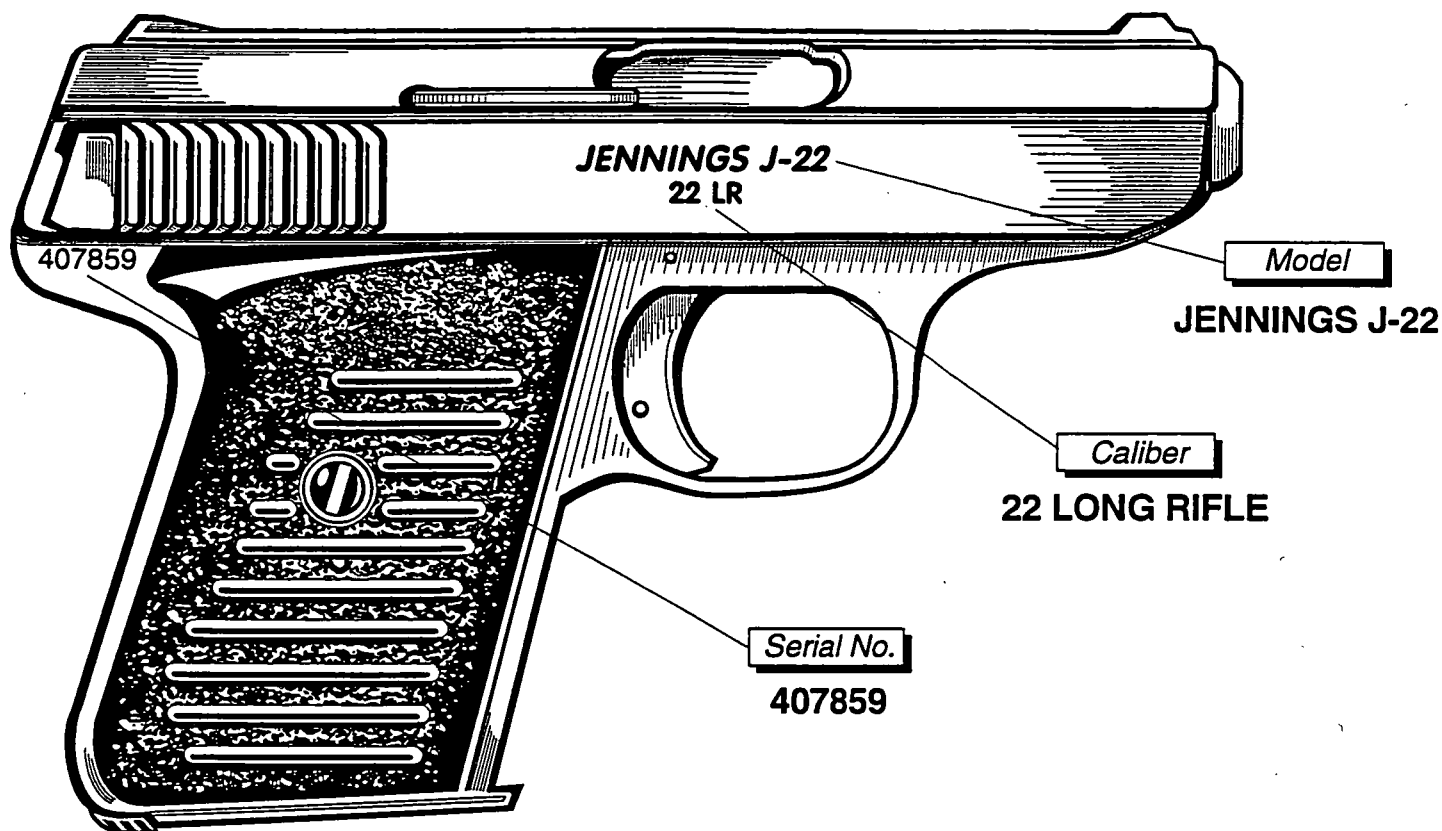
Using Trace Information

- Interpret trace information
 - ID particular dealer/individual
 - short time-to-crime statistic
 - purchaser in high-crime area
- Learn from successful and unsuccessful traces



Tracing: #5a

PISTOLS



Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
National Tracing Center Trace Request Form
Falling Waters, West Virginia 25419

FAX: 1-800-578-7223

Phone: 1-800-788-7133

1. Priority: Urgent Routine

2. ATF Case No.:

Informational Proposes Only: (Check this spot if you DO NOT want the results of this trace.)

INITIATING SPECIAL AGENT

3. Name:

4. FPC code &
FO:

5. Phone:

OTHER AGENCY REQUESTING TRACE

6. Officer's Name: JOHN SMITH

7. ORI Number (ask PD): NJSP001

8. FAX: 304-274-4162

9. Phone and Case No.: 304-274-4100

PART II - DESCRIPTION OF FIREARM (Completed by Special Agent/Officer)

10. Manufacturer: BRYCO

11. Type: Pistol

12. Model: J-22

13. Caliber: 22

14. Shot
Capacity:

15. Barrel Length:

16. Finish:

17. Serial Number:
(MANDATORY) 407859

18. Country of
Origin:

19. Importer:
(Include Name and State)

20. Other
Marks: Jennings

NCIC CRIME CODES (Circle only one)

2099 Arson
1399 Assault
2299 Burglary
5211 Explosives

5599 Found Property
1099 Kidnap/Abduction
0911 Murder
3399 Narcotics

1299 Robbery/Hijacking
3699 Sex Crime
5202 Title I or Similar State Charge
5203 Title II or Similar State Charge

5299 Weapons Offense
Other NCIC CODE:

JUVENILE INVOLVED: Y N

21. Name of Person
In Possession of Firearm:

Last: Pook
First: Roger
Middle:

22. Address:
Apt. No.:

Street: 36 Slades Road
City: Oak Ridge
State: NJ
Zip Code:

23. DOB:
Place of
Birth: 11-3-59
Passaic
NJ

24. Sex: M

25. Race: W

26. Height: 68"

27. Weight: 170

28. ID No./Type: 146-23-0759

29. Name of
Associate:

Last:
First:
Middle:

30. Address:
Apt. No.:
Street:
City:
State:
Zip Code:

31. DOB:
Place of
Birth:

32. Sex:

33. Race:

34. Height:

35. Weight:

36. ID No./Type:

37. Recovery
Date:

1-17-96

38. Recovery
Location:
Apartment No.:

Street: 36 Berkshire Rd.
City: Jefferson
State: NJ
Zip code:

39. Vehicle
Information:

Tag No.:
State:
Make:
Model:
Year:

40. Remarks/
Special Instructions:



Firearms Terminology

FIREARMS TERMINOLOGY

A description of terminology, used by ATF for weapons, is included for your information.

Assault rifle - A fully automatic weapon that fires an intermediate cartridge that is larger than a pistol cartridge but smaller than a full-sized rifle cartridge. Assault rifles are normally selective fire and fed by a detachable magazine.

Autoloading - A firearm action in which the propellant gases or recoiling forces created by the firing cartridge are used to open and close the mechanism of a firearm. The autoloading mechanism extracts each fired case from the chamber, ejects the spent case from the firearm, and then chambers a loaded cartridge in preparation for the next shot.

Automatic (fully automatic) - An autoloading action that will fire a succession of cartridges, so long as the trigger is depressed, or until the ammunition supply is exhausted. Automatic weapons are machineguns subject to the provisions of the National Firearms Act. The term automatic is often incorrectly applied to semiautomatic rifles, pistols, and weapons.

Caliber - A term used to describe ammunition. Caliber is the approximate diameter of a projectile. In the United States, caliber is usually written in inches; i.e., .30 caliber. In most other countries of the world, caliber is usually written in millimeters; i.e., 7.62mm. When describing ammunition, we must be more specific than just citing the diameter of the projectile, as there are, for example, many different .30 caliber cartridges. Therefore, additional descriptive information is used to describe specific ammunition. There is no standard system for describing ammunition. In the United States, a specific cartridge may be described by its caliber plus the year of its introduction (.30/06), the caliber plus the name of the weapon for which designed (.30 Carbine), the caliber plus the name of the designer (.30 Newton), and so forth. Most other countries identify specific ammunition by its diameter plus the overall length of the cartridge (7.62x63mm). There are many other terms that are used to further describe specific ammunition.

Conversion of Calibers to Millimeters

The following list provides the caliber, followed by its general equivalent in the metric system. It is not all inclusive but contains the more commonly found calibers that are referred to in decimal or metric measurement. In some cases, the conversions are not fully accurate but are the normally used terminology.

- (1) .22, .222, or .223 caliber can be called 5.56mm.
- (2) .22, .222, or .223 caliber can be called .5.56mm.
- (3) .25 caliber = 6.35mm.
- (4) .264 caliber = 6.5mm.
- (5) .284 caliber = 7mm.
- (6) .30 and .308 caliber = 7.62mm.
- (7) .32 caliber = 7.65mm.
- (8) .380 caliber = 9mm short (sometimes called "Corto" or "Kurz").
- (9) .45 caliber - 11mm or 11.4mm.

Note: .38 and .357 do not have metric equivalents. 9mm Parabellum does not have a decimal equivalent.

Double action - A type of operation normally associated with revolvers, where pulling the trigger rotates the cylinder, cocks, and fires the weapon. The term is also used to describe certain semiautomatic pistols where pulling the trigger will cock and fire the first shot.

Handgun - A weapon originally designed, made, and intended to fire a small projectile (bullet) from one or more barrels, when held in one hand, and having a short stock (grip) designed to be gripped by one hand and at an angle to, and extending below, the line of the bore(s).

Machinegun - A machinegun is any weapon that 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.

Pistol - Any handgun that does not contain its ammunition in a revolving cylinder. Pistols may be single shot, manually operated repeaters, multiple-barreled, semiautomatic, or fully automatic.

Revolver - A handgun that contains its ammunition in a revolving cylinder.

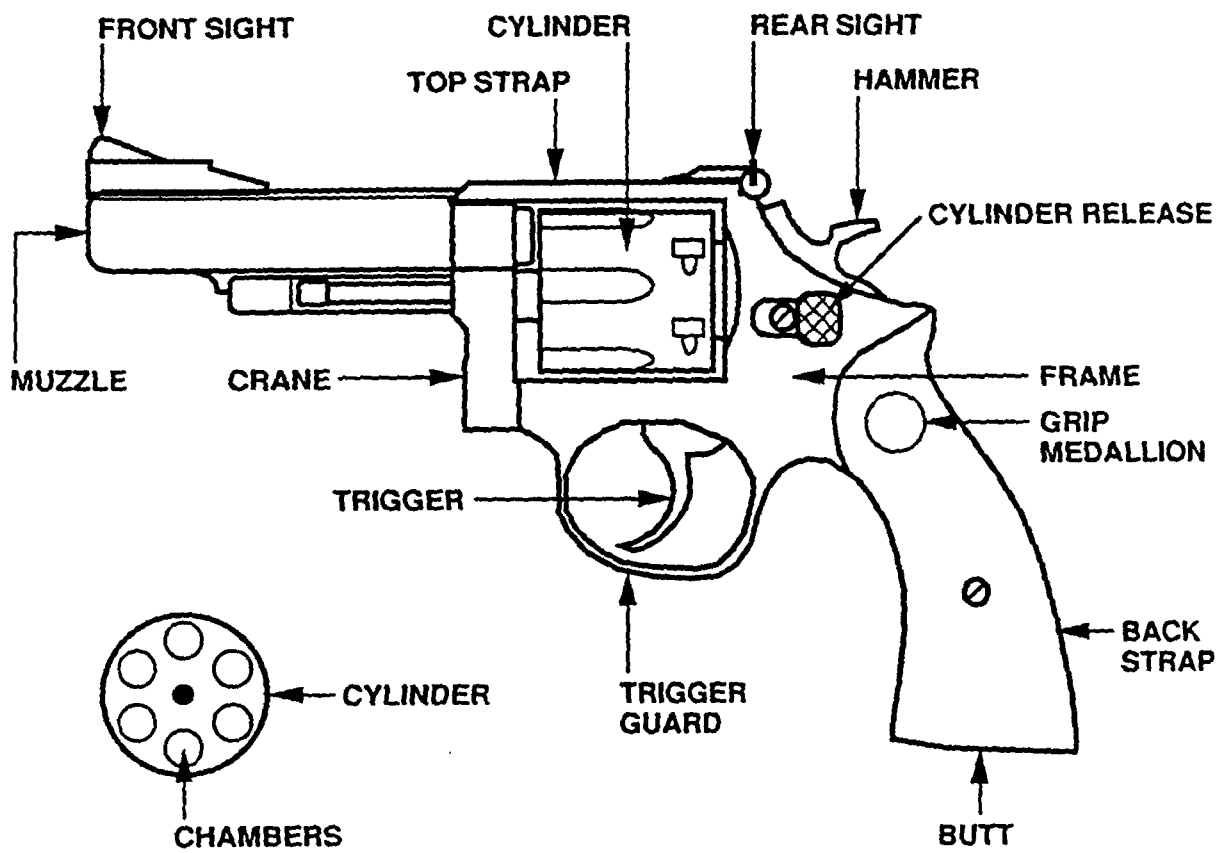
Rocket launcher - A device for launching a rocketpropelled projectile, usually having a high-explosive warhead. Weapons of this type are designed to be used against armored vehicles and fortified positions. Most rocket launchers are destructive devices. The ammunition for rocket launchers is usually also a destructive device.

Semiautomatic - An autoloading action that will fire only a single shot for each single function of the trigger.

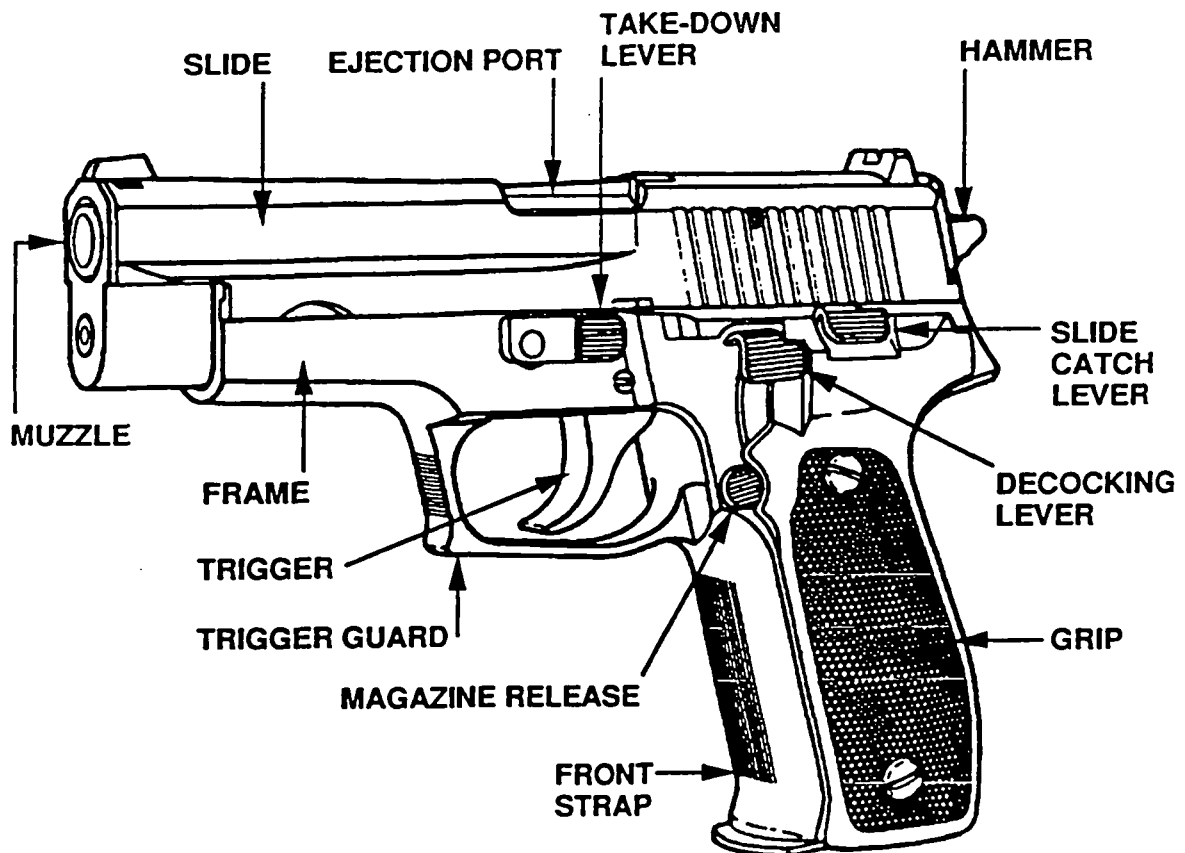
Single action - A type of operation normally associated with revolvers where the hammer must be manually cocked for each shot. The manual cocking also rotates the cylinder, bringing another cartridge in line with the barrel for firing. The term is also used to describe certain semiautomatic pistols that must be manually cocked prior to firing the first shot.

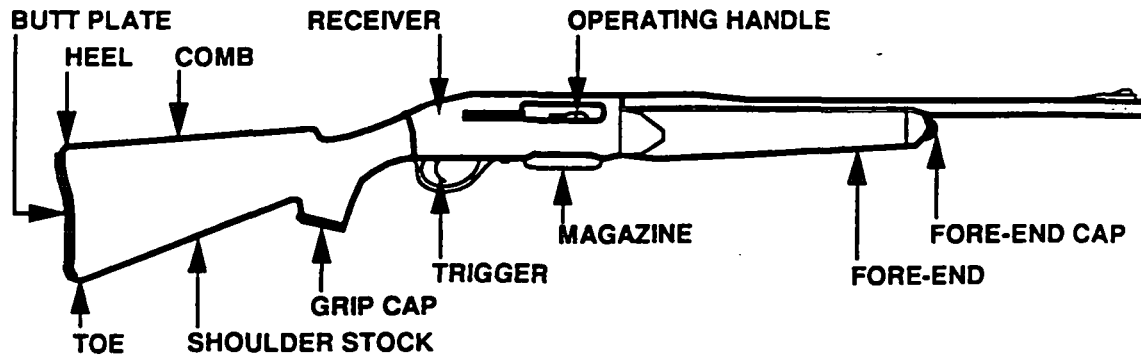
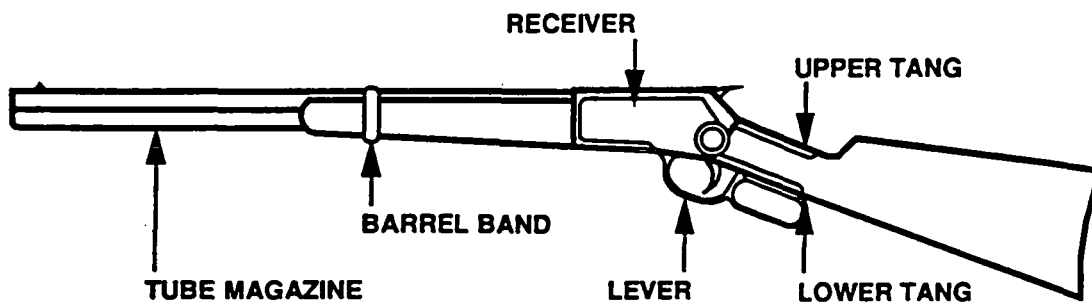
Submachinegun - A simple fully automatic weapon that fires a pistol cartridge. Submachineguns are also referred to as machine pistols.

Serial numbers -Current regulations (27CFR55.178.92) require that the serial number of a firearm be conspicuously located on the frame or receiver. Common serial number locations would include: side of the frame, on the butt, under the crane (yoke) or on the front strap.

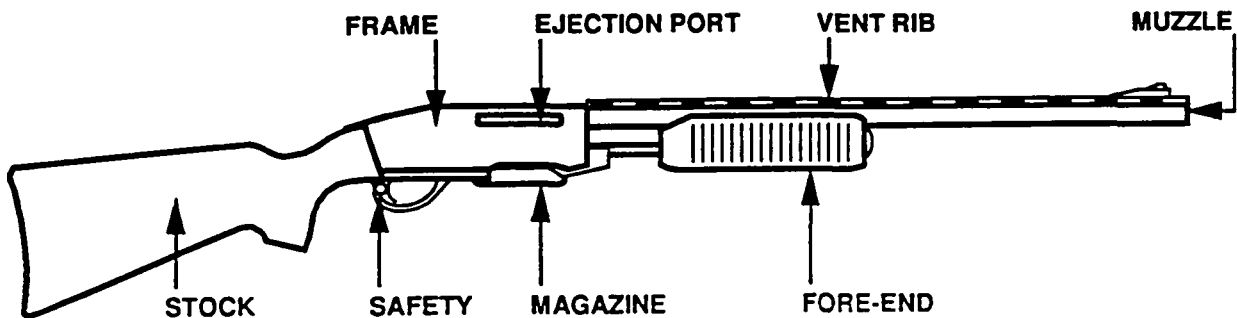
DOUBLE ACTION REVOLVER

SEMIAUTOMATIC PISTOL

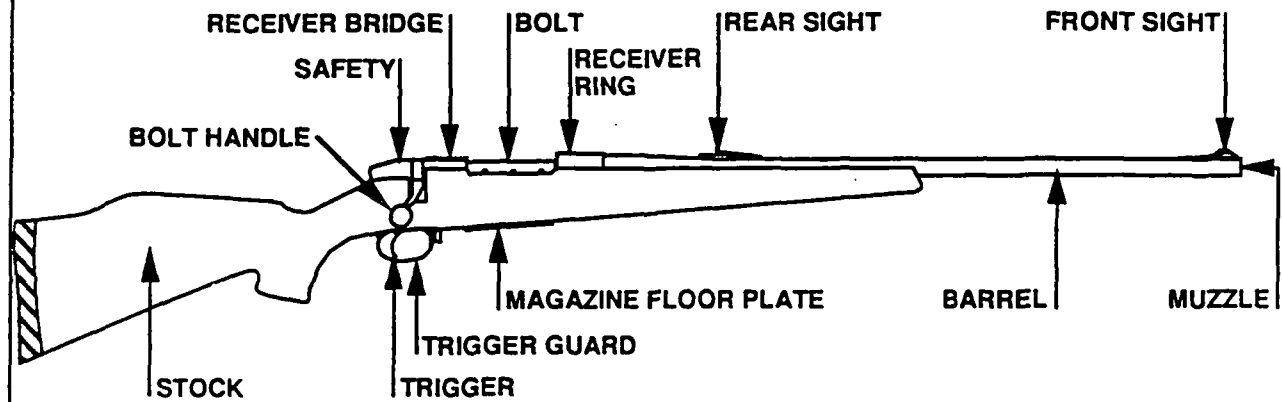
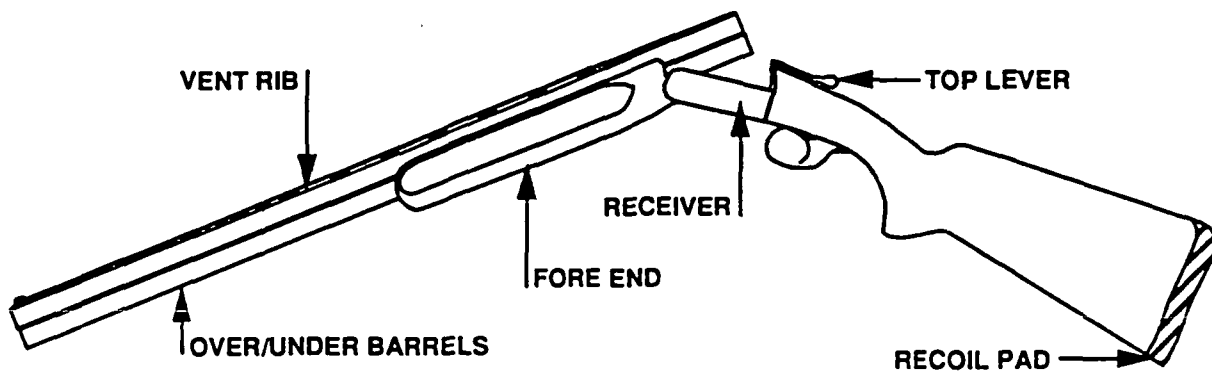


AUTOLOADING ACTION**LEVER ACTION**

NOTE: MAGAZINE CAN ALSO BE BOX TYPE.

PUMP/SLIDE ACTION

NOTE: MAGAZINE CAN ALSO BE TUBULAR TYPE.

BOLT ACTION**BREAK OPEN ACTION**

NOTE: FIREARMS HAVING THIS ACTION TYPE CAN BE SINGLE OR MULTI BARREL RIFLES OR SHOTGUNS.



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



Phone: (800) 788-7133

Print Date: September 26, 1996

Fax: (800) 578-7223

FIREARMS TRACE REPORT

Trace Number: 9601919

ATF
Intelligence Officer
Baltimore Field Division
22 South Howard St.
Baltimore, MD 21201

Request Date: Friday, December 29, 1995

ATF Investigation Number: 741200

ATF Conducted this Trace for:

Pamela Shaw
Baltimore City Police Dept.
601 E. Fayette Street
Baltimore, MD 21202

DESCRIPTION OF FIREARM

Make: Bryco Arms
Model: J22
Type: Pistol
Caliber: 22
Serial Number: 686499
Country: United States of America

Notes: Pdg Sam 1/16/96

SUMMARY OF RESULTS

This Firearm was Purchased on: Monday, April 25, 1994

Purchaser: Leon Gray
2300 W San Angelo
Apartment 1095
Gilbert, AZ 85234

Date of Birth: October 30, 1943
Race: White
Sex: Male
Height: 5 ft. 10 in.
Weight: 202 lbs.
ID Type:
ID No:
Birthplace: Ft. Smith, AK

PURCHASER HISTORY:

Gray is not currently associated with
any other traces.

The Firearm was shipped to Outdoorsman, The on Monday, April 11, 1994:

FFL Name: Outdoorsman, The
FFL Number: 98613453
Address: 6118 N Quail Run Rd
Scottsdale, AZ 85253

Phone: (602) 553-8503

Invoice: 1308476

NOTES ON THIS FFL:

This FFL is not currently associated with any other traces.

This FFL has never been inspected.

The Firearm was shipped to Guns USA on Monday, April 11, 1994:

FFL Name: Guns USA
FFL Number: 98833507
Address: 1460 Linda Way
Sparks, NV 89431

Phone: (702) 358-2054

Invoice: 4625

NOTES ON THIS FFL:

NONE

The Firearm was shipped to B L Jennings Inc on Monday, April 11, 1994 :

FFL Name: B L Jennings Inc
FFL Number: 98805792
Address: 3680 Research Way #1
Carson City, NV 89706

Phone: (702) 882-4007

NOTES ON THIS FFL:

NONE

The Firearm was recovered on Tuesday, December 12, 1995 from the following location:

Address: 1136 Forrest St
Baltimore, MD 21202

NOTES ON THIS RECOVERY LOCATION:

There has been 1 other firearm recovered in this area based on matching Street Name, City, State.
The Trace Number associated with this firearm is:
9602906

PROJECT LEAD REFERRAL LIST

The following traces may be associated with your trace.
Please contact the offices listed below for additional information.

<u>Trace #</u>	<u>Requested By</u>	<u>Phone Number</u>	<u>Requesting Office</u>
9602906	Intelligence Officer	(410) 962-0897	Baltimore Field Division

MESSAGE FROM THE DIRECTOR OF ATF

Violence is this Nation's primary public safety issue. The number of firearms used in armed robberies, assaults, and murders have been escalating at an alarming rate. Indiscriminate shootings spurred by an indifference toward human life are depleting the cultural and material resources of our cities. Through statutory authority and congressional mandates, we, in ATF, maintain a long standing commitment to providing innovative unique mission areas. ATF's establishment, in 1972, of a National Tracing Center is but one initiative, albeit, a significant one that has assisted the law enforcement community in identifying violent criminals and producing investigative leads.

John W. Magaw



**Bureau of Alcohol, Tobacco and Firearms
National Tracing Center Trace Request Form**

FAX: 1-800-578-7223

Falling Waters, West Virginia 25419

Phone: 1-800-788-7133

1. Priority: Urgent Routine

2. (ATF) Case No.:

Informational Proposes Only: (Check this spot if you DO NOT want the results of this trace.)

INITIATING SPECIAL AGENT

3. Name:

4. FPC and FO:

5. Phone:

OTHER AGENCY REQUESTING TRACE

6. Officer's Name:

7. ORI Number (ask PD):

8. FAX:

9. Phone and Case No.:

PART II - DESCRIPTION OF FIREARM (Completed by Special Agent/Officer)

10. Manufacturer:

11. Type:

12. Model:

13. Caliber:

14. Shot
Capacity:

15. Barrel Length:

16. Finish:

17. Serial Number:
(MANDATORY)

18. Country of
Origin:

19. Importer:
(Include Name and State)

20. Other
Marks:

NCIC CRIME CODES (Circle only one)

2099 Arson
1399 Assault
2299 Burglary
5211 Explosives

5599 Found Property
1099 Kidnap/Abduction
0911 Murder
3599 Narcotics

1299 Robbery/Hijacking
3699 Sex Crime
5202 Title I or Similar State Charge
5203 Title II or Similar State Charge

5299 Weapons Offense
Other NCIC CODE:

JUVENILE INVOLVED: Y N

21. Name of Person
In Possession of
Firearm:

Last:
First:
Middle:

22. Address:
Apt. No.:

Street:

City:

State:

Zip Code:

23. DOB:
Place of
Birth:

24. Sex:

25. Race:

26. Height:

27. Weight:

28. ID No./Type:

29. Name of
Associate:

Last:
First:
Middle:

30. Address:
Apt. No.:

Street:

City:

State:

Zip Code:

31. DOB:
Place of
Birth:

32. Sex:

33. Race:

34. Height:

35. Weight:

36. ID No./Type:

37. Recovery
Date:

38. Recovery
Location:

Apartment No.:

Street:

City:

State:

Zip code:

39. Vehicle
Information:

Tag No.:

State:

Make:

Model:

Year:

40. Remarks/
Special Instructions:



Bibliography

Firearms Trafficking School. September, 1995. Bureau of Alcohol, Tobacco and Firearms.

Hobson, R.A., Collins, C.E. and Gallagher, R.T. Identifying Characteristics of the Armed Gunman. Washington, D.C.: Metropolitan Police Department, Patrol Services Division. 1995.

Memorandum of Understanding between Compact States.

National Criminal Justice Association. Guide to State Firearms Provisions. Washington D.C. (Work in Progress under Department of Justice Bureau of Justice Assistance grant #: 95-MU-MU-0001).

National Law Enforcement Officers Memorial Fund,
605 E St. NW, Washington, D.C., 202-737-3400.

Violent Offenders Program Description. Bureau of Alcohol, Tobacco and Firearms.



CURRICULUM APPENDIX

Resource List
ATF Field Division Offices
Participation Forms (3)
Pre- and Post-test Answer Key

Resource List

For information on additional firearms training, contact:

Bureau of Alcohol, Tobacco and Firearms
Office of Training and Professional Development
Career Development Division
Special Agent Mark Kraft
202-565-4570

For information on Violent Offender's Program and other ATF programs, contact:

The ATF Communications Center
Phone: 202-927-8050
Fax: 202-927-8531

For information on tracing, contact:

The National Tracing Center
1-800-788-7133

For Information on Project LEAD, contact:

The NTC Project LEAD Help Desk
1-800-788-7133, x286

Bureau of Alcohol, Tobacco and Firearms Field Division Offices

District of Columbia Field Division
607 14th Street, NW, Suite 620
Washington, DC 20005
(202)219-7751

Florida Field Division
8420 NW 52nd Street, Suite 120
Miami, Florida 3316
(305)597-4800

Georgia Field Division
101 Marietta Street, NW, Suite 406
Atlanta, Georgia 30303
(404)331-6526

Maryland Field Division
103 South Gay Street, 2nd Floor
Baltimore, Maryland 21202
(410)962-0897

Massachusetts Field Division
The Boston Federal Building
10 Causeway Street, Room 701
Boston, MA 02222-1081
(617)565-7042

New York Field Division
90 Church Street, Room 1016
New York, New York 10007
(212)466-5145

North Carolina Field Division
4530 Park Road, Suite 400
Charlotte, North Carolina 28209
(704)344-6125

Pennsylvania Field Division
US Customs House, Room 504
2nd & Chestnut Street
Philadelphia, PA 19106
(215)597-7266

Participation Forms

Instructions:

Please complete one of the attached **participation forms** to document training. A form should be completed *each time* the curriculum is taught. The completed form can be faxed to PERF at 202-466-7826.

Combating Interstate Trafficking of Firearms “GUNS FIRST”

Who has participated in training?

Each time the “Guns First” curriculum is used to train state or local law enforcement officers, please complete the information requested below and fax this form to PERF at 202-466-7826 to the attention of Tara O’Connor. Retain a copy for your own records. Thank you very much!

The GUNS FIRST curriculum was taught on: ____ / ____ / ____,

at the _____ training facility, in

_____ (city), _____ (state).

There were approximately ____ attendees.

Contact person name: _____

Contact person telephone number: _____

Please complete this form and fax it to:
Tara O’Connor at 202-466-7826.

Combating Interstate Trafficking of Firearms “GUNS FIRST”

Who has participated in training?

Each time the “Guns First” curriculum is used to train state or local law enforcement officers, please complete the information requested below and fax this form to PERF at 202-466-7826 to the attention of Tara O’Connor. Retain a copy for your own records. Thank you very much!

The GUNS FIRST curriculum was taught on: ____ / ____ / ____.

at the _____ training facility, in

_____ (city), _____ (state).

There were approximately ____ attendees.

Contact person name: _____

Contact person telephone number: _____

Please complete this form and fax it to:
Tara O’Connor at 202-466-7826.



Combating Interstate Trafficking of Firearms “GUNS FIRST”

Who has participated in training?

Each time the “Guns First” curriculum is used to train state or local law enforcement officers, please complete the information requested below and fax this form to PERF at 202-466-7826 to the attention of Tara O’Connor. Retain a copy for your own records. Thank you very much!

The GUNS FIRST curriculum was taught on: ____ / ____ / ____,
at the _____ training facility, in
_____(city), _____(state).

There were approximately ____ attendees.

Contact person name: _____

Contact person telephone number: _____

Please complete this form and fax it to:
Tara O’Connor at 202-466-7826.



Pre- and Post-test Answer Key

**Combating Interstate Firearms Trafficking
Course Pre/post-test
Answer Key**

1. b (Intro-5; Safety Issues)
2. a (Intro-7; The Compact Agreement)
3. b (Intro-9; 1. Firearms Trafficking)
4. a (Intro-9; 4. Time to Crime)
5. b (Intro-9; 5. Straw Purchase(r))
6. True (Intro-9; 2. Source Area)
7. a (Intro-10, State Trafficking Information Tables)
8. Answer to be determined by trainer
9. False (State Law-4; State Firearms Law Review)
10. True (State Law-4; State Firearms Law Review)
11. a (Federal Law-18, Overview)
12. True (Federal Law-13; 2. Title 18, United States Code, Section 922(u))
13. False (Federal Law-10; ATF Violent Offender Program)
14. False (Investigations-4; Theory of Trafficking)
15. False (Investigations-4; Where Guns Originate and Where They Go)
16. True (Investigations-15; Gun Concealment Recognition)
17. False (Tracing-10; How to Submit a Trace)
18. Answer to be determined by trainer
19. False (Tracing-6; Step 4)
20. False (Tracing-10; How to Submit a Trace: Overhead 4i)

This copy of the overheads and handouts is for the purposes of duplication.



INTRODUCTORY MODULE MATERIALS

Overheads:

- #1-The Problem of Firearms Trafficking
- #2-Interstate Firearms Trafficking Compact
- #3-Training Goals
- #4-Trafficking Terminology
- #5 (a-o)-Source of Firearms Recovered in...
- #6 (a-n)-Firearms Trafficked out of...

Handouts:

- Compact MOU and List of Signatory States



The Problem of Firearms Trafficking

- Firearms are #1 cause of nonaccidental death of on-duty officers
- Trafficking is one way criminals get firearms
- "Guns First" strategy to combat trafficking



Interstate Firearms Trafficking Compact

- Agreement among 14 states, the District of Columbia and ATF
- Cooperate to eliminate illegal trafficking of firearms
- Develop and provide training to state and local law enforcement

Training Goals

- To provide law enforcement officers with information about firearms trafficking
- To increase effectiveness of trafficking investigations

Trafficking Terminology

- Firearms trafficking
- Source areas
- Market areas
- Time to crime
- Straw purchase(r)
- Suspect firearm

Source of Firearms Recovered In Connecticut¹

<u>State</u>	<u># of Guns From:</u>	<u>% of Total</u>
Connecticut	195	73.86%
Delaware	1	0.38%
Florida	10	3.79%
Georgia	12	4.55%
Maine	1	0.38%
Maryland	1	0.38%
Massachusetts	6	2.27%
New Jersey	1	0.38%
New York	7	2.65%
North Carolina	9	3.41%
Rhode Island	2	0.76%
South Carolina	6	2.27%
Virginia	12	4.55%
<u>West Virginia</u>	<u>1</u>	<u>0.38%</u>
TOTAL	264	100.00%

Analysis: The majority of guns recovered in Connecticut were purchased there. Less than 25 percent of guns traced were trafficked into Connecticut from other states, with the largest percentages coming from Georgia and Virginia (5 percent each).

¹ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Connecticut traced 322 guns, only 264 (82%) came from Compact states.



Source of Firearms Recovered In Delaware²

<u>State</u>	<u># of Guns From:</u>	<u>% of Total</u>
Connecticut	2	0.99%
Delaware	141	69.80%
Florida	7	3.47%
Georgia	4	1.98%
Maine	0	0.00%
Maryland	13	6.44%
Massachusetts	0	0.00%
New Jersey	2	0.99%
New York	7	3.47%
North Carolina	12	5.94%
Rhode Island	0	0.00%
South Carolina	3	1.49%
Virginia	9	4.46%
<u>West Virginia</u>	<u>2</u>	<u>0.99%</u>
TOTAL	202	100.00%

Analysis: The majority of guns recovered in Delaware were purchased there. Approximately 30 percent of guns traced were trafficked into Delaware from other states, with the largest percentages coming from Maryland and North Carolina (6% each).

² Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Delaware traced 265 guns, only 202 (76%) came from Compact states.

Source of Firearms Recovered In Florida³

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	4	0.27%
Delaware	1	0.07%
Florida	1,299	86.14%
Georgia	80	5.31%
Maine	2	0.13%
Maryland	13	0.86%
Massachusetts	11	0.73%
New Jersey	6	0.40%
New York	23	1.53%
North Carolina	22	1.46%
Rhode Island	1	0.07%
South Carolina	13	0.86%
Virginia	25	1.66%
<u>West Virginia</u>	<u>8</u>	<u>0.53%</u>
TOTAL	1,508	100.00%

Analysis: The majority of guns recovered in Florida were purchased there. Less than 14 percent of guns traced were trafficked into Florida from other states, with the largest percentage coming from Georgia (5%).

³ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Florida traced 1,880 guns, only 1,508 (80%) came from Compact states.

Source of Firearms Recovered In Georgia⁴

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	1	0.06%
Delaware	0	0.00%
Florida	107	6.37%
Georgia	1,408	83.86%
Maine	0	0.00%
Maryland	15	0.89%
Massachusetts	7	0.42%
New Jersey	3	0.18%
New York	25	1.49%
North Carolina	45	2.68%
Rhode Island	0	0.00%
South Carolina	41	2.44%
Virginia	21	1.25%
<u>West Virginia</u>	<u>6</u>	<u>0.36%</u>
TOTAL	1,679	100.00%

Analysis: The majority of guns recovered in Georgia were purchased there. Less than 16 percent of guns traced were trafficked into Georgia from other states, with the largest percentage coming from Florida (6%).

⁴ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Georgia traced 2,013 guns, only 1,679 (83%) came from Compact states.

Source of Firearms Recovered In Maine⁵

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	1	2.50%
Delaware	0	0.00%
Florida	3	7.50%
Georgia	1	2.50%
Maine	28	70.00%
Maryland	1	2.50%
Massachusetts	4	10.00%
New Jersey	0	0.00%
New York	2	5.00%
North Carolina	0	0.00%
Rhode Island	0	0.00%
South Carolina	0	0.00%
Virginia	0	0.00%
<u>West Virginia</u>	<u>0</u>	<u>0.00%</u>
TOTAL	40	100.00%

Analysis: The majority of guns recovered in Maine were purchased there. Less than 30 percent of guns traced were trafficked into Maine from other states, with the largest percentages coming from Massachusetts (10%) and Florida (8%).

⁵ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Maine traced 53 guns, only 40 (75%) came from Compact states.



Source of Firearms Recovered In Maryland⁶

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	10	0.49%
Delaware	15	0.73%
Florida	114	5.53%
Georgia	84	4.08%
Maine	0	0.00%
Maryland	1,295	62.86%
Massachusetts	12	0.58%
New Jersey	11	0.53%
New York	38	1.84%
North Carolina	111	5.39%
Rhode Island	0	0.00%
South Carolina	61	2.96%
Virginia	250	12.14%
<u>West Virginia</u>	<u>59</u>	<u>2.86%</u>
TOTAL	2,060	100.00%

Analysis: The majority of guns recovered in Maryland were purchased there. Less than 38 percent of guns traced were trafficked into Maryland from other states, with the largest percentages coming from Virginia (12%), Florida (6%) and North Carolina (5%).

⁶ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Maryland traced 2,529 guns, only 2,060 (81%) came from Compact states.



Source of Firearms Recovered In Massachusetts⁷

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	19	4.65%
Delaware	2	0.49%
Florida	27	6.60%
Georgia	22	5.38%
Maine	16	3.91%
Maryland	5	1.22%
Massachusetts	236	57.70%
New Jersey	2	0.49%
New York	14	3.42%
North Carolina	23	5.62%
Rhode Island	5	1.22%
South Carolina	19	4.65%
Virginia	15	3.67%
<u>West Virginia</u>	<u>4</u>	<u>0.98%</u>
TOTAL	409	100.00%

Analysis: The majority of guns recovered in Massachusetts were purchased there. Less than 43 percent of guns traced were trafficked into Massachusetts from other states, with the largest percentages coming from Florida (7%), North Carolina (6%) and Georgia (5%).

⁷ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Massachusetts traced 614 guns, only 409 (67%) came from Compact states.



Source of Firearms Recovered In New Jersey⁸

<u>State</u>	<u># of Guns From:</u>	<u>% of Total</u>
Connecticut	27	2.23%
Delaware	19	1.57%
Florida	180	14.85%
Georgia	119	9.82%
Maine	10	0.83%
Maryland	24	1.98%
Massachusetts	12	0.99%
New Jersey	445	36.72%
New York	77	6.35%
North Carolina	88	7.26%
Rhode Island	5	0.41%
South Carolina	66	5.45%
Virginia	118	9.74%
<u>West Virginia</u>	<u>22</u>	<u>1.82%</u>
TOTAL	1,212	100.00%

Analysis: The majority of guns recovered in New Jersey were purchased there. Approximately 30 percent of guns traced were trafficked into New Jersey from other states, with the largest percentages coming from Florida (15%), Georgia (10%) and Virginia (10%).

⁸ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while New Jersey traced 1,810 guns, only 1,212 (67%) came from Compact states.

Source of Firearms Recovered In New York⁹

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	73	3.43%
Delaware	12	0.56%
Florida	571	26.79%
Georgia	183	8.59%
Maine	13	0.61%
Maryland	40	1.88%
Massachusetts	30	1.41%
New Jersey	40	1.88%
New York	487	22.85%
North Carolina	169	7.93%
Rhode Island	4	0.19%
South Carolina	181	8.49%
Virginia	275	12.90%
<u>West Virginia</u>	<u>53</u>	<u>2.49%</u>
TOTAL	2,131	100.00%

Analysis: The majority of guns recovered in New York were purchased in Florida (27%), with only 23 percent coming from New York itself. Of the remaining guns that were trafficked into New York from other states, the largest percentages came from Virginia (13%), Georgia (9%) and North Carolina (8%).

⁹ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while New York traced 3,061 guns, only 2,131 (70%) came from Compact states.

Source of Firearms Recovered In North Carolina¹⁰

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	0	0.00%
Delaware	0	0.00%
Florida	35	5.89%
Georgia	25	4.21%
Maine	1	0.17%
Maryland	6	1.01%
Massachusetts	5	0.84%
New Jersey	3	0.51%
New York	6	1.01%
North Carolina	407	68.52%
Rhode Island	1	0.17%
South Carolina	61	10.27%
Virginia	38	6.40%
<u>West Virginia</u>	<u>6</u>	<u>1.01%</u>
TOTAL	594	100.00%

Analysis: The majority of guns recovered in North Carolina were purchased there. Approximately 32 percent of guns traced were trafficked into North Carolina from other states, with the largest percentages coming from South Carolina (10%) and Virginia (6%).

¹⁰ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while North Carolina traced 705 guns, only 594 (84%) came from Compact states.

Source of Firearms Recovered In Rhode Island¹¹

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	5	6.49%
Delaware	0	0.00%
Florida	5	6.49%
Georgia	5	6.49%
Maine	1	1.30%
Maryland	1	1.30%
Massachusetts	5	6.49%
New Jersey	1	1.30%
New York	4	5.19%
North Carolina	2	2.60%
Rhode Island	43	55.84%
South Carolina	1	1.30%
Virginia	2	2.60%
<u>West Virginia</u>	<u>2</u>	<u>2.60%</u>
TOTAL	77	100.00%

Analysis: The majority of guns recovered in Rhode Island were purchased there. Approximately 45 percent of guns traced were trafficked into Rhode Island from other states, with an additional 6.5 percent coming from Connecticut, Florida, Georgia and Massachusetts each.

¹¹ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Rhode Island traced 100 guns, only 77 (77%) came from Compact states.

Source of Firearms Recovered In South Carolina¹²

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	0	0.00%
Delaware	1	0.48%
Florida	15	7.21%
Georgia	19	9.13%
Maine	0	0.00%
Maryland	2	0.96%
Massachusetts	0	0.00%
New Jersey	0	0.00%
New York	1	0.48%
North Carolina	33	15.87%
Rhode Island	0	0.00%
South Carolina	127	61.06%
Virginia	8	3.85%
<u>West Virginia</u>	<u>2</u>	<u>0.96%</u>
TOTAL	208	100.00%

Analysis: The majority of guns recovered in South Carolina were purchased there. Approximately 39 percent of guns traced were trafficked into South Carolina from other states, with the largest percentages coming from North Carolina (16%) and Georgia (9%).

¹² Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while South Carolina traced 248 guns, only 208 (84%) came from Compact states.

Source of Firearms Recovered In Virginia¹³

<u>State</u>	<u># of Guns From:</u>	<u>% of Total</u>
Connecticut	10	0.29%
Delaware	5	0.15%
Florida	146	4.24%
Georgia	85	2.47%
Maine	4	0.12%
Maryland	223	6.48%
Massachusetts	23	0.67%
New Jersey	9	0.26%
New York	47	1.36%
North Carolina	217	6.30%
Rhode Island	1	0.03%
South Carolina	80	2.32%
Virginia	2,519	73.14%
<u>West Virginia</u>	<u>75</u>	<u>2.18%</u>
TOTAL	3,444	100.00%

Analysis: The majority of guns recovered in Virginia were purchased there. Approximately 27 percent of guns traced were trafficked into Virginia from other states, with the largest percentages coming from Maryland (6%) and North Carolina (6%).

¹³ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while Virginia traced 4,105 guns, only 3,444 (84%) came from Compact states.

Source of Firearms Recovered In West Virginia¹⁴

<u>State</u>	<u># of Guns</u> <u>From:</u>	<u>% of Total</u>
Connecticut	1	0.49%
Delaware	0	0.00%
Florida	18	8.78%
Georgia	6	2.93%
Maine	0	0.00%
Maryland	4	1.95%
Massachusetts	2	0.98%
New Jersey	0	0.00%
New York	3	1.46%
North Carolina	5	2.44%
Rhode Island	0	0.00%
South Carolina	2	0.98%
Virginia	16	7.80%
<u>West Virginia</u>	<u>148</u>	<u>72.20%</u>
TOTAL	205	100.00%

Analysis: The majority of guns recovered in West Virginia were purchased there. Approximately 28 percent of guns traced were trafficked into West Virginia from other states, with the largest percentages coming from Florida (9%) and Virginia (8%).

¹⁴ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while West Virginia traced 303 guns, only 205 (68%) came from Compact states.



Source of Firearms Recovered In the District of Columbia¹⁵

<u>State</u>	<u>#of Guns From:</u>	<u>% of Total</u>
Connecticut	3	0.52%
Delaware	1	0.17%
Florida	19	3.27%
Georgia	25	4.30%
Maine	0	0.00%
Maryland	232	39.93%
Massachusetts	1	0.17%
New Jersey	0	0.00%
New York	1	0.17%
North Carolina	41	7.06%
Rhode Island	0	0.00%
South Carolina	24	4.13%
Virginia	214	36.83%
<u>West Virginia</u>	<u>20</u>	<u>3.44%</u>
TOTAL	581	100.00%

Analysis: The majority of guns recovered in the District of Columbia were purchased in Maryland. Approximately 99.00 percent of guns traced were trafficked into the District of Columbia from other states, with the largest percentages coming from Maryland (39.93%) and Virginia (30.48%).

¹⁵ Table only reflects activity related to Compact states. Guns that originated from other states are not charted here. For example, while the District of Columbia traced 702 guns, only 581 (82.76%) came from Compact states.



Firearms Trafficked out of Connecticut¹

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	NA	NA
Delaware	2	1.31%
Florida	4	2.61%
Georgia	1	0.65%
Maine	1	0.65%
Maryland	10	6.54%
Massachusetts	19	12.42%
New Jersey	27	17.65%
New York	73	47.71%
North Carolina	0	0.00%
Rhode Island	5	3.27%
South Carolina	0	0.00%
Virginia	10	6.54%
<u>West Virginia</u>	<u>1</u>	<u>0.65%</u>
TOTAL	153	100.00%

Analysis: Of the guns trafficked out of Connecticut, the largest percentage, almost 50 percent, ended up in New York. Another 18 percent were recovered in New Jersey and almost 13 percent in Massachusetts.

¹ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.



Firearms Trafficked out of Delaware²

<u>State</u>	<u># of Guns To:</u>	<u>% of Total</u>
Connecticut	1	1.79%
Delaware	NA	NA
Florida	1	1.79%
Georgia	0	0.00%
Maine	0	0.00%
Maryland	15	26.79%
Massachusetts	2	3.57%
New Jersey	19	34.0%
New York	12	21.4%
North Carolina	0	0.00%
Rhode Island	0	0.00%
South Carolina	1	1.78%
Virginia	5	8.93%
<u>West Virginia</u>	<u>0</u>	<u>0.00%</u>
TOTAL	56	100.00%

Analysis: Of the guns trafficked out of Delaware, the largest percentage, almost 35 percent, ended up in New Jersey. Another 27 percent were recovered in Maryland and almost 22 percent in New York.

² Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.



Firearms Trafficked out of Florida³

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	10	0.81%
Delaware	7	0.57%
Florida	NA	NA
Georgia	107	8.64%
Maine	3	.24%
Maryland	114	9.21%
Massachusetts	27	2.18%
New Jersey	180	14.54%
New York	571	46.12%
North Carolina	35	2.83%
Rhode Island	5	0.40%
South Carolina	15	1.21%
Virginia	146	11.8%
<u>West Virginia</u>	<u>18</u>	<u>1.45%</u>
TOTAL	1,238	100.00%

Analysis: Of the guns trafficked out of Florida, the largest percentage, 47 percent, ended up in New York. Another 15 percent were recovered in New Jersey and almost 12 percent in Virginia.

³ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Georgia⁴

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	12	1.86%
Delaware	4	0.62%
Florida	80	12.4%
Georgia	NA	NA
Maine	1	0.16%
Maryland	84	13.02%
Massachusetts	22	3.41%
New Jersey	119	18.45%
New York	183	28.37%
North Carolina	25	3.88%
Rhode Island	5	0.78%
South Carolina	19	2.95%
Virginia	85	13.18%
<u>West Virginia</u>	<u>6</u>	<u>0.93%</u>
TOTAL	645	100.00%

Analysis: Of the guns trafficked out of Georgia, the largest percentage, 29 percent, ended up in New York. Another 19 percent were recovered in New Jersey, and approximately 13 percent each in Florida, Maryland and Virginia.

⁴ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Maine⁵

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	1	2.08%
Delaware	0	0.00%
Florida	2	4.17%
Georgia	0	0.00%
Maine	NA	NA
Maryland	0	0.00%
Massachusetts	16	33.33%
New Jersey	10	20.83%
New York	13	27.08%
North Carolina	1	2.08%
Rhode Island	1	2.08%
South Carolina	0	0.00%
Virginia	4	8.33%
<u>West Virginia</u>	<u>0</u>	<u>0.00%</u>
TOTAL	48	100.00%

Analysis: Of the guns trafficked out of Maine the largest percentage, 34 percent, ended up in Massachusetts. Another 27 percent were recovered in New York and 21 percent in New Jersey.

⁵ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.



Firearms Trafficked out of Maryland⁶

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	1	0.13%
Delaware	13	1.64%
Florida	13	1.64%
Georgia	15	1.89%
Maine	1	0.13%
Maryland	NA	NA
Massachusetts	5	0.63%
New Jersey	24	3.02%
New York	487	61.25%
North Carolina	6	0.75%
Rhode Island	1	0.13%
South Carolina	2	0.25%
Virginia	223	28.05%
<u>West Virginia</u>	<u>4</u>	<u>0.50%</u>
TOTAL	795	100.00%

Analysis: Of the guns trafficked out of Maryland the largest percentage, 61 percent, ended up in New York. Another 28 percent were recovered in Virginia.

⁶ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Massachusetts⁷

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	6	5.13%
Delaware	0	0.00%
Florida	11	9.40%
Georgia	7	6.00%
Maine	4	3.42%
Maryland	12	10.26%
Massachusetts	NA	NA
New Jersey	12	10.26%
New York	30	25.64%
North Carolina	5	4.27%
Rhode Island	5	4.27%
South Carolina	0	0.00%
Virginia	23	19.66%
<u>West Virginia</u>	<u>2</u>	<u>1.71%</u>
TOTAL	117	100.00%

Analysis: Of the guns trafficked out of Massachusetts the largest percentage, 27 percent, ended up in New York. Another 21 percent were recovered in Virginia and 11 percent each in Maryland and New Jersey.

⁷ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of New Jersey⁸

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	1	1.28%
Delaware	2	2.56%
Florida	6	7.7%
Georgia	3	3.85%
Maine	0	0.00%
Maryland	11	14.1%
Massachusetts	2	2.56%
New Jersey	NA	NA
New York	40	51.28%
North Carolina	3	3.85%
Rhode Island	1	1.28%
South Carolina	0	0.00%
Virginia	9	11.54%
<u>West Virginia</u>	<u>0</u>	<u>0.00%</u>
TOTAL	78	100.00%

Analysis: Of the guns trafficked out of New Jersey the largest percentage, 52 percent, ended up in New York. Another 14 percent were recovered in Maryland and 12 percent in Virginia.

⁸ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of New York⁹

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	7	2.76%
Delaware	7	2.76%
Florida	23	9.06%
Georgia	25	9.84%
Maine	2	0.80%
Maryland	38	14.96%
Massachusetts	14	5.51%
New Jersey	77	30.31%
New York	NA	NA
North Carolina	6	2.36%
Rhode Island	4	1.57%
South Carolina	1	0.39%
Virginia	47	18.5%
<u>West Virginia</u>	<u>3</u>	<u>1.18%</u>
TOTAL	254	100.00%

Analysis: Of the guns trafficked out of New York the largest percentage, 31 percent, ended up in New Jersey. Another 19 percent were recovered in Virginia and 15 percent in Maryland.

⁹ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of North Carolina¹⁰

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	9	1.22%
Delaware	12	1.63%
Florida	22	3.00%
Georgia	45	6.11%
Maine	0	0.00%
Maryland	111	15.08%
Massachusetts	23	3.13%
New Jersey	88	11.96%
New York	169	22.96%
North Carolina	NA	NA
Rhode Island	2	0.27%
South Carolina	33	4.48%
Virginia	217	29.48%
<u>West Virginia</u>	<u>5</u>	<u>0.68%</u>
TOTAL	736	100.00%

Analysis: Of the guns trafficked out of North Carolina the largest percentage, 30 percent, ended up in Virginia. Another 23 percent were recovered in New York and 15 percent in Maryland.

¹⁰ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Rhode Island¹¹

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	2	10.53%
Delaware	0	0.00%
Florida	1	5.26%
Georgia	0	0.00%
Maine	0	0.00%
Maryland	0	0.00%
Massachusetts	5	26.32%
New Jersey	5	26.32%
New York	4	21.05%
North Carolina	1	5.26%
Rhode Island	NA	NA
South Carolina	0	0.00%
Virginia	1	5.26%
<u>West Virginia</u>	<u>0</u>	<u>0.00%</u>
TOTAL	19	100.00%

Analysis: Of the guns trafficked out of Rhode Island the largest percentage, 60 percent, is split between Massachusetts and New Jersey. Another 23 percent were recovered in New York and 12 percent in Connecticut.

¹¹ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of South Carolina¹²

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	6	1.12%
Delaware	3	0.56%
Florida	13	2.43%
Georgia	41	7.68%
Maine	0	0.00%
Maryland	61	11.42%
Massachusetts	19	3.56%
New Jersey	66	12.36%
New York	181	33.9%
North Carolina	61	11.42%
Rhode Island	1	0.19%
South Carolina	NA	NA
Virginia	80	14.98%
<u>West Virginia</u>	<u>2</u>	<u>0.37%</u>
TOTAL	534	100.00%

Analysis: Of the guns trafficked out of South Carolina the largest percentage, 34 percent, ended up in New York. Another 15 percent were recovered in Virginia and 13 percent in New Jersey.

¹² Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.

Firearms Trafficked out of Virginia¹³

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	12	1.52%
Delaware	9	1.14%
Florida	25	3.17%
Georgia	21	2.66%
Maine	0	0.00%
Maryland	250	31.69%
Massachusetts	15	1.90%
New Jersey	118	14.96%
New York	275	34.85%
North Carolina	38	4.82%
Rhode Island	2	0.25%
South Carolina	8	1.01%
Virginia	NA	NA
<u>West Virginia</u>	<u>16</u>	<u>2.03%</u>
TOTAL	789	100.00%

Analysis: Of the guns trafficked out of Virginia the largest percentage, 35 percent, ended up in New York. Another 32 percent were recovered in Maryland and 15 percent in New Jersey.

¹³ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.



Firearms Trafficked out of West Virginia¹⁴

<u>State</u>	<u># of Guns</u> <u>To:</u>	<u>% of Total</u>
Connecticut	1	0.42%
Delaware	2	0.83%
Florida	8	3.33%
Georgia	6	2.50%
Maine	0	0.00%
Maryland	59	24.58%
Massachusetts	4	1.67%
New Jersey	22	9.17%
New York	53	22.08%
North Carolina	6	2.50%
Rhode Island	2	0.83%
South Carolina	2	0.83%
Virginia	75	31.25%
<u>West Virginia</u>	<u>NA</u>	<u>NA</u>
TOTAL	240	100.00%

Analysis: Of the guns trafficked out of West Virginia the largest percentage, 31 percent, ended up in Virginia. Another 25 percent were recovered in Maryland and 22 percent in New York.

¹⁴ Table only reflects activity related to Compact states. Guns that were recovered in other states are not charted here.



MEMORANDUM OF UNDERSTANDING TO COMBAT THE ILLEGAL DISTRIBUTION OF FIREARMS

This agreement is entered into by the Governors of the signatory states and the Director of the Bureau of Alcohol, Tobacco and Firearms. The parties hereto agree that it is to their mutual benefit to cooperate in eliminating the illegal trafficking of firearms and in the investigation and prosecution of cases involving criminal misuse of firearms.

BACKGROUND

As the number of violent crimes committed with firearms continues to rise nationwide, government officials must develop and implement new law enforcement strategies to combat this dangerous trend.

Despite the diligent efforts of law enforcement, firearms continue to be available to those who engage in criminal activity. Some licensed firearms dealers are engaged in unlawful distribution of firearms. Many other firearms are purchased with fraudulent identification or through straw purchases, where a seemingly legitimate purchaser turns firearms over to the ultimate (and illegal) possessor. Each party to this agreement recognized that only through the development of an interstate cooperative effort can this difficult problem be brought to an identifiable resolution.

PURPOSE

This memorandum will formalize relationships between the participating agencies with regards to policy and procedures, utilization of resources, planning and training, in order to maximize inter-agency cooperation and coordination.

OBJECTIVES

- Each participating agency shall develop a comprehensive detailed strategy to thwart the illegal distribution and possession of firearms.
- Establish procedures governing interagency cooperation.
- Provide for an effective communication system among the participating agencies.
- The primary focal point to facilitate effective communication will be the Bureau of Alcohol, Tobacco and Firearms, who shall act as the central recipient of all information relating to firearms used in crimes. In furtherance of this agreement, the Bureau of Alcohol, Tobacco and Firearms shall trace all firearms used in crimes and provide intelligible firearms trace data to all participating agencies.
- Identify and target illegally possessed firearms to their source, interdict illegal gun shipments, enforce existing firearms laws, and arrest and prosecute individuals involved in these offenses.
- Where applicable, conduct joint investigations.
- Increase investigative and prosecution effectiveness through specialized training.
- Each of the states and ATF will coordinate exchange of information to ensure that licensees are in compliance with both federal and state licensing requirements for firearms dealers.

It is the intent of the signatories that this multi-state agreement insure coordination, cooperation, and the mutual conduct of joint investigations. The result of this mutual cooperation and coordination will be the successful prosecution of illegal firearms traffickers in state and federal jurisdictions.

LIST OF SIGNATORY STATES

Connecticut

Delaware

District of Columbia

Florida

Georgia

Maine

Maryland

Massachusetts

New Jersey

New York

North Carolina

Rhode Island

South Carolina

Virginia

West Virginia

STATE LAW MODULE MATERIALS

Overheads:

- #1(a-b)-State Law Components (parts 1 & 2)



State Law Components

Part 1

- Right to bear arms
- Preemption provision
- Possession restrictions
- Place restrictions
- Requirements for possessing and purchasing a firearm



State Law Components

Part 2

- Restrictions on sale of firearms
- Liability for minor access
- Transfer of juveniles to criminal court
- Reporting requirements
- Miscellaneous provisions



FEDERAL LAW MODULE MATERIALS

Overheads:

- #1-Federal, State and Local Law
- #2-Importance of Federal Laws
- #3-Title 18, U.S.C., Section 924(e)(1)
- #4-ATF Violent Offender Program Criteria
- #5 (a-e)-Title 18, U.S.C., Section...
- #6-Regulatory Enforcement

Reference materials:

- Federal Firearms Trafficking Violations



Federal, State and Local Law

- Interaction of state and federal law: Concurrent jurisdiction
- Interaction of local and state law
- State-specific information

Importance of Federal Laws

- Federal laws affect flow of firearms from one state to another. This is essential to most trafficking.
- Federal law sentencing guidelines and penalties may be stronger than those in states.

Title 18, U.S.C., Section 924(e)(1)

- Whoever violates Section 922(g), (i.e., is a convicted felon, fugitive or alien who possesses or receives a firearm/ammunition that has traveled in interstate commerce), and
 - has three prior convictions for violent felonies or serious drug offenses
- shall be imprisoned not less than 15 years and fined no more than \$25,000.

ATF Violent Offender Program Criteria

- At least three prior felony convictions
- At least one felony conviction that involved use of a firearm
- At least one felony conviction where the victim was killed or injured
- Placement on probation/parole, or release from prison within the past five years

Title 18, U.S.C., Section 922(a)(6)

- It is unlawful for any person in conjunction with the purchase/acquisition or attempted purchase/acquisition of a firearm,
- to make false statements or to provide false identification to an FFL (e.g., lying on an ATF Form 4473 - Gun Transfer Record, or on the Brady Form).

Title 18, U.S.C., Section 922(u)

- It is unlawful for any person to
 - steal, or
 - unlawfully take away from any dealer's place of business,
- any firearm in the dealer's business inventory.

Title 18, U.S.C., Section 922(g)

- It is unlawful for any person who
 - has been convicted of a felony,
 - is a fugitive from justice, or
 - is an illegal alien
- to possess or receive any firearm or ammunition that has traveled in interstate commerce (across state lines).



Title 18, U.S.C., Section 924(c)

Statute

- **Whoever,**
 - **during and in relation to any crime of violence or drug trafficking crime,**
 - **for which he may be prosecuted by a court of the United States,**
 - **uses or carries a firearm,**
- **shall be subject to the following penalties:**



Title 18, U.S.C., Section 924(c)

Penalties

- In addition to the punishment provided for the crime of violence or drug trafficking crime, shall be sentenced to a consecutive term of five years imprisonment.
- If the firearm is a short-barreled shotgun or rifle, the punishment is 10 years consecutive imprisonment.
- If the firearm is a machine-gun or destructive device, or is equipped with a silencer, the punishment is 30 years consecutive imprisonment.

Title 18, U.S.C., Section 922(j)

- It is unlawful for any person to knowingly
receive, possess, conceal, store,
barter, sell, or otherwise dispose of
- any stolen firearm(s) or ammunition that
are shipped or transported across state
lines (before or after being stolen).



Regulatory Enforcement

- Firearms come from a legitimate stream of commerce.
- Maintain legitimacy via enforcement of regulatory rules.
- Regulatory enforcement will likely have a greater impact than investigation.



FEDERAL FIREARMS TRAFFICKING VIOLATIONS

CHAPTER 44, TITLE 18 U.S.C. SECTION:

- 922 (a)(1)(a) - Willfully and knowingly engaged in the business of dealing in firearms without a license.
- 922 (a)(3) - An unlicensed person transporting or receiving firearms into a state of residency that were obtained in another state.
- 922 (a)(5) - An unlicensed person transporting or shipping firearms to other unlicensed persons knowing they are not residents of the same state.
- 922 (a)(6) - Making false oral or written statements to an FFL (Federal Firearms Licensee) in connection with the purchase of firearms. (e.g., lying on an ATF Form 4473 gun transfer record or lying on the Brady Form).
- 922 (b)(2) - Sale or delivery of firearms by an FFL to a person where the purchase or possession of those firearms would violate state law.
- 922 (b)(3) - Sale or delivery of handguns by an FFL to a person the FFL has reasonable cause to believe resides in a state other than the FFL's place of business.
- 922 (c) - FFL selling or delivering firearms to a person at a location other than the FFL's place of business.
- 922 (d) - No one may sell or deliver a firearm to a person known to be a prohibited person (e.g., a convicted felon, illegal alien, under indictment).
- 922 (e) - Failure to declare/notify a common carrier of a firearm(s) (e.g., on a train, plane, bus or shipping company).
- 922 (i) - Shipping or transporting stolen firearms in interstate commerce/across state lines.
- 922 (j) - Possession of firearms known to be stolen.
- 922 (k) - Transporting, receiving, or possessing firearms with obliterated serial numbers.



- 922 (m) - FFL making false entries in records with respect to firearms sales or acquisitions. (misdemeanor)
- 922 (s) - Transfer of a firearm by an FFL in violation of the 5-day waiting period.
- 922 (u) - Theft of firearms from an FFL.
- 924 (a)(1)(A) - FFL or unlicensed person making false statement or entries in records required to be kept with respect to firearms.
- 924 (m) - Any person who travels from a state or foreign country other than his/her own with the intent of violating 922(a)(1)(A) - false statements, and who acquires or attempts to acquire firearms as a result of their false statement is in violation of this statute.
- 2- Aiding or abetting an act to be committed in violation of the law.
- 371- Two or more persons conspiring to violate the law.
- 1715 - Unlawful for an unlicensed person to ship any handgun or firearm that could be concealed on a person through the U.S. Mail.
- 1956 (a)(1) - Domestic money laundering. (e.g., if it can be shown that proceeds from drug trafficking were used to purchase firearms for trafficking purposes, money laundering may be a charge.)

Important Intelligence Gathering Violations

CHAPTER 44, TITLE 18, U.S.C. SECTION:

- 922 (g) - Prohibited person in possession of a firearm (e.g., convicted felon, illegal alien).
- 924 (c) - Use of a firearm during or in relation to a crime of violence or drug trafficking crime.
- 924 (e) - Possession of a firearm by a career criminal.

The above-listed statutes, and any other armed violations of the law, can provide valuable intelligence and leads with respect to identifying the illegal firearms traffickers who are supplying firearms to the criminal element if the firearms recovered from criminals are traced.

INVESTIGATIONS MODULE MATERIALS

Overheads:

- #1-Why Investigate Firearms?
- #2-Trafficking and Traffickers
- #3-A Theory of Trafficking
- #4-Firearms Investigations: Evidence of Trafficking
- #5-Firearms Investigations: Police Response Options
- #6-Firearms Investigations: Identifying Straw Purchasers
- #7-Sharing Information with ATF
- #8(a-d)-Concealment Recognition
- #9(a-b)-Practical Activity

Handouts:

- Top Ten Firearms Traced



Why Investigate Firearms?

- . Officer safety.
- . Firearms traffickers always have guns
-- it's the nature of their business.
- . To prevent use of firearms in violent crime.

Trafficking and Traffickers

- Understand the characteristics of traffickers:
 - human nature
 - basic economics
- Know where guns originate and where they end up:
 - source states
 - market states

A Theory of Trafficking

- "Barbecue" Theory:
 - if traveling longer distances will take more guns
- Implications of theory for law enforcement officers



Firearms Investigations

Evidence of Trafficking

- . Materials from gun shops**
(receipts, paperwork, bags, manuals, boxes)
- . Identification irregularities**
(from market state, newly issued IDs, multiple IDs)
- . Firearms and ammunition**
- . Guns all belong to one person**

Firearms Investigations

Police Response Options

- Check status of people involved.
- Request consent search of vehicle.
- Collect information on guns and gun origins.
- Interview people involved.
- Investigate theft reports.

Firearms Investigations

Identifying Straw Purchasers

- Purchase many weapons in short time and know nothing about them
- Purchase weapons and no ammunition
- Report firearms stolen a short time after purchase

Sharing Information with ATF

- Collecting information from the community
- Sharing information with ATF

Concealment Recognition

Observe Body Movements

- Identify "strong side"
- Periodic touching of the gun
- Irregular leg strides
- Actions when approached

Concealment Recognition

Observe Subject's Clothing

- **Baggy clothing**
- **Protrusion from clothing**
- **Clothing worn expressly for concealment**

Concealment Recognition

Observe During Contacts or Stops

- Observation from patrol car
- Approaching an armed subject
- Approach tactics
- Recognizing stash areas
- Confirmation of a weapon
- Documenting facts surrounding arrest



Concealment Recognition

- Vehicle stops
 - Shoulder rise



Practical Activity

"Routine" Traffic Stop

- You stop a car going north on I-95.
- The vehicle is rented from New York.
- Empty gun dealer bags and receipts on floor.
- Occupants all have New York ID and one has newly issued Maryland state ID.

Practical Activity

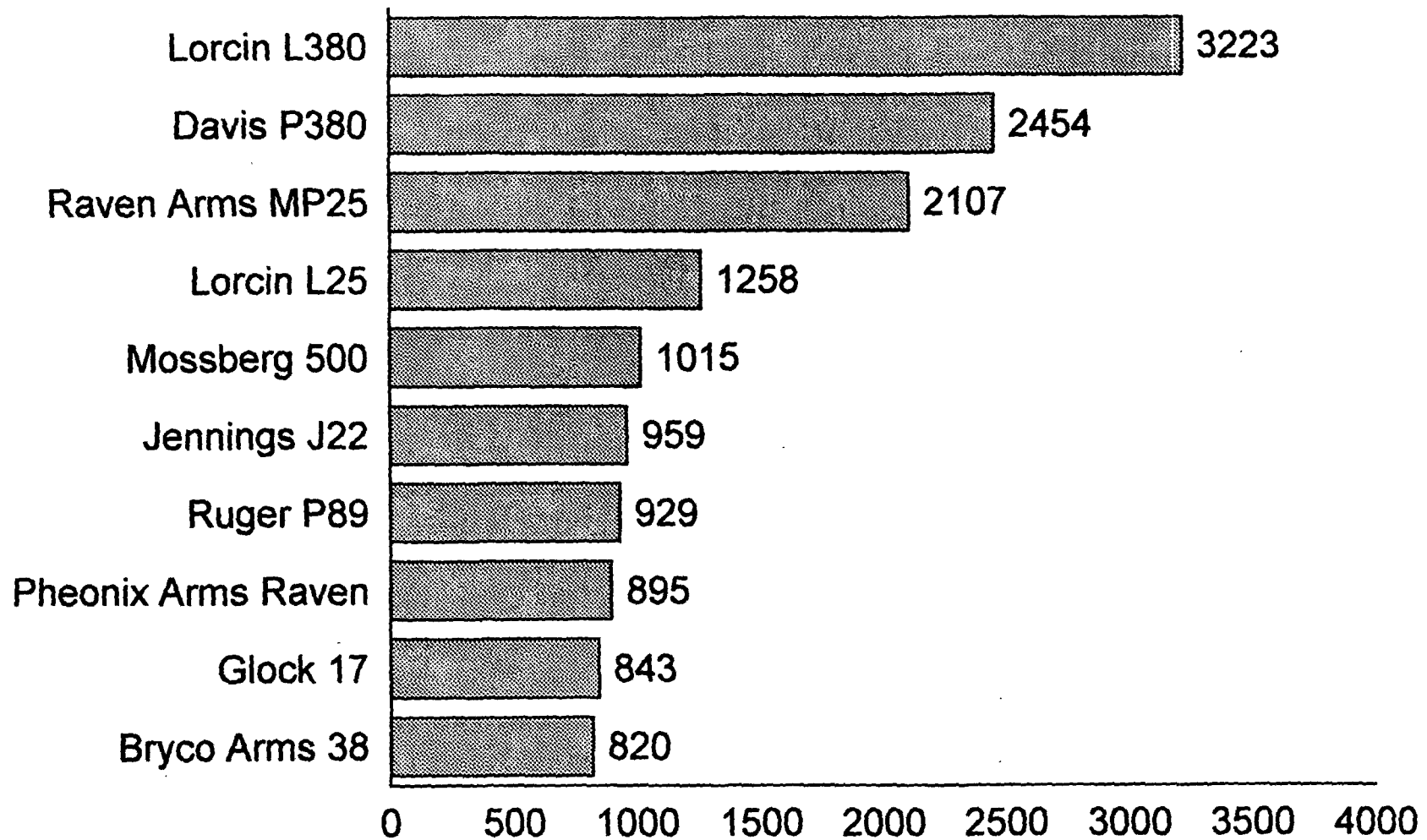
Questions

- What is this case indicative of and why?
- What would you do?
- What evidence would you collect?



Top Ten Firearms Traced

Calendar Year 1994



Source: Bureau of Alcohol, Tobacco and Firearms

TRACING MODULE MATERIALS

Overheads:

- #1-Tracking Ownership History
- #2-Tracing Firearms: Overview
- #3-Project LEAD
- #4(a-l)-NTC Tracing Process
- #5(a-c)-Trace Form Activity

Handouts:

- Firearms Terminology Materials
- Sample Trace Report
- Blank Trace Request Form



Tracking Ownership History

Four Steps

- Conduct NCIC check.
- Check state database.
- Question how firearm was obtained.
- Initiate ATF trace.



Tracing Firearms

Overview

- The National Tracing Center (NTC)
- The benefits of tracing firearms
 - to build intelligence database
 - to identify related crimes
 - to provide investigative leads

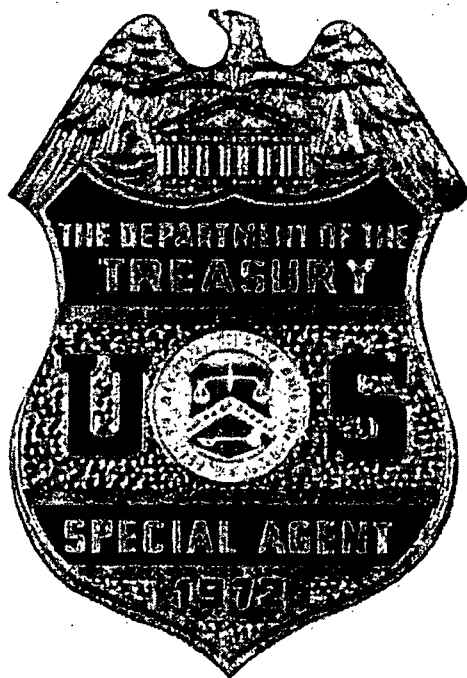
Project LEAD

- Developed in 1993 by NTC.
- Goal is to help develop "leads" for firearms investigations.
- Database is queried for common features of trace requests.



Bureau of Alcohol, Tobacco and Firearms (ATF)

The National Tracing Center (NTC) and Firearms Tracing





Firearms Tracing

- **Definition:**
 - Firearms tracing is the process of tracking firearms recovered in crimes from the manufacturer to the final purchaser, who is either an individual or firearms dealer.



How to Fill Out a Trace Request Form

- Requester information
- Description of firearm
- Type of crime
- Possessor information
- Associate information
- Recovery location
- Vehicle information





Requester Information

Provides information about the individual or organization requesting the trace.

Bureau of Alcohol, Tobacco and Firearms
National Tracing Center Trace Request Form
Falling Waters, West Virginia 25419

FAX: 1-800-578-7223

Phone : 1-800-788-7133

1. Priority: Urgent ☒ Routine

2. (ATF) Case No.: 72103005543

Information Purposes Only: (Check this spot if you DO NOT want the results of this trace.)

INITIATING SPECIAL AGENT

3. Name: Joseph Cowley

4. FPC and FO: 721030 Atlanta
Field Div.

5. Phone: (404) 696-4436

OTHER AGENCY REQUESTING TRACE

6. Officer's Name: Ed Smiley

7. ORI Number (ask PD):

8. FAX: (404) 696-4528

9. Phone and Case No.: (404) 696-4529 - 00534

Tracing: #4d





Description of Firearm

Provides a description of the firearm you want traced. You must provide complete, accurate information in this section of the form.

PART II - DESCRIPTION OF FIREARM (Completed by Special Agent/Officer)			
10. Manufacturer: Bryco	11. Type: Pistol	12. Model: J22	13. Caliber: 22
14. Shot Capacity: 10	15. Barrel Length: 5 inch	16. Finish: Blue	17. Serial Number: 407859
18. Country of Origin: US	19. Importer: (Include Name and State)		20. Other Marks: Jennings



Possessor Information

Provides information on the individual who was in possession of the firearm when it was recovered.

NCIC CRIME CODES (Place an "X" beside the appropriate code)				
2099 Arson	5599 Found Property	1299 Robbery/Hijacking	5299 Weapons Offense	
1399 Assault	1099 Kidnap/Abduction	3699 Sex Crime	Other NCIC CODE:	
2299 Burglary	0911 Murder X	5202 Title I or Similar State Charge		
5211 Explosives	3599 Narcotics	5203 Title II or Similar State Charge	JUVENILE INVOLVED: Y N	
21. Name of Person In Possession of <u>Firearm</u> : Last: Edwards First: Sam Middle: Thomas		22. <u>Address</u> : Apt. No.: Street: 102 Peachtree City: Atlanta State: GA Zip Code: 30303		23. DOB: Place of Birth: 12/9/65 Savannah, GA
24. Sex: M	25. Race: W	26. Height: 6'0	27. Weight: 230	28. ID No./Type: 5546458



Associate Information

Provides information on any individuals who were present or involved in the scene of the recovery.

29. Name of Associate: Last: Staley First: Kim Middle: Anne		30. Address: Apt. No.: Street: 105 Peachtree City: Atlanta State: GA Zip Code: 30303		31. DOB: Place of Birth: 8/11/69 Miami, FL
32. Sex: F	33. Race: A	34. Height: 5'4	35. Weight: 125	36. ID No./Type: 908594

Tracing: #4g



Recovery Location and Vehicle Information

Provides information on the recovery location and vehicle. This data is valuable for statistical analysis.

37. Recovery <u>Date:</u> 10/10/95	38. Recovery <u>Location:</u> Apartment No.: Street: South City: Atlanta State: GA Zip Code: 30303	39. Vehicle Information: Tag No.: UDRIV State: GA Make: Honda Model: Accord Year: 1990
40. Remarks/ Special Instructions: Please trace to final purchaser.		
ATF F 7520.5 (1-95) PREVIOUS EDITIONS ARE OBSOLETE NTC MUST APPROVE ALL OTHER FORMS		

Tracing: #4h



Submitting a Trace Request

- After you complete the form, you can fax it in to NTC.
- Urgent traces are given top priority and can turn around in 24 hours.
- Routine traces take an average of 11 days for processing.



How Can You Help?

- Make sure your form is complete, accurate and legible.
- NTC sometimes refers dealers to you if they are uncooperative or refuse to provide requested information.



Interpreting the Trace Results

Report Contents

- Dealer information
 - where the gun came from
- Purchaser information
 - who owns the firearm and their association with other crime guns
- Recovery location
 - other crime guns that have been found in the same location



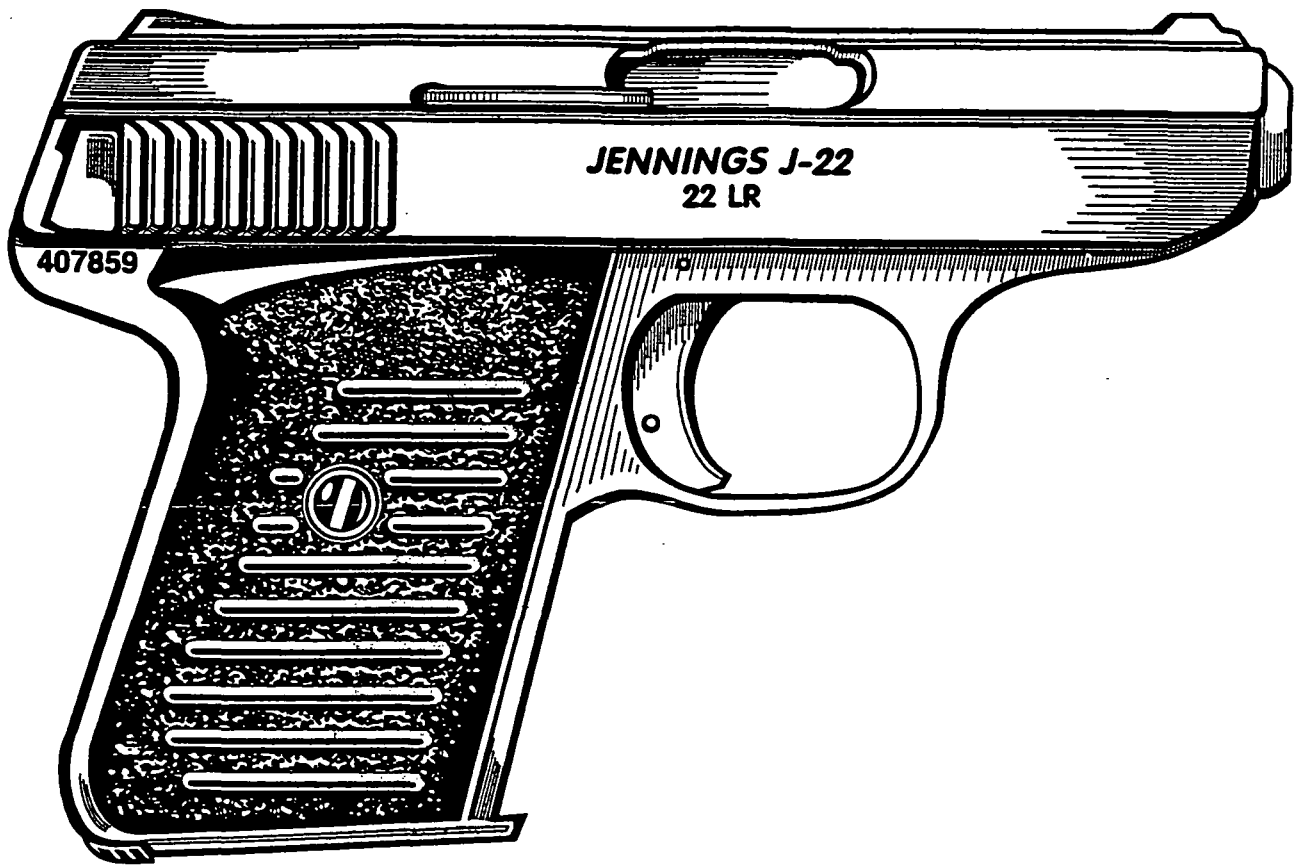
Interpreting the Trace Results Report Contents

- If you have questions about your trace results report, contact NTC.

Tracing Firearms

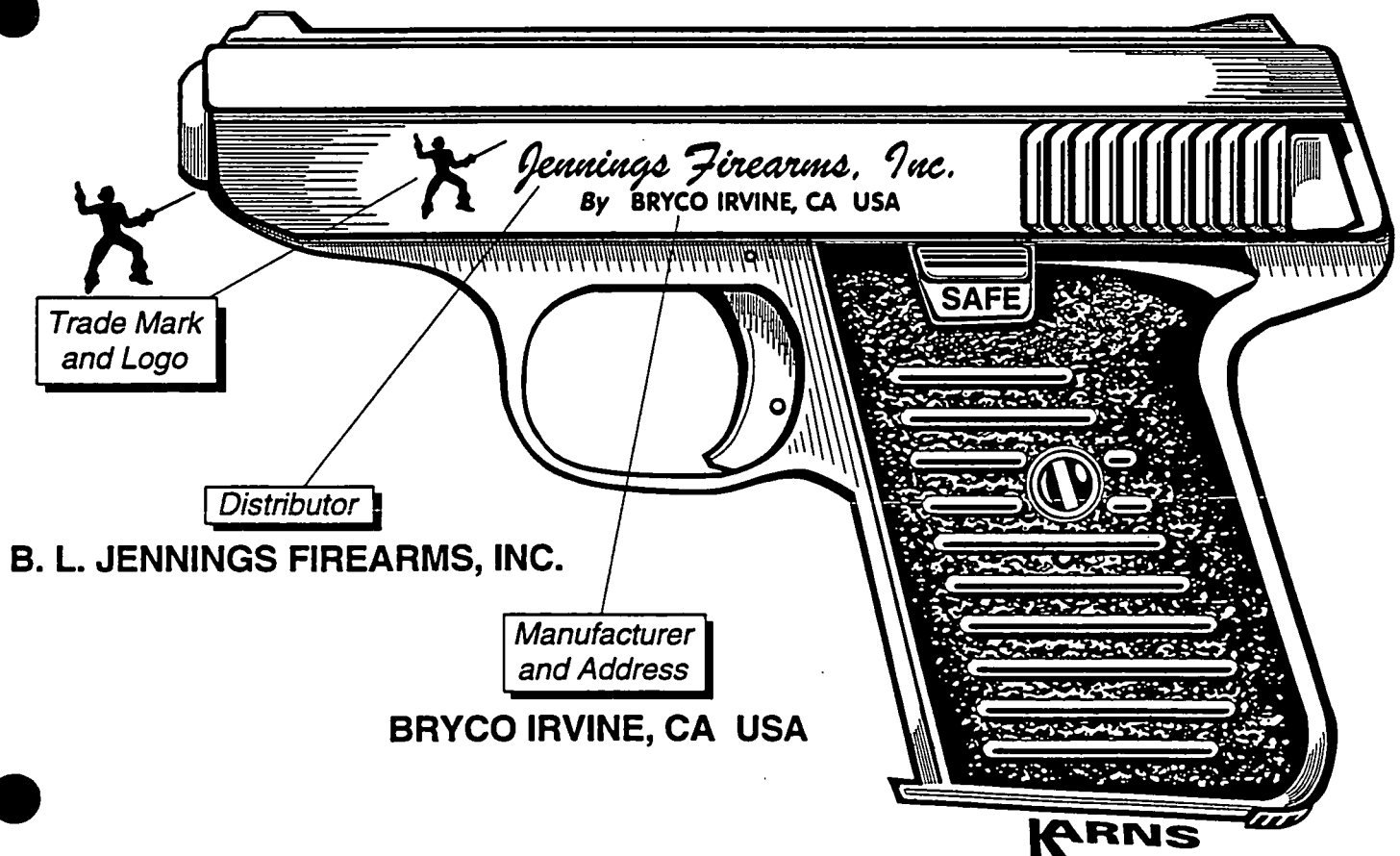
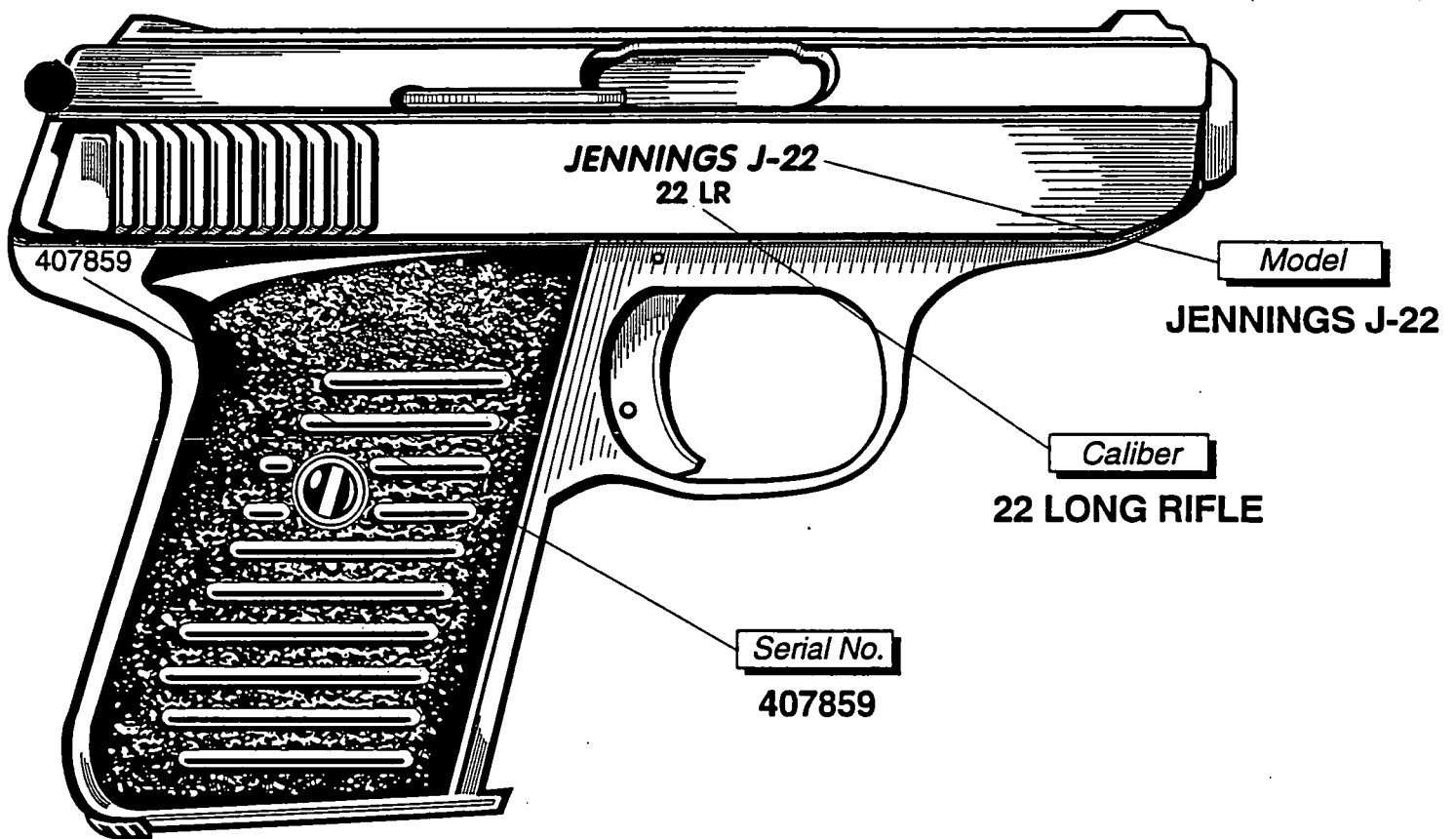
Using Trace Information

- Interpret trace information
 - ID particular dealer/individual
 - short time-to-crime statistic
 - purchaser in high-crime area
- Learn from successful and unsuccessful traces



Tracing: #5a

PISTOLS



Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms
National Tracing Center Trace Request Form
Falling Waters, West Virginia 25419

FAX: 1-800-578-7223

Phone: 1-800-788-7133

1. Priority: Urgent Routine

2. ATF Case No.:

Informational Proposes Only: (Check this spot if you DO NOT want the results of this trace.)

INITIATING SPECIAL AGENT

3. Name:

4. FPC code &
FO:

5. Phone:

OTHER AGENCY REQUESTING TRACE

6. Officer's Name: JOHN SMITH

7. ORI Number (ask PD): NJSPool

8. FAX: 304-274-4162

9. Phone and Case No.: 304-274-4100

PART II - DESCRIPTION OF FIREARM (Completed by Special Agent/Officer)

10. Manufacturer: BRYCO

11. Type: Pistol

12. Model: J-22

13. Caliber: 22

14. Shot
Capacity:

15. Barrel Length:

16. Finish:

17. Serial Number:
(MANDATORY) 407859

18. Country of
Origin:

19. Importer:
(Include Name and State)

20. Other
Marks: Jennings

NCIC CRIME CODES (Circle only one)

2099 Arson
1399 Assault
2299 Burglary
5211 Explosives

5599 Found Property
1099 Kidnap/Abduction
0911 Murder
3599 Narcotics

1299 Robbery/Hijacking
3699 Sex Crime
5202 Title I or Similar State Charge
5203 Title II or Similar State Charge

5299 Weapons Offense
Other NCIC CODE:

JUVENILE INVOLVED: Y N

21. Name of Person
In Possession of Firearm:

Last: Poole
First: Roger
Middle:

22. Address:
Apt. No.:

Street: 36 Slades Road
City: Oak Ridge
State: NJ
Zip Code:

23. DOB:
Place of
Birth: 11-3-59
Passaic
NJ

24. Sex: M 25. Race: W 26. Height: 68" 27. Weight: 170 28. ID No./Type: 146-23-0759

29. Name of
Associate:

Last:
First:
Middle:

30. Address:

Apt. No.:
Street:
City:
State:
Zip Code:

31. DOB:
Place of
Birth:

32. Sex: 33. Race: 34. Height: 35. Weight: 36. ID No./Type:

37. Recovery
Date:

1-17-96

38. Recovery
Location:
Apartment No.:

Street: 36 Berkshire Rd.
City: Jefferson
State: NJ
Zip code:

39. Vehicle
Information:

Tag No.:
State:
Make:
Model:
Year:

40. Remarks/
Special Instructions:

Firearms Terminology

FIREARMS TERMINOLOGY

A description of terminology, used by ATF for weapons, is included for your information.

Assault rifle - A fully automatic weapon that fires an intermediate cartridge that is larger than a pistol cartridge but smaller than a full-sized rifle cartridge. Assault rifles are normally selective fire and fed by a detachable magazine.

Autoloading - A firearm action in which the propellant gases or recoiling forces created by the firing cartridge are used to open and close the mechanism of a firearm. The autoloading mechanism extracts each fired case from the chamber, ejects the spent case from the firearm, and then chambers a loaded cartridge in preparation for the next shot.

Automatic (fully automatic) - An autoloading action that will fire a succession of cartridges, so long as the trigger is depressed, or until the ammunition supply is exhausted. Automatic weapons are machineguns subject to the provisions of the National Firearms Act. The term automatic is often incorrectly applied to semiautomatic rifles, pistols, and weapons.

Caliber - A term used to describe ammunition. Caliber is the approximate diameter of a projectile. In the United States, caliber is usually written in inches; i.e., .30 caliber. In most other countries of the world, caliber is usually written in millimeters; i.e., 7.62mm. When describing ammunition, we must be more specific than just citing the diameter of the projectile, as there are, for example, many different .30 caliber cartridges. Therefore, additional descriptive information is used to describe specific ammunition. There is no standard system for describing ammunition. In the United States, a specific cartridge may be described by its caliber plus the year of its introduction (.30/06), the caliber plus the name of the weapon for which designed (.30 Carbine), the caliber plus the name of the designer (.30 Newton), and so forth. Most other countries identify specific ammunition by its diameter plus the overall length of the cartridge (7.62x63mm). There are many other terms that are used to further describe specific ammunition.

Conversion of Calibers to Millimeters

The following list provides the caliber, followed by its general equivalent in the metric system. It is not all inclusive but contains the more commonly found calibers that are referred to in decimal or metric measurement. In some cases, the conversions are not fully accurate but are the normally used terminology.

- (1) .22, .222, or .223 caliber can be called 5.56mm.
- (2) .22, .222, or .223 caliber can be called .5.56mm.
- (3) .25 caliber = 6.35mm.
- (4) .264 caliber = 6.5mm.
- (5) .284 caliber = 7mm.
- (6) .30 and .308 caliber = 7.62mm.
- (7) .32 caliber = 7.65mm.
- (8) .380 caliber = 9mm short (sometimes called "Corto" or "Kurz").
- (9) .45 caliber - 11mm or 11.4mm.

Note: .38 and .357 do not have metric equivalents. 9mm Parabellum does not have a decimal equivalent.



Double action - A type of operation normally associated with revolvers, where pulling the trigger rotates the cylinder, cocks, and fires the weapon. The term is also used to describe certain semiautomatic pistols where pulling the trigger will cock and fire the first shot.

Handgun - A weapon originally designed, made, and intended to fire a small projectile (bullet) from one or more barrels, when held in one hand, and having a short stock (grip) designed to be gripped by one hand and at an angle to, and extending below, the line of the bore(s).

Machinegun - A machinegun is any weapon that 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.

Pistol - Any handgun that does not contain its ammunition in a revolving cylinder. Pistols may be single shot, manually operated repeaters, multiple-barreled, semiautomatic, or fully automatic.

Revolver - A handgun that contains its ammunition in a revolving cylinder.

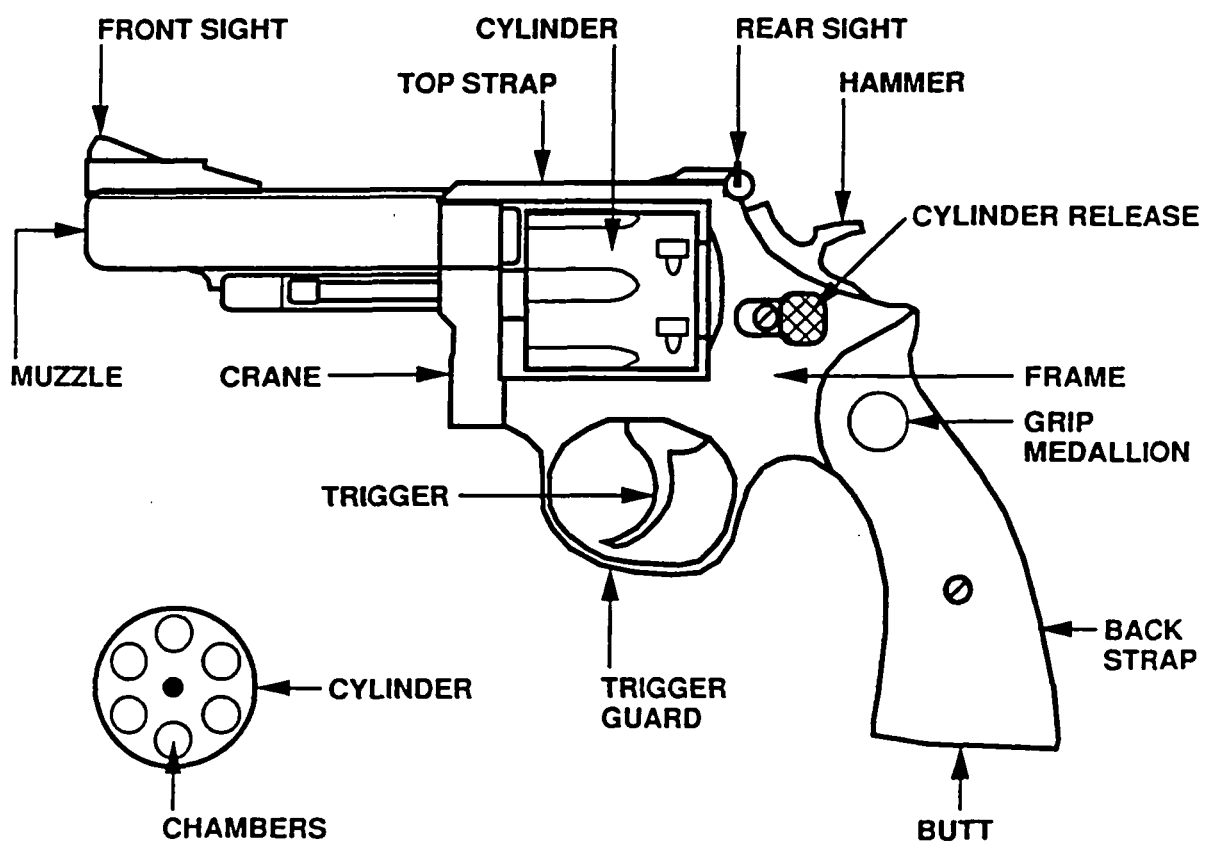
Rocket launcher - A device for launching a rocketpropelled projectile, usually having a high-explosive warhead. Weapons of this type are designed to be used against armored vehicles and fortified positions. Most rocket launchers are destructive devices. The ammunition for rocket launchers is usually also a destructive device.

Semiautomatic - An autoloading action that will fire only a single shot for each single function of the trigger.

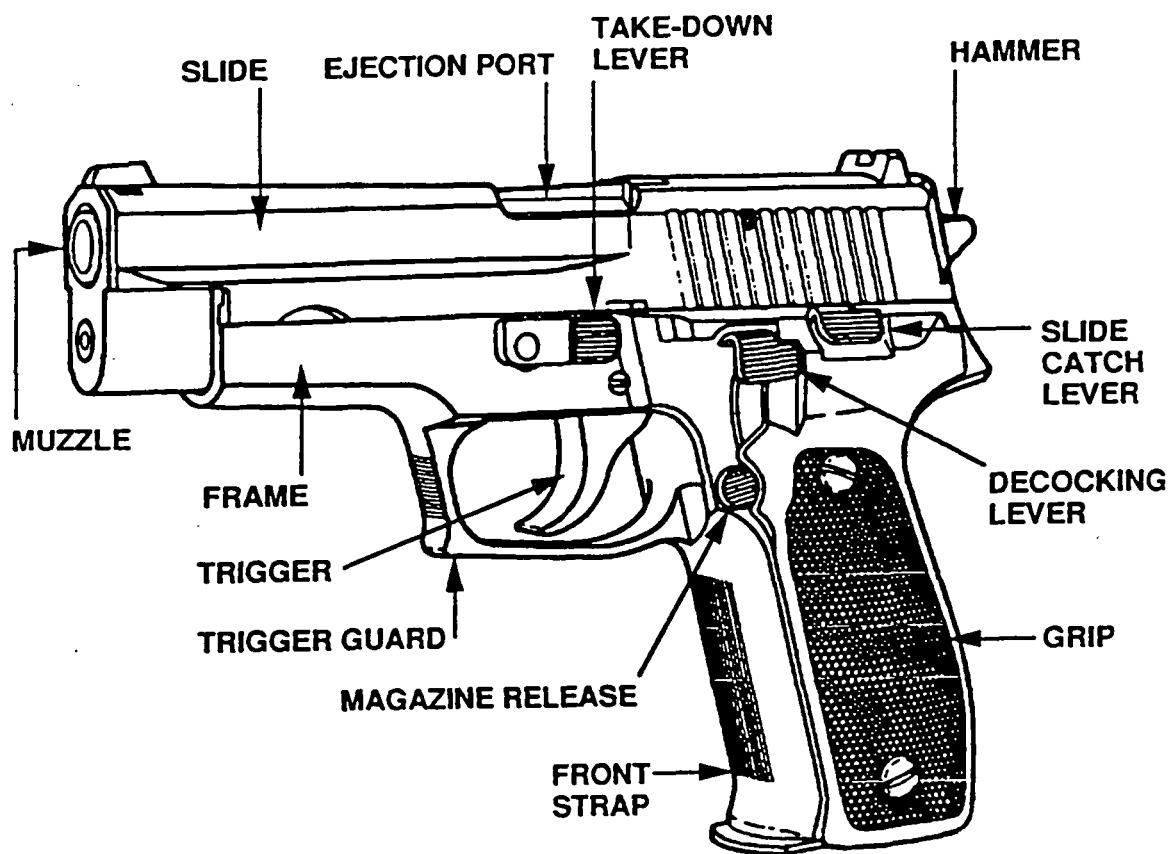
Single action - A type of operation normally associated with revolvers where the hammer must be manually cocked for each shot. The manual cocking also rotates the cylinder, bringing another cartridge in line with the barrel for firing. The term is also used to describe certain semiautomatic pistols that must be manually cocked prior to firing the first shot.

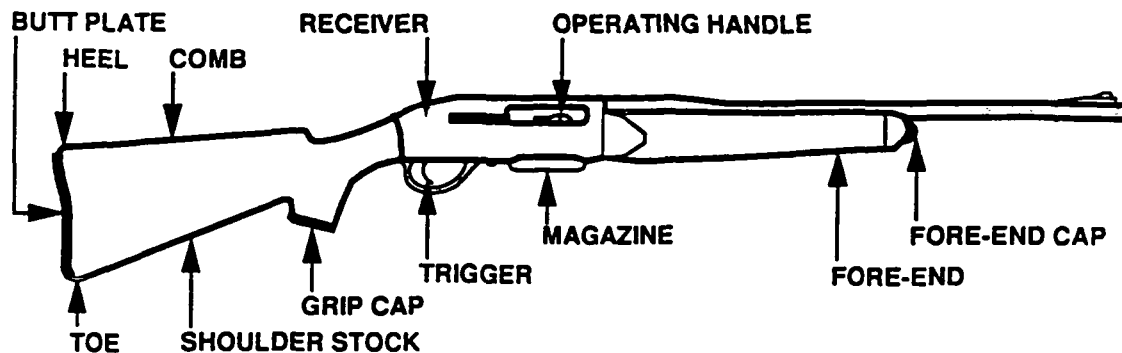
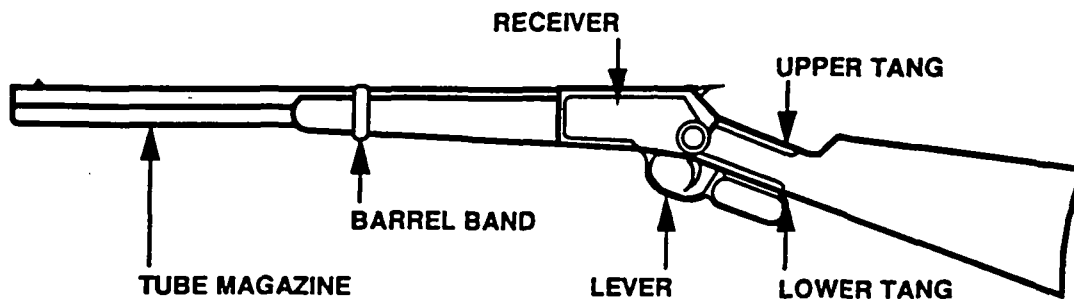
Submachinegun - A simple fully automatic weapon that fires a pistol cartridge. Submachineguns are also referred to as machine pistols.

Serial numbers - Current regulations (27CFR55.178.92) require that the serial number of a firearm be conspicuously located on the frame or receiver. Common serial number locations would include: side of the frame, on the butt, under the crane (yoke) or on the front strap.

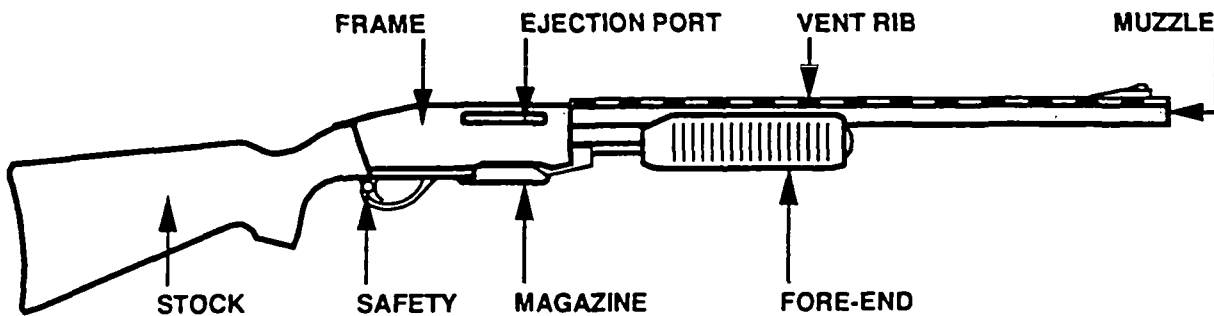
DOUBLE ACTION REVOLVER

SEMI-AUTOMATIC PISTOL



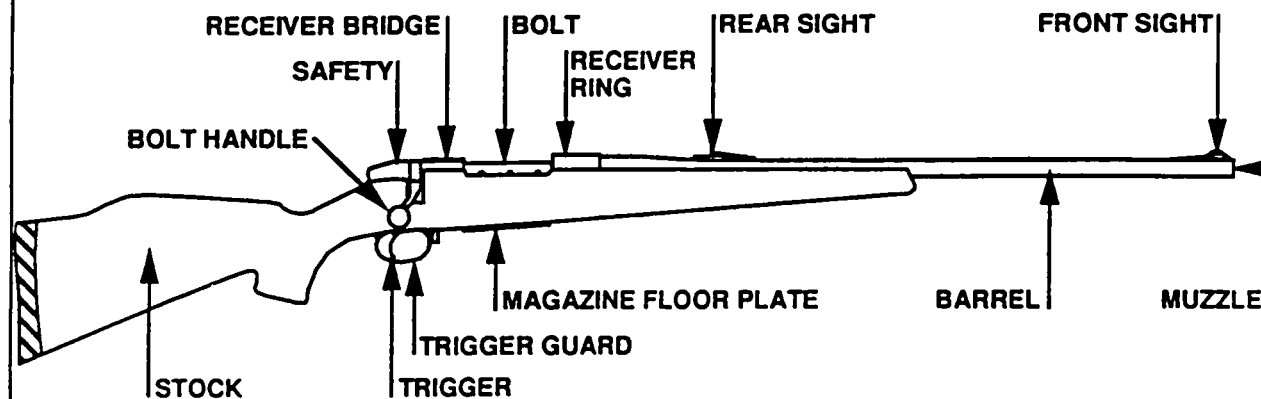
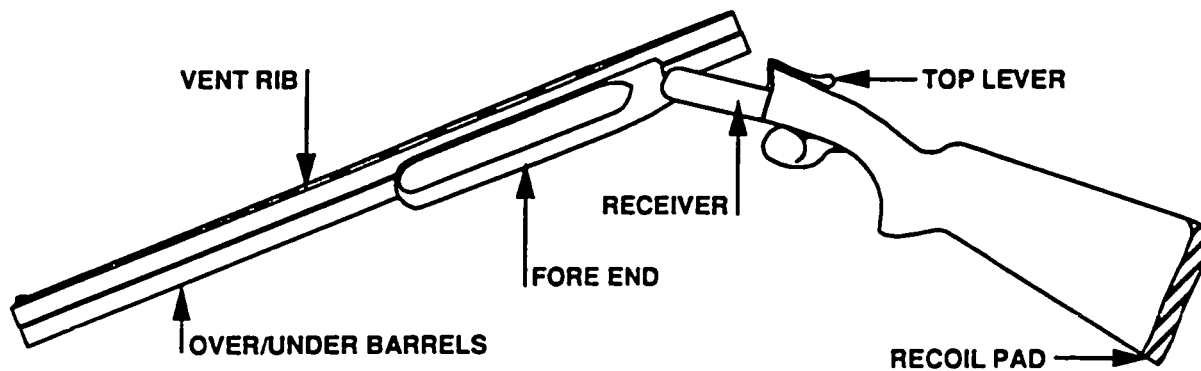
AUTOLOADING ACTION**LEVER ACTION**

NOTE: MAGAZINE CAN ALSO BE BOX TYPE.

PUMP/SLIDE ACTION

NOTE: MAGAZINE CAN ALSO BE TUBULAR TYPE.



BOLT ACTION**BREAK OPEN ACTION**

NOTE: FIREARMS HAVING THIS ACTION TYPE CAN BE SINGLE OR MULTI BARREL RIFLES OR SHOTGUNS.



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



Phone: (800) 788-7133

Print Date: September 26, 1996

Fax: (800) 578-7223

FIREARMS TRACE REPORT

Trace Number: 9601919

ATF
Intelligence Officer
Baltimore Field Division
22 South Howard St.
Baltimore, MD 21201

Request Date: Friday, December 29, 1995

ATF Investigation Number: 741200

ATF Conducted this Trace for:
Pamela Shaw
Baltimore City Police Dept.
601 E. Fayette Street
Baltimore, MD 21202

DESCRIPTION OF FIREARM

Make: Bryco Arms
Model: J22
Type: Pistol
Caliber: 22
Serial Number: 686499
Country: United States of America

Notes: Pdg Sam 1/16/96

SUMMARY OF RESULTS

This Firearm was Purchased on: Monday, April 25, 1994

Purchaser: Leon Gray
2300 W San Angelo
Apartment 1095
Gilbert, AZ 85234

Date of Birth: October 30, 1943
Race: White
Sex: Male
Height: 5 ft. 10 in.
Weight: 202 lbs.
ID Type:
ID No:
Birthplace: Ft. Smith, AK

PURCHASER HISTORY:

Gray is not currently associated with
any other traces.

The Firearm was shipped to Outdoorsman, The on Monday, April 11, 1994:

FFL Name: Outdoorsman, The
FFL Number: 98613453
Address: 6118 N Quail Run Rd
Scottsdale, AZ 85253

Phone: (602) 553-8503

Invoice: 1308476

NOTES ON THIS FFL:

This FFL is not currently associated with any other traces.

This FFL has never been inspected.

The Firearm was shipped to Guns USA on Monday, April 11, 1994:

FFL Name: Guns USA
FFL Number: 98833507
Address: 1460 Linda Way
Sparks, NV 89431

Phone: (702) 358-2054

Invoice: 4625

NOTES ON THIS FFL:

NONE

Firearm was shipped to B L Jennings Inc on Monday, April 11, 1994 :

FFL Name: B L Jennings Inc
FFL Number: 98805792
Address: 3680 Research Way #1
Carson City, NV 89706

Phone: (702) 882-4007

NOTES ON THIS FFL:

NONE

The Firearm was recovered on Tuesday, December 12, 1995 from the following location:

Address: 1136 Forrest St
Baltimore, MD 21202

NOTES ON THIS RECOVERY LOCATION:

There has been 1 other firearm recovered in this area based on matching Street Name, City, State.
The Trace Number associated with this firearm is:
9602906

PROJECT LEAD REFERRAL LIST

The following traces may be associated with your trace.
Please contact the offices listed below for additional information.

<u>Trace #</u>	<u>Requested By</u>	<u>Phone Number</u>	<u>Requesting Office</u>
9602906	Intelligence Officer	(410) 962-0897	Baltimore Field Division

MESSAGE FROM THE DIRECTOR OF ATF

Violence is this Nation's primary public safety issue. The number of firearms used in armed robberies, assaults, and murders have been escalating at an alarming rate. Indiscriminate shootings spurred by an indifference toward human life are depleting the cultural and material resources of our cities. Through statutory authority and congressional mandates, we, in ATF, maintain a long standing commitment to providing innovative unique mission areas. ATF's establishment, in 1972, of a National Tracing Center is but one initiative, albeit, a significant one that has assisted the law enforcement community in identifying violent criminals and producing investigative leads.

John W. Magaw

**Bureau of Alcohol, Tobacco and Firearms
National Tracing Center Trace Request Form**

FAX: 1-800-678-7223

Falling Waters, West Virginia 25419

Phone: 1-800-788-7133

1. Priority: Urgent Routine

2. (ATF) Case No.:

Informational Proposes Only: (Check this spot if you DO NOT want the results of this trace.)

INITIATING SPECIAL AGENT

3. Name:

4. FPC and FO:

5. Phone:

OTHER AGENCY REQUESTING TRACE

6. Officer's Name:

7. ORI Number (ask PD):

8. FAX:

9. Phone and Case No.:

PART II - DESCRIPTION OF FIREARM (Completed by Special Agent/Officer)

10. Manufacturer:

11. Type:

12. Model:

13. Caliber:

14. Shot
Capacity:

15. Barrel Length:

16. Finish:

17. Serial Number:
(MANDATORY)

18. Country of
Origin:

19. Importer:
(Include Name and State)

20. Other
Marks:

NCIC CRIME CODES (Circle only one)

2099 Arson
1399 Assault
2299 Burglary
5211 Explosives

5599 Found Property
1099 Kidnap/Abduction
0911 Murder
3599 Narcotics

1299 Robbery/Hijacking
3699 Sex Crime
5202 Title I or Similar State Charge
5203 Title II or Similar State Charge

5299 Weapons Offense
Other NCIC CODE:

JUVENILE INVOLVED: Y N

21. Name of Person
In Possession of
Firearm:

Last:
First:
Middle:

22. Address:
Apt. No.:

Street:

City:

State:

Zip Code:

23. DOB:
Place of
Birth:

24. Sex:

25. Race:

26. Height:

27. Weight:

28. ID No./Type:

29. Name of
Associate:

Last:
First:
Middle:

30. Address:
Apt. No.:

Street:

City:

State:

Zip Code:

31. DOB:
Place of
Birth:

32. Sex:

33. Race:

34. Height:

35. Weight:

36. ID No./Type:

37. Recovery
Date:

38. Recovery
Location:

Apartment No.:

Street:

City:

State:

Zip code:

39. Vehicle
Information:

Tag No.:

State:

Make:

Model:

Year:

40. Remarks/
Special Instructions:



This copy of the Participant's
Manual is for the purposes of
duplication.



COMBATING INTERSTATE FIREARMS TRAFFICKING

“GUNS FIRST”

Participant's Manual

Bureau of Justice Assistance
Police Executive Research Forum

October, 1996

This project was supported by Grant No. 95-DD-BX-0042 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the agency.

ISBN # 1-878734-49-0

Acknowledgments

The Police Executive Research Forum (PERF) acknowledges the important contributions of many agencies and individuals who have contributed their resources, knowledge and energy to the completion of this curriculum. Without their support this training would not have been possible.

PERF thanks the Bureau of Justice Assistance, U.S. Department of Justice, (BJA) who awarded a grant to the Police Executive Research Forum (PERF) to prepare the training curriculum and to assist the Compact states in achieving this goal. The curriculum is the culmination of this collaborative effort. Special thanks are given to John Veen, Project Manager, BJA, Discretionary Grants Division and Steve Yonkers, Program Manager, BJA, State and Local Assistance Division.

The Bureau of Alcohol, Tobacco and Firearms (ATF), made significant contributions to the training guide. Specifically, we would like to thank Gerald Nunziato, Special Agent in Charge, National Tracing Center for his commitment of resources and personnel. Also at the National Tracing Center, Gerry Crispino, Special Agent, and David Kreigbaum for their time and contributions regarding the National Tracing Center operations, the firearms tracing process and Project LEAD. Special Agent, Mark Kraft, of the Career Development Division of ATF, dedicated many hours and resources to this guide regarding firearms trafficking investigations and federal firearms laws. Special Agent, Program Manager, Project Achilles, Dale Armstrong, of the Firearms Enforcement Division, also made significant contributions to this project in the areas of federal firearms laws and other enforcement efforts.

Representatives and members of the Compact states also deserve many thanks for their guidance and contributions to the development of the training curriculum.

Kay Morrison, ATF Resident Agent in Charge and her staff for providing guidance, resources, and support in the development of the training curriculum.

The Washington Field Division of the ATF also provided guidance and resources to the production of the curriculum. Specifically, John C. Killorin, Assistant Special Agent in Charge, and Ben Hayes, Group Supervisor of the Falls Church field office, provided fresh perspectives, guidance and resources regarding firearms trafficking.

Gwen Holden, Executive Director of the National Criminal Justice Association, contributed her time and resources to this project. Lisa Doyle Moran, Assistant Director for Legal Affairs, provided state law materials.

Phil McGuire, served as a consultant in the development of the curriculum, and provided valuable assistance and guidance.



Table of Contents

Introduction	Preface - i
How to Use This Participant Manual	Preface - iii
Course Pre-test	Pre-test 1
Introductory Module	Intro - 1
Activity #1: Importance of Firearms Investigations	Intro - 2
Activity #2: Goals of Compact	Intro - 4
Activity #3: Definition of Terms	Intro - 5
Activity #4: Trafficking in the State	Intro - 7
Module Summary	Intro - 8
State Law Module	State Law - 1
Activity #1: State Law Review	State Law - 2
Activity #2: Case Study	State Law - 4
Module Summary	State Law - 5
Federal Laws and Regulations Module	Federal Law - 1
Activity #1: Federal, State and Local Law	Federal Law - 2
Activity #2: Federal Firearms Laws	Federal Law - 4
Activity #3: Regulatory Enforcement	Federal Law - 7
Activity #4: Case Studies of Federal Law	Federal Law - 9
Module Summary	Federal Law - 10
Firearms Trafficking Investigations Module	Investigations - 1
Activity #1: Trafficking and Traffickers	Investigations - 2
Activity #2: Firearms Investigations	Investigations - 4
Activity #3: Sharing Information with ATF	Investigations - 6
Activity #4: Gun Concealment Recognition	Investigations - 7
Activity #5: Practical Activity	Investigations - 9
Module Summary	Investigations - 10
Tracking Firearms Origins Module	Tracing - 1
Activity #1: Tracking Ownership History	Tracing - 2
Activity #2: Tracing Firearms	Tracing - 4
Activity #3: Trace Form Activity	Tracing - 7
Module Summary	Tracing - 8
Course Post-test	Post-test 1
Bibliography	Biblio -1



Introduction

Firearms Trafficking

There is consensus throughout the country that violence involving firearms has reached epidemic proportions. According to the 1994 Uniform Crime Reports compiled by the FBI, nearly one-third of violent crimes in the United States are firearms related. In 1994, 69.6 percent of murders were firearms related. In most instances the firearm was a handgun.

In 1994, the Chicago Police Department recovered more than 22,300 firearms used in crimes; the New York City Police Department recovered more than 13,000 firearms, including six automatic weapons; and the Washington, D.C., Metropolitan Police Department recovered 5,886 firearms, of which 2,596 were used in crimes. Each year, thousands of firearms are stolen from private citizens, firearms dealers, firearms manufacturers and interstate shipments. As of July 1, 1994, the National Crime Information Center (NCIC) database contained over 2,234,000 stolen firearms.

Stolen and illegally obtained firearms are recovered from violent crime scenes, from narcotics traffickers, and even from children at schools. Firearms are bartered for narcotics and are considered "tools of the trade" by narcotics traffickers. In fact, it was the expanded narcotics trade of the 1980s that gave rise to the significant increase in firearms violence and the trafficking that made the firearms available.

The role played by firearms traffickers in this process cannot be understated. Although the development of a firearms trafficking definition that encompasses all circumstances is difficult, firearms trafficking is broadly defined as the acquisition of firearms for the principal purpose of making firearms available to criminals and/or to people in areas where state and local laws limit the availability of firearms. Frequently, the firearms are trafficked to areas with strict gun control laws, thus negating the intended effect of the state or local law.

Firearms trafficking has become a very profitable venture for individuals willing to assume the risk of criminal prosecution in exchange for monetary (or some other) reward. A firearm may cost five to six times its original price when sold to criminals in major cities.

The typical unlicensed firearms trafficker is an enterprising individual who travels to a state with lax firearms laws, and who returns to his or her state of residence with the firearms, which then are sold, traded or distributed to criminal associates. The traffickers may use false or fraudulent identification documents or enlist a friend or relative to make purchases on their behalf. These "straw" purchases can be expected to increase with the implementation of the Brady law, which requires a waiting period and background check for people purchasing firearms.

Firearms trafficking is not limited to nonlicensed people. Unscrupulous firearms dealers knowingly sell firearms to prohibited purchasers, narcotics dealers, nonresidents and

obvious straw purchasers. Violations occur at their licensed premises, gun shows, and even from the trunks of their cars.

Firearms trafficking investigations are *not* an assault on the Second Amendment. What trafficking investigations *are* about is keeping guns out of the hands of prohibited purchasers, drug traffickers, gangs and violent criminals, through the successful detection, investigation and prosecution of gun traffickers. Ultimately, firearms trafficking is about how criminals acquire firearms, and trafficking investigations are about reducing this.

The Interstate Firearms Trafficking Compact

Illegal firearms trafficking can only be effectively addressed through the formulation and implementation of a sound national approach. Cooperation and partnership among state and local authorities is a crucial piece of this overall strategy. Through the continual review and refinement of the firearms trafficking enforcement program, the Bureau of Alcohol Tobacco and Firearms will be able to enhance its mission and continue to provide effective leadership in the identification and investigation of firearms traffickers.

As part of its effort to curb illegal firearms trafficking, the Bureau of Alcohol Tobacco and Firearms (ATF) entered into a cooperative agreement with the governors of 14 East Coast states and the mayor of the District of Columbia to combat the illegal distribution of firearms. This collaboration has several goals, one of which is to increase the investigative and prosecution effectiveness of the member states through specialized training of state and local law enforcement officers.

The Bureau of Justice Assistance, U.S. Department of Justice, (BJA) awarded a grant to the Police Executive Research Forum (PERF) to prepare a training curriculum to assist the Compact states in achieving this goal. The training you will receive is the culmination of this collaborative effort.

How to Use This Participant Manual

This manual has been divided into five sections that correspond to the five instruction modules: Introduction, State Law, Federal Law, Firearms Investigations and Firearms Tracking. At the beginning of each section, you will find a listing of the goals and learning objectives for that module. Each learning objective is matched to an activity within the module.

Outlines of the information to be conveyed in each activity are provided, with space for note taking. Text for goals, overviews and summaries is also provided. During the course of the training, the instructor will provide handouts of supplemental information.

At the end of each module, is a listing of resource personnel is provided for your future reference.



Combating Interstate Firearms Trafficking

Course Pre-test

Name: _____ Date: ____ / ____ / ____

1. What is the most important reason to combat firearms trafficking?
☐ a. All laws must be enforced
☐ b. Officer and citizen safety is at stake
☐ c. To make things easier for legitimate dealers and purchasers
2. The primary goal of the Interstate Firearms Trafficking Compact is to:
☐ a. Establish cooperation between the member jurisdictions and BATF to reduce firearms trafficking
☐ b. Conduct training sessions
☐ c. Hold meetings
3. Firearms trafficking is defined as:
☐ a. Any acquisition of firearms for the purpose of resale in another jurisdiction.
☐ b. The acquisition of firearms for the purpose of unlawful resale.
4. Time-to-crime is a term used to describe the amount of time between:
☐ a. When a firearm is acquired from a dealer and recovered by law enforcement in a crime
☐ b. When a firearm is sold illegally and recovered by law enforcement in a crime
☐ c. When a firearm is sold until it is used to commit the first crime
5. A straw purchaser is someone who:
☐ a. Purchases a firearm for his or her own use
☐ b. Purchases a firearm for someone else
☐ c. Purchases a firearm from an unlawful dealer
6. A source state is one where large amounts of firearms are acquired and transported to other states for sale to criminals.
☐ True ☐ False
7. Figures from BATF on the number of guns traced in your state should be interpreted with caution because:
☐ a. Not all recovered guns are traced
☐ b. Trace information is unreliable
☐ c. Other states keep poor records
8. My state is a firearms trafficking:
☐ a. Source state.
☐ b. Market state.
☐ c. Both

9. Only the federal government has laws regulating the trafficking of firearms.
☐ True ☐ False
10. The firearms laws of other states can have an effect on the number of firearms available in my state.
☐ True ☐ False
11. FFL stands for:
☐ a. Federal Firearm License
☐ b. Federal Firearm Laws
☐ c. Federal Firearms Lease
12. It is a federal offense to steal a firearm from a licensed dealer.
☐ True ☐ False
13. The Violent Offender Program of the Bureau of Alcohol, Tobacco and Firearms (ATF) focuses on narcotics and firearms traffickers.
☐ True ☐ False
14. A person found transporting one or two guns is unlikely to be a major firearms trafficker.
☐ True ☐ False
15. A source state will often have strict firearms laws.
☐ True ☐ False
16. A person carrying a firearm will show certain tendencies to which law enforcement officers should be alert.
☐ True ☐ False
17. To trace a firearm, the ATF Tracing Center must have possession of the weapon.
☐ True ☐ False
18. My state maintains a database of licensed firearms.
☐ True ☐ False
19. If an NCIC check of a firearm shows it is not stolen, there is no reason to initiate a trace of the weapon.
☐ True ☐ False
20. A firearm trace can be submitted to the Tracing Center only through registered U.S. Mail.
☐ True ☐ False

INTRODUCTORY MODULE

Goals: To convey the importance of investigating firearms and firearms trafficking; to define the broad policy initiatives laid out in the Interstate Firearms Trafficking Compact; and to provide information on the nature and extent of trafficking in your state.

LEARNING OBJECTIVES

At the completion of this Module, you will be able to:

1. understand the importance of investigating firearms that come to the attention of law enforcement officers (e.g., officer safety issues);
2. summarize the objectives of the Interstate Firearms Trafficking Compact aimed at combating the illegal distribution of firearms;
3. define important terms such as illegal firearms trafficking, straw purchaser, tracing, and source and market states; and
4. describe the nature and extent of trafficking in your state and have a better understanding of how departments in your area are dealing with illegal trafficking of firearms.

ACTIVITY #1: Importance of Firearms Investigations

Goal: To understand the importance of investigating firearms that come to the attention of law enforcement officers.

- **The Problem of Gun Violence**

- **Officer Safety Issues**

- **Local Case Example**

- **Guns are More Dangerous than Drugs**

- **Preventing Use of Firearms in Violent Crime**

- **Summary**

When police officers are involved in an on-scene investigation, the most important thing is to ensure the safety of the officers involved. In every situation this means looking for weapons that can cause harm to the officers, or others, before looking for evidence of other crimes. For example, officers must look for guns before looking for drugs.

We call this putting “Guns First.”

ACTIVITY #2: Goals of Compact

Goal: To review objectives of the Interstate Firearms Trafficking Compact as stated in the Memorandum of Understanding, to combat the illegal distribution of firearms.

- **Overview**

Despite the diligent efforts of law enforcement, firearms continue to be available to those who engage in criminal activity. Although most licensed firearms dealers are law abiding, some engage in unlawful distribution of firearms. Many other firearms are purchased with fraudulent identification or through straw purchases, where a seemingly legitimate purchaser turns firearms over to the ultimate (and illegal) possessor. Members of the Compact states recognize that an interstate cooperative effort is necessary to solve this problem.

- **The Compact Agreement**

- **Objectives of the Agreement**

- **The Goal of the Training**

ACTIVITY #3: Definition of Terms

Goal: Define important terms such as firearms trafficking, straw purchaser, and source and market states.

FIREARMS TRAFFICKING TERMINOLOGY

- **Firearms Trafficking**

- **Source Areas**

- **Market Areas**

- **Time to Crime**

- **Straw Purchase(r)**

- **Suspect Firearm**

ACTIVITY #4: Trafficking in the State

Goal: To understand the nature and extent of firearms trafficking in your state and learn how law enforcement departments in the state are handling firearms trafficking cases.

- **State Trafficking Information Tables**

- **Statewide Differences**

MODULE SUMMARY

Important points to remember:

1. Because guns injure and kill law enforcement officers, we must always put guns first.
2. Because criminals get firearms through trafficking, we must aim to reduce firearms trafficking.

The training modules that follow provide information to assist officers in reaching the goal of reduced firearms trafficking. This training includes information on:

- laws that pertain to firearms trafficking;
- ways to detect and respond to trafficking operations; and
- the importance of tracing firearms and cooperating with ATF.

QUESTION AND ANSWER SESSION

Personal experiences with traffickers or firearms tragedies:

Please list additional situations where it is important to look for “Guns First”:

STATE LAW MODULE

Goal: To provide you with information on your state's firearms laws and prosecution of firearms trafficking cases.

LEARNING OBJECTIVES

At the completion of this Module, you will be able to:

1. understand relevant state firearms laws and how they impact on firearms trafficking;
and
2. summarize case studies where enforcement of state and local laws has led to decreased firearms trafficking (optional).

[illegible]

- **State Law and the Flow of Firearms**

- **Ways for Officers to Improve Case Preparation**

[Optional]

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

MODULE SUMMARY

This module presented state laws that restrict the behavior of citizens with regard to firearms. It is important for officers to be aware of these laws and to understand their elements so they may enforce them and help prepare cases for prosecution. This module also emphasized that laws in neighboring states can have an impact on trafficking in your state.

QUESTION AND ANSWER SESSION

What are some ways to avoid or counteract impediments to prosecution of firearms cases:

Officers' experiences with firearms trafficking cases:

FEDERAL LAWS AND REGULATIONS MODULE

Goal: To provide you with an overview of relevant federal firearms laws and regulations and how they can be applied to local law enforcement efforts to reduce trafficking.

LEARNING OBJECTIVES

At the completion of this module, you will:

1. understand the interaction, overlap and conflict between federal and state law and explain why enforcement agencies may want to pursue federal and local laws in addition to state laws;
2. be able to describe the important features of the relevant federal firearms laws;
3. understand the importance of regulatory enforcement in reducing trafficking of firearms; and
4. become familiar with case studies where local law enforcement officials have initiated federal investigations that had an impact on firearms trafficking (optional).

ACTIVITY #1: Federal, State and Local Law

Goal: To understand the interaction, overlap and conflict between federal and state law and explain why enforcement agencies may want to pursue federal laws and local ordinances in addition to state laws.

- **Overview**

The issue here revolves around the concept of concurrent jurisdiction. Concurrent jurisdiction exists when there is more than one body of law under which prosecution can be sought. In many cases concurrent jurisdiction exists among federal law, state law and local ordinances. Where concurrent jurisdiction exists, prosecution can be pursued by authorities from any of the jurisdictions involved.

- **Interaction of State and Federal Law**

- **Interaction of Local Ordinance and State Law**

- **State-Specific Information**

- **Factors That Contribute to the Decision of Who Will Prosecute**

- **Importance of Federal Laws**

ACTIVITY #2: Federal Firearms Laws

Goal: To describe the important features of relevant federal firearms laws.

FEDERAL EFFORTS TO STOP CAREER CRIMINALS

- Title 18, U.S.C., Section 924(e)(1)

- ATF Violent Offender Program

- ATF Armed Violent Offender: Program Criteria

- **Expected Results**

ADDITIONAL FEDERAL FIREARMS LAWS

- **1. Title 18, United States Code, Section 922(a)(6)**

- **2. Title 18, United States Code, Section 922(u)**

- **3. Title 18, United States Code, Section 922(g)**

- **4. Title 18, United States Code, Section 924(c)**

- **5. Title 18, United States Code, Section 922(j)**

ACTIVITY #3: Regulatory Enforcement

Goal: To understand the importance of regulatory enforcement in reducing firearms trafficking.

Overview

The regulatory effort is of paramount importance in reducing the flow of firearms to criminals. Firearms come from a legitimate stream of commerce. If the legitimacy of that commerce is maintained, through enforcement of the rules that regulate it, illegal purchases and transfers should decrease. Enforcement of regulations may have an even stronger impact on reducing trafficking than investigations will.

Several states in the Compact have joined forces with ATF to increase compliance with federal and local regulations and to reduce the number of Federal Firearms Licensees (FFLs) in the area. For example, in New York City, a team of a law enforcement officer and an ATF agent contacts all new and renewal applicants for FFLs to explain the nature of compliance with licensing. As a result of this educational effort, more than half of these applicants decide not to apply.

This process may weed out those dealers who are not in compliance with FFL requirements and who may be most likely to work outside of the legitimate stream of commerce, engaging in illegal activity.

- **Impact of the Crime Bill**

- **Cooperation with Dealers**

- **Sharing Information**

(Optional)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

MODULE SUMMARY

This module stressed the importance of the federal law as an additional tool for law enforcement to use in combating firearms trafficking. Federal law sometimes allows for stiffer penalties and may be selected over state law for that reason. Federal law also restricts certain trafficking behaviors that may not be covered by state law. By becoming aware of these restrictions, state and local law enforcement officers may be able to contribute to larger-scale federal investigations.

Several important relevant federal laws were covered, including 924(e)(1) which mandates 15 year sentences for three-time felons who are caught with firearms. The ATF Violent Offenders Program maintains a database on individuals who may fall under this statute should they be in possession of a firearm. Officers are provided with this information through NCIC to protect their safety and so that they may assist ATF in enforcing the statute.

This module also emphasized the importance of enforcement of firearms regulations and cooperation with gun dealers in curbing trafficking. If the legitimacy of firearms sales is maintained, through enforcement of the rules that regulate it, illegal purchases and transfers should decrease. In addition, legitimate firearms dealers will likely cooperate with law enforcement to detect and apprehend offenders.

QUESTION AND ANSWER SESSION

What is the single most important thing to do when encountering a person registered in the Violent Offenders Program:

Officers' federal case experiences:

Officers' experiences with local firearms dealers:



FIREARMS TRAFFICKING INVESTIGATIONS MODULE

Goal: To provide general investigative techniques for detecting and reducing illegal trafficking of firearms.

LEARNING OBJECTIVES

At the completion of this Module, you will:

1. be familiar with firearms trafficking methods and traffickers (e.g., practices, trafficking corridors, patterns in trafficking);
2. be aware of investigation techniques that assist in uncovering and responding to firearms trafficking operations;
3. be able to explain the importance of sharing information with ATF to help reduce firearms trafficking and cite a case study example of such an effort.
4. be able to employ techniques to recognize individuals who are carrying concealed firearms.

ACTIVITY #1: Trafficking and Traffickers

Goal: To become familiar with firearms trafficking methods and traffickers.

- **Overview**

The introductory module explained the importance of investigating firearms trafficking. In sum, firearms trafficking poses a significant risk to officer safety because traffickers always have guns. Further, by reducing firearms trafficking, law enforcement can help prevent the use of firearms in these and other violent crimes. The next section presents patterns of behavior that are characteristic of firearms traffickers and the mechanisms of firearms trafficking. This information is useful in conducting investigations of these operations.

- **Understanding the Firearms Trafficker**

- **Where Guns Originate and Where They Go**

- **Methods of Transportation**

- **A Theory of Trafficking**

- **The Importance of this Theory for Law Enforcement**

- **Examples of Firearms Trafficking**

- **Additional Sources of Trafficked Firearms**

- **Summary**

This section reviewed the patterns of behavior that characterize traffickers and trafficking. This information is particularly helpful to law enforcement officers as they become aware of the importance of investigating firearms trafficking to reduce risks to officer safety and prevent the flow of firearms to those intent on committing violent acts.

ACTIVITY #2: Firearms Investigations

Goal: To be aware of investigation techniques that assist in uncovering firearms trafficking operations.

Overview

This section provides tips on identifying situations that might indicate firearms trafficking, and offers investigation techniques to obtain additional evidence that can be used to establish probable cause for arrest.

- **Firearms Trafficking Investigations**

- **Evidence of Trafficking**

- **Police Investigative Response Options**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- **Identifying Straw Purchasers**

- **Summary**

This section provided law enforcement officers with an understanding of the earmarks of firearms trafficking operations and ways to obtain information that might support an arrest, either locally or at the federal level.

ACTIVITY #3: Sharing Information with ATF

Goal: To understand the importance of collecting and sharing information with department investigators and regional ATF offices to help reduce firearms trafficking.

- **Collecting Information from the Community**

- **Sharing Information with ATF**

ACTIVITY #4: Gun Concealment Recognition

Goal: To learn techniques that help officers recognize individuals who are carrying concealed firearms.

- **Overview**

Generally, individuals who carry firearms exhibit certain tendencies that can be observed and articulated. While the observance of one such mannerism or behavior may not in itself be enough to initiate a stop or frisk, it may well justify further surveillance of the individual. If during additional observation, more mannerisms or behaviors are displayed, then the officer may have a reasonable suspicion to justify a stop and frisk based on cumulative observations. The following indicators of concealed weapons may help formulate reasonable suspicion.

- **Observing a Subject's Body Movements**

- **Observing a Subject's Clothing**

- **Observations During Contacts or Stops**

- **Vehicle Stops**

ACTIVITY #5: Practical Activity

1) *What is this case indicative of and why?*

2) *What would you do?*

3) *What evidence would you collect?*

MODULE SUMMARY

This module presented information on ways to detect and investigate trafficking operations. This involves understanding the methods and motivations of the trafficker and being able to identify earmarks of trafficking operations. This module also presented suggested response options for officers, which include arrest. If, however, there is no probable cause to make an arrest, officers are strongly encouraged to share information and their suspicions with ATF.

QUESTION AND ANSWER SESSION

What are some essential ways to maintain officer safety:

What are some examples of how officers might come into contact with straw purchasers:

What is the importance of sharing information with ATF:

What types of information can be shared:

Officers' tips on gun concealment recognition:



TRACKING FIREARMS ORIGINS MODULE

Goal: To understand the importance of thoroughly tracking the origins of confiscated firearms by using a four-step process involving National Crime Information Check (NCIC), suspect interviews, state databases and the National Tracing Center (NTC).

LEARNING OBJECTIVES

At the completion of this Module, you will:

1. be able to follow a series of steps to track a firearm's ownership history and
2. understand the role of the National Tracing Center, the mechanisms for tracing firearms and ways to use information obtained from a trace.

ACTIVITY #1: Tracking Ownership History

Goal: To learn how to track ownership history when firearms are seized during the course of an investigation.

- **Overview**

Law enforcement officers seize and confiscate firearms in the process of numerous types of investigations. These include trafficking investigations, as well as crime scene investigations, drug raids and gun buy back programs. Information on the origin of these weapons can help uncover firearms trafficking operations. These four steps should be followed to track the ownership history of confiscated weapons:

- **Step 1**

- **Step 2**

- **Step 3**

• **Step 4**

ACTIVITY #2: Tracing Firearms

Goal: To understand the importance of tracing all firearms, the mechanisms for tracing and ways to use information obtained from a trace.

- **Overview**

This section provides information on the importance of tracing all firearms through ATF's National Tracing Center, the steps involved in collecting information for and submitting trace requests, and how to use the trace information to identify patterns and trends in trafficking.

- **The National Tracing Center: Mission and Capabilities**

- **The Importance of Tracing Firearms**

- **PROJECT LEAD: Putting Your Trace Data to Work**

- **How to Submit Trace Requests**

[illegible]

- **Using Trace Results**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- **How to Interpret Trace Information**

- **Learning from Both Successful and Unsuccessful Traces**

ACTIVITY #3: Trace Form Activity

The following exercise is an opportunity to practice completing a trace request form, using the tips learned in this module. Using only what you can see on the overhead, complete the trace form handed out by the instructor.

Questions:

1. What type of gun is pictured?

2. What is misleading about the gun's markings?

3. How can the confusing information be relayed properly to NTC?

MODULE SUMMARY

This module emphasized the importance of investigating firearms and tracing them through the NTC in order to eliminate firearms trafficking. The key to ATF's ability to investigate and reduce trafficking is a complete database of crime guns recovered in the United States. Through Project LEAD's reporting capabilities, searches of this database will enable federal, state and local law enforcement agencies to identify potential trafficking operations and eliminate them. To produce a complete database, it is important for law enforcement to trace all recovered firearms and to submit accurate trace request forms.

QUESTION AND ANSWER SESSION

What is the most important things to remember when completing a trace request form:

What are some ways to use the trace results obtained from ATF:

Combating Interstate Firearms Trafficking

Course Post-test

Name: _____ Date: ____ / ____ / ____

1. What is the most important reason to combat firearms trafficking?
☐ a. All laws must be enforced
☐ b. Officer and citizen safety is at stake
☐ c. To make things easier for legitimate dealers and purchasers
2. The primary goal of the Interstate Firearms Trafficking Compact is to:
☐ a. Establish cooperation between the member jurisdictions and BATF to reduce firearms trafficking
☐ b. Conduct training sessions
☐ c. Hold meetings
3. Firearms trafficking is defined as:
☐ a. Any acquisition of firearms for the purpose of resale in another jurisdiction.
☐ b. The acquisition of firearms for the purpose of unlawful resale.
4. Time-to-crime is a term used to describe the amount of time between:
☐ a. When a firearm is acquired from a dealer and recovered by law enforcement in a crime
☐ b. When a firearm is sold illegally and recovered by law enforcement in a crime
☐ c. When a firearm is sold until it is used to commit the first crime
5. A straw purchaser is someone who:
☐ a. Purchases a firearm for his or her own use
☐ b. Purchases a firearm for someone else
☐ c. Purchases a firearm from an unlawful dealer
6. A source state is one where large amounts of firearms are acquired and transported to other states for sale to criminals.
☐ True ☐ False
7. Figures from BATF on the number of guns traced in your state should be interpreted with caution because:
☐ a. Not all recovered guns are traced
☐ b. Trace information is unreliable
☐ c. Other states keep poor records
8. My state is a firearms trafficking:
☐ a. Source state.
☐ b. Market state.
☐ c. Both

9. Only the federal government has laws regulating the trafficking of firearms.
☐ True ☐ False
10. The firearms laws of other states can have an effect on the number of firearms available in my state.
☐ True ☐ False
11. FFL stands for:
☐ a. Federal Firearm License
☐ b. Federal Firearm Laws
☐ c. Federal Firearms Lease
12. It is a federal offense to steal a firearm from a licensed dealer.
☐ True ☐ False
13. The Violent Offender Program of the Bureau of Alcohol, Tobacco and Firearms (ATF) focuses on narcotics and firearms traffickers.
☐ True ☐ False
14. A person found transporting one or two guns is unlikely to be a major firearms trafficker.
☐ True ☐ False
15. A source state will often have strict firearms laws.
☐ True ☐ False
16. A person carrying a firearm will show certain tendencies to which law enforcement officers should be alert.
☐ True ☐ False
17. To trace a firearm, the ATF Tracing Center must have possession of the weapon.
☐ True ☐ False
18. My state maintains a database of licensed firearms.
☐ True ☐ False
19. If an NCIC check of a firearm shows it is not stolen, there is no reason to initiate a trace of the weapon.
☐ True ☐ False
20. A firearm trace can be submitted to the Tracing Center only through registered U.S. Mail.
☐ True ☐ False

Bibliography

Firearms Trafficking School, September, 1995, Bureau of Alcohol, Tobacco and Firearms.

Hobson, R.A., Collins, C.E. and Gallagher, R.T; Identifying Characteristics of the Armed Gunman. Washington, D.C., Metropolitan Police Department, Patrol Services Division. 1995.

Memorandum of Understanding between Compact States.

National Criminal Justice Association, Guide to State Firearms Provisions, Washington D.C. (Work in Progress under Department of Justice Bureau of Justice Assistance grant #: 95-MU-MU-0001).

National Law Enforcement Officers Memorial Fund,
605 E St. NW, Washington, D.C., 202-737-3400.

Violent Offenders Program Description, Bureau of Alcohol, Tobacco and Firearms.



COMBATING INTERSTATE FIREARMS TRAFFICKING

“GUNS FIRST”

Instructor's Guide

Bureau of Justice Assistance
Police Executive Research Forum

February 1999

This project was supported by Grant No. 95-DD-BX-0042 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the agency.

ISBN # 1-878734-63-6

Acknowledgments

The Police Executive Research Forum (PERF) acknowledges the important contributions of many agencies and individuals who have contributed their resources, knowledge and energy to the completion of both the original and revised versions of the National Guns First training curriculum. Without their support, this curriculum would not have been possible.

PERF thanks the Bureau of Justice Assistance (BJA), U.S. Department of Justice, which awarded PERF a grant to prepare and revise this training curriculum. Special appreciation is given to Luke Galant, BJA Law Enforcement Branch Chief, for his continued interest, leadership and support of this endeavor.

The Bureau of Alcohol, Tobacco and Firearms (ATF) made significant contributions to the development of both versions of this guide. Specifically, we would like to thank Special Agent Mark Kraft of the Career Development Division and Ben Hayes, group supervisor of the Falls Church field office. Both dedicated many hours and resources to provide information regarding firearms trafficking investigations and Federal firearms laws for this guide.

PERF also recognizes the National Tracing Center (NTC) for its generous contributions regarding NTC operations, the firearms tracing process and Project LEAD. We give special appreciation to Special Agent Dave Krieghbaum and Program Analyst Martha Brognard, who provided direction and materials for the Tracing module of the curriculum.

PERF also would like to recognize the efforts of several other individuals involved in developing the original version of the curriculum. They include John Veen, supervisory program manager of the Drug Courts Program Office; Steve Yonkers, COPS Office program manager; ATF Special Agents John C. Killorin, Dale Armstrong, Gerald Nunziato, Gerry Crispino and Kay Morrison; ATF Senior Counsel Steve Rubenstein; Gwen Holden and Lisa Doyle Moran of the National Criminal Justice Association, and consultant Phil McGuire.



131
12
13

Table of Contents

Introduction	Preface - i
How to Use This Curriculum Guide	Preface - iv
Selecting Trainers	Preface - vii
Introductory Module	Intro - 1
Activity #1: Importance of Firearms Investigations	Intro - 5
Activity #2: Definition of Terms	Intro - 8
Activity #3: Trafficking in The State	Intro - 10
Module Summary	Intro - 12
Module Resources	Intro - 13
Introductory Module Appendix	Intro - 14
State Law Module	State Law - 1
Activity #1: State Law Review	State Law - 4
Activity #2: Case Study	State Law - 5
Module Summary	State Law - 6
Module Resources	State Law - 7
State Law Module Appendix	State Law - 8
Federal Laws and Regulations Module	Federal Law - 1
Activity #1: Federal, State And Local Law	Federal Law - 5
Activity #2: Federal Firearms Laws	Federal Law - 8
Activity #3: Case Scenario Practicum	Federal Law - 12
Activity #4: Regulatory Enforcement	Federal Law - 17
Activity #5: Local Case Studies of Federal Law	Federal Law - 20
Module Summary	Federal Law - 21
Module Resources	Federal Law - 23
Federal Law Module Appendix	Federal Law - 24
Firearms Trafficking Investigations Module	Investigations - 1
Activity #1: Trafficking and Traffickers	Investigations - 4
Activity #2: Firearms Trafficking Investigations	Investigations - 9
Activity #3: Sharing Investigative Information	Investigations - 15
Activity #4: Gun Concealment Recognition	Investigations - 16
Activity #5: Case Scenario Practicum	Investigations - 22
Module Summary	Investigations - 25
Module Resources	Investigations - 26
Investigations Module Appendix	Investigations - 27

Tracing Firearms Origins Module	Tracing - 1
Activity #1: Tracking Ownership History	Tracing - 5
Activity #2: Tracing Firearms	Tracing - 8
Activity #3: Trace Form Activity	Tracing - 19
Activity #4: Case Scenario Practicum	Tracing - 20
Module Summary	Tracing - 24
Module Resources	Tracing - 25
Tracing Module Appendix	Tracing - 26
 Bibliography	 Biblio - 1
 Curriculum Appendix	 Appendix - 1

Introduction

Firearms Trafficking

Although crime has declined in recent years, there is consensus that violence involving firearms has reached epidemic proportions. The following statistics demonstrate this belief. According to the FBI's 1996 Uniform Crime Reports, 29 percent of violent crimes in the United States are firearms-related. In fact, 67.8 percent of murders were firearms-related in 1996. Of the 15,848 murders the FBI documented in the United States in 1996, 10,744 involved firearms, 8,594 of which were handguns (FBI 1997:18).

The Center for Disease Control (CDC) reports that firearms-related violence is a leading cause of injury-related death, second only to automobile-related fatalities (CDC 1994). In addition, analysis of injury data in 1992 revealed there are three firearm-related injuries for every firearm-related death (Annest, et al 1995). Further, the National Center for Health Statistics (NCHS), reports that in 1995, 35,957 people died as a result of firearm-related injuries (Anderson, Kochanek and Murphy 1997). Homicides committed with a firearm accounted for 44 percent of these deaths (Anderson, Kochanek and Murphy 1997). The CDC projects (based on current trends) that firearm fatalities will become the leading cause of injury-related deaths by 2003 (CDC 1994). If firearms violence is not reduced, the CDC forecasts there will be three million shootings, fatal and nonfatal, between 1993 and 2000 (CDC 1994).

Thousands of firearms are stolen from citizens, firearms manufacturers, FFLs and interstate shipments annually. As of July 1, 1998, the National Crime Information Center (NCIC) database contained records on more than 2,318,000 stolen firearms. These stolen and illegally obtained firearms are recovered from violent crime scenes, narcotics traffickers, and even from children at schools. Firearms traffickers often barter firearms for narcotics, which narcotics traffickers consider "tools of the trade." In fact, it was the expanded narcotics trade of the 1980s that gave rise to the significant increase in firearms violence and the trafficking that made the firearms available.

The role firearms traffickers play in this process cannot be understated. Although it is difficult to develop a firearms trafficking definition that encompasses all circumstances, firearms trafficking is broadly defined as the acquisition of firearms for the principal purpose of making firearms available to criminals and/or to people in areas where State and local laws limit the availability of firearms (ATF 1997).

Firearms trafficking has become a profitable venture for individuals willing to assume the risk of criminal prosecution in exchange for monetary (or some other) reward. A firearm may cost five to six times its original price when sold to criminals in major cities. Frequently, the firearms are trafficked to areas with strict gun control laws, thus negating the intended effect of the State or local law.

The typical unlicensed firearms trafficker is an enterprising individual who travels to a state with lax firearms laws and returns to his or her state of residence with the firearms, which then are sold, traded or distributed to criminal associates. The traffickers may use false or fraudulent identification documents or enlist friends or relatives to make purchases on their behalf. It was expected by the law enforcement community that these “straw” purchases would increase with the implementation of the Brady law. It is also likely that the prevalence of “straw” purchases will increase with the implementation of the nationwide “instant” felon identification system for dealers to check people purchasing firearms.

Firearms trafficking is not limited to nonlicensed people. Unscrupulous firearms dealers knowingly sell firearms to prohibited purchasers, narcotics dealers, nonresidents and obvious straw purchasers. Violations occur at licensed premises, gun shows, flea markets and even from the trunks of cars.

Firearms trafficking investigations are *not* an assault on the Second Amendment. What trafficking investigations *are* about is keeping guns out of the hands of prohibited purchasers, drug traffickers, gangs and violent criminals through the successful detection, investigation and prosecution of gun traffickers. Ultimately, firearms trafficking is about how criminals acquire firearms, and trafficking investigations are about reducing this problem.

The National Guns First Training Program

The Bureau of Justice Assistance (BJA) and the Police Executive Research Forum (PERF) originally developed the Guns First Training Program for the Interstate Firearms Trafficking Compact (the Compact), an agreement signed by the governors of 14 East Coast states, the Mayor of the District of Columbia and the Bureau of Alcohol, Tobacco, Firearms (ATF) to combat the illegal distribution of firearms.

The Bureau of Justice Assistance (BJA), U.S. Department of Justice, awarded a grant to the Police Executive Research Forum (PERF) to develop a specialized training curriculum to assist State and local law enforcement from the Compact states to increase their investigative and prosecution effectiveness. The BJA-sponsored training was offered by PERF to all signatory states using a “train-the-trainers” format.

Due to the success of the training program in the Compact states, BJA funded the program on a national level. PERF has revised the original curriculum, created a PowerPoint® presentation and developed a training video for the new training program. PERF will oversee initial training sessions, which will be attended by State and local law enforcement trainers who will then implement the training for officers in their localities. With this structure, the important information contained in this document will reach large numbers of State and local officers.

References

Anderson, R.N., K.D. Kochanek, and S.L. Murphy (1997). "Report of Final Mortality Statistics, 1995," *Monthly Vital Statistics Report*, vol 45 (11).

Annest, J.L., J.A. Mercy, D.R. Gibson, and G.W. Ryan (1995). "National Estimates of Nonfatal Firearm-Related Injuries: Beyond the Tip of the Iceberg," *Journal of the American Medical Association*, vol 273 (22):1749–1754.

Bureau of Alcohol, Tobacco and Firearms. *Guide to Investigating Illegal Firearms Trafficking* (October 1997). Washington, D.C.: U.S. Department of the Treasury.

Centers for Disease Control (1994). "Deaths Resulting from Firearm- and Motor-Vehicle Related Injuries: United States, 1968–1991," *Mortality and Morbidity Weekly Report*, vol.43 (3), January 28: 37–42.

Federal Bureau of Investigation (1997). *Crime in the United States: Uniform Crime Reports, 1996*. Washington, D.C.: U.S. Department of Justice.

How to Use This Curriculum Guide

PERF has designed this guide for State and local law enforcement trainers to use when conducting training on firearms trafficking. The curriculum design is flexible, so trainers can accommodate classes of differing sizes and experience levels. The training uses a modular approach, allowing the exact content and order of the presentation to be tailored to the needs of a particular audience. In addition, the duration of each session may easily be altered if the trainer wants to expand or reduce a particular section.

Because we designed this curriculum for use in a variety of states, trainers will need to customize the curriculum where indicated. For example, there are sections that require the trainer to research and include information on local ordinances, regulations and statistics, and regional resources. The trainers should tailor this manual to any unique needs of the jurisdiction in which training is conducted. It is strongly recommended that trainers read the entire curriculum before beginning training to ensure adequate preparation. All citations may be found in the bibliography and at the end of each training module.

Format

This training curriculum is divided into **five modules** that cover a specific area of firearms trafficking information. The modules are: Introduction, State Laws, Federal Laws and Regulations, Firearms Trafficking Investigations and Tracing Firearms Origins.

The beginning of each module states the specific **goals** and **learning objectives** for the module. Each of the modules is subdivided into a set of **activities** that contain the information needed to meet the individual learning objectives. Some of the activities are optional and can be included at the trainer's discretion.

Also contained in the first part of each module is a **preparation guide** for the trainer. This guide is important and sets forth practical suggestions for teaching that module. It should be carefully reviewed before initiating training. This guide contains a list of tasks, organized by activity, that the trainer should complete before the session begins. These tasks include preparing either PowerPoint® slides or overheads, participant handouts and certain state-specific materials. Whenever the preparation guide mentions a task, there is a corresponding note within the text of the module to indicate where that material is needed. The guide also sets forth "keys to success," or ways to maximize the impact of the module and enhance the learning objectives. This section points out difficult or controversial issues that may arise during that module, about which the trainees may desire additional information or discussion.

Following the preparation guide is a list of **trainer materials**, such as PowerPoint® slides, overheads and trainer-prepared materials. A PowerPoint® slide presentation is provided on the enclosed disk and participant handout materials are included in the appendix to each module. Other materials are not contained in this document and must be prepared by the trainer in advance.

Throughout the curriculum guide, the left-hand portion of each page contains the information needed for that activity and the right-hand portion contains corresponding **instructor's notes**. These notes provide specific directions to the instructor regarding where to use PowerPoint® slides (indicated by "**Slide**"), participant handout materials (indicated by "**Distribute**") or supplemental documents that he or she has produced (indicated by "**Trainer-prepared**"). These directions/suggestions appear on most pages of the curriculum guide.

A summary of the module's main points is included at the end of each module along with some questions and issues for discussion. Also at the end of the module is an appendix that contains the suggested slides, overheads and handout materials for that module. In preparing for the course, the trainer should become familiar with these materials and select the PowerPoint® slides and handouts he or she feels should be used.

Presentation Aides

A short firearms trafficking video has been included in the Instructor's manual as a training supplement. This video presents three segments that correspond to modules one, four and five. The video presents the experiences of State and local law enforcement officers and ATF agents in relation to firearms trafficking. The video segments may be shown at the beginning of the module they relate to or alone as part of a roll call training session on this topic.

A PowerPoint® presentation has also been included on disk for your use. The presentation was designed to complement each training module and can be customized to accommodate additional information. **Please note: the PowerPoint® presentation should serve as a supplement to the curriculum and not a stand-alone training tool.**

Curriculum Appendix

This appendix contains a **resource** list for trainers who need additional information. The trainer may elect to make this resource list available to participants. The trainer should add local resources to the list before providing it to participants. A list of ATF Field Division Offices is also supplied to assist trainers in locating instructors.

The appendix also contains a **participation form** used to document that training has occurred. This form must be completed and faxed to PERF at 202-466-7826 *each time* the curriculum is taught.

The answer key to the pre- and post-tests is also contained in the appendix. The pre-test should be administered at the beginning of the training program to help gauge the level of knowledge participants have about the subject. Based on the results of the pre-test, trainers can adjust the program as appropriate. The post-test should be administered at the conclusion of the training program to assess how well students comprehend the materials.

Environment

To promote learning, trainers should pay particular attention to the environment. Every effort should be made to ensure the classroom has a comfortable temperature, has appropriate lighting, allows for the students to comfortably sit and write, is structured to encourage discussion and accommodates all training equipment. Comfortable chairs and writing desks should be available, and instructors should be attentive to students' needs to take frequent breaks.

Participant Manual

The participant manual contains the goals, objectives and activity outlines for each of the training modules. Lines are provided for note taking. If the trainer has decided to reorder the modules or omit certain activities, similar adjustments need to be made to the participant manual before it is duplicated and distributed.

Selecting Trainers

This curriculum draws on materials from numerous agencies and individuals. In most of the modules, the preparation guide suggests that the law enforcement trainer work closely with trainers from other agencies. For example, in Modules two and three, we suggest that State and Federal prosecutors present the material, and in Modules four and five, we recommend a representative from the ATF National Tracing Center (NTC) or a regional ATF agent. These individuals are invaluable resources for answering questions concerning Federal and State laws and regulations, firearms investigations in specific jurisdictions, firearms tracing and myriad of other concerns critical to successful training.

Law enforcement trainers should have a thorough knowledge of police agency policies, procedures and protocols for handling cases of firearms trafficking. Some investigative experience also would be beneficial. In addition, police trainers should be aware of state laws that may be applicable in firearms trafficking cases. Trainers from ATF, the state's attorney's office, the prosecutor's office or other relevant law enforcement agencies should have a thorough knowledge of applicable statutes, investigative responsibilities and other problems that may concern law enforcement officers. Each trainer should understand the role and responsibility of the other professions, including differences in philosophy and terminology.

Additional qualifications include:

- familiarity with training methods used in this curriculum;
- demonstrated experience as a trainer;
- experience with organizing, presenting and discussing complex issues;
- ability to lead discussions and to encourage students to disclose preconceptions;
- sensitivity to the needs of officers in the training setting;
- recognized credibility with officers; and
- commitment to being thoroughly prepared for all training sessions.

It is important that the trainers express a genuine belief in using a coordinated approach to address interstate firearms trafficking, so the police role can be presented to students in a coherent and straightforward manner. Revising and updating the curriculum on a regular basis is strongly advised and should be done in a cooperative effort among the police trainer and local experts on interstate firearms trafficking.

INTRODUCTORY MODULE

Goal: To convey the importance of investigating firearms and firearms trafficking. To become familiar with firearms trafficking terminology.

LEARNING OBJECTIVES

At the completion of this module, students will be able to

1. understand the problem of gun violence and the importance of investigating firearms that are recovered by or come to the attention of law enforcement officers (e.g., officer safety issues);
2. define important terms such as illegal firearms trafficking, straw purchaser, tracing, and source and market areas; and
3. understand the nature of firearms trafficking in your state and learn how law enforcement departments are handling firearms trafficking cases.

PREPARATION GUIDE

We recommend that an ATF agent or a law enforcement trainer with expertise in firearms trafficking conduct this module. The suggested length of this module is 20 minutes.

Before the session, complete the following preparations:

- Select which PowerPoint® slides and/or overhead you will use and prepare participant handouts.
- For activity #1:
 - Prepare the Participant Manuals for distribution.
 - Photocopy the Pre/Post test handouts.
 - Prepare introductory remarks to provide overview of gun violence. Use the material presented in the introduction to the manual.
 - Update statistics if necessary.
 - Obtain information on a local example of gun-related crime.
 - Prepare list of on-scene investigations where officers would want to look for weapons (e.g., traffic stops, search warrants, when serving arrest warrants, etc.).
- For activity #3:
 - Obtain information on firearms trafficking in your state (e.g., the number of illegal guns seized, the states where these were purchased, the number of guns seized elsewhere that originated in your state, number of arrests for straw purchases, number of Federal Firearms Licensees (FFLs) and information on those that have been cited for violations). *[Resources for this information include local ATF offices, the National Tracing Center and special task forces (state and local), etc.]*
 - Prepare participant handouts, overheads and/or PowerPoint® slides that capture state-specific trafficking information.

Keys to success in this module:

- State and local officers may not understand how trafficking relates to them, given that it is largely a Federal issue. It is important to emphasize the relationship between reducing firearms trafficking and violent crime, as well as increasing officer safety (see activity #1). The example of a gun-related crime is especially important in making this connection real to officers. Consider having a victim or officer relate his or her own personal experience.

MATERIALS

PowerPoint slides included in the appendix to this module:

- #1-Title Slide
- #2-Firearms Trafficking
- #3-The Problem of Gun Violence
- #4-Trafficking Terminology
- #5-Trafficking Terminology

Handouts included in the appendix to this module:

- Participant Pre/Post test

Trainer-prepared materials:

- State Trafficking Information Activity
(Create slide and handout for activity)

ACTIVITY #1: Importance of Firearms Investigations

Goal: To understand the importance of investigating firearms that come to the attention of law enforcement officers.

Pre-Test Administration

The Problem of Gun Violence

According to the FBI's 1996 Uniform Crime Reports, 29 percent of violent crimes in the United States are firearms-related. In 1996, 67.8 percent of murders were firearms-related.

Preventing Use of Firearms in Violent Crime

Looking for, seizing and investigating weapons is important to law enforcement because firearms trafficking is one of the ways criminals get guns to commit violent crimes, including assaults on police officers. Enforcement of firearms trafficking laws is one method of disarming these violent criminals and preventing the violent—often fatal—misuse of firearms.

Reducing Violent Crime and Increasing Officer Safety

The safety of officers and citizens is the single most important reason for law enforcement to have a heightened awareness of firearms. In fact, guns are the number one cause of non-accidental death of on-duty officers. Further, according to the National Law Enforcement Memorial Fund and the FBI:

- In 1997, 70 out of 159 murders of police officers were the result of shootings.

Slide #1

[Instructor: Distribute Participant Manuals and administer the Pre-test Handout. At the conclusion of training, distribute the Post-test Handout]

[Instructor: Expand this overview of the problem of gun violence with additional area-specific information.]

Slide #2

Slide #3

[Instructor: Use updated statistics if necessary.]

- Ninety-two percent of law enforcement officers killed from 1987 through 1996 were shot by criminals with firearms: 72 percent by handguns; 15 percent by rifles; 5 percent by shotguns; and 8 percent by other weapons.
- Since the first law enforcement fatality in 1794, there have been 7,202 law enforcement officers shot and killed with firearms.
- The number of firearm-related assaults against law enforcement officers has increased steadily over the past decade. For example, in 1984, there were 2,654 firearm assaults against officers, compared with 4,002 in 1993—a 51 percent increase.
- During FY 1997, the NTC traced 193,237 firearms recovered in crimes worldwide.

Local Case Example

[Instructor: Recount local gun crime example.]

Other Case Examples

The largest percentage of officers killed by firearms are assigned to patrol (FBI 1997). The following scenarios, obtained from the FBI's "Law Enforcement Officers Killed and Assaulted" publication, provide examples of incidents involving typical patrol activities that resulted in a firearm-related death.

Michigan

At approximately 12:45 a.m., a 32-year-old officer with the Detroit Police Department was shot and killed while investigating a suspected stolen vehicle during a traffic stop. The officer, his partner and a backup vehicle stopped a suspicious vehicle. The victim officer positioned his patrol vehicle in front of the car and approached the driver, who allegedly jumped from his car and fired a .380-caliber semi-automatic handgun. The officer, who was wearing body armor, was struck in the left side of the head and fell. Officers in the backup vehicle returned fire, mortally wounding the assailant. The victim officer was transported to a hospital where he was later pronounced dead.

[Instructor: Ask participants if it is likely that these were trafficked guns.]

Ohio

A 26-year-old trooper with the Ohio State Highway Patrol was shot and killed while making a traffic stop at approximately 3:15 a.m. The investigation indicated the trooper approached the stopped car from the driver's side and asked for the man's driver's license. The man indicated that he did not have a license and then fired a .45-caliber semi-automatic handgun. The trooper sustained a fatal shot that entered his lower back below his body armor and struck his heart. A 30-year-old man was later apprehended after a high-speed chase by the Ohio State Patrol. He was charged with aggravated homicide.

Guns are More Dangerous than Drugs

Each year, the number of police officers killed by firearms while looking for drugs or investigating other crimes increases. Although no one will kill you *with* a kilo of cocaine, someone will kill you *over* a kilo of cocaine, most often with a gun. Guns symbolize power. Drug and firearms traffickers have firearms—it is the nature of their business. If you stop the source of guns, drug and firearms traffickers will not have the power to influence others or deal in their trade.

Summary

When police officers are involved in an on-scene investigation, the most important thing is to ensure the safety of the officers and citizens involved. In every situation this means looking for weapons that can cause harm to the officers, or others, before looking for evidence of other crimes. For example, officers must look for guns before looking for drugs. **We call this putting "Guns First."**

[Instructor: Provide examples of on-scene investigations where officers would want to look for weapons.]

ACTIVITY #2: Definition of Terms

Goal: To define important terms such as firearms trafficking, straw purchaser and source and market states.

Firearms Trafficking Terminology

1. **Illegal Firearms Trafficking:** The acquisition of firearms for the purpose of unlawful resale to criminals or people in areas where State and local laws limit firearms availability, with monetary profit being the traffickers' main motive.
2. **Source Areas:** Those areas where large numbers of firearms are easily acquired from various sources and transported to other jurisdictions for sale to criminals or those who cannot legally purchase firearms.
3. **Market Areas:** Those areas where firearms, acquired in a source area, are then marketed unlawfully and transferred to the criminal element/prohibited persons/juveniles.
4. **Time to Crime:** The amount of time between acquisition of a firearm and its recovery during use in a crime.
5. **Time to Sale:** The amount of time between an FFL's acquisition of a firearm and the sale/transfer of the firearm.
6. **Straw Purchase(r):** A purchase of a firearm by an individual (the straw purchaser) who purchases the firearm for another person, with the purpose of concealing the second person's identity.
7. **Suspect Firearm:** A unrecovered firearm(s) that is suspected to have been illegally trafficked or diverted for the purpose of committing a crime(s).

[Instructor: Ask participants to define these terms as they understand them and then discuss the standard definitions.]

Slide #4

Slide #5

8. **Firearms Trace:** The tracking of a recovered firearm from its source (manufacturer/importer) to the wholesaler/retailer to the purchaser.
9. **Firearms Trafficking Corridor:** A common path by which illegal firearms traffickers transport firearms from a source area to a market area. Includes: interstate highways, buslines, railways or air routes.
10. **Firearms Trafficking Gateway:** A border, port of entry, airport, busport or train station that illegal firearms traffickers pass through during the transportation of firearms from a source state to a market state.
11. **Illegal Firearms Diversion:** The transfer of a firearm(s) from a legal to an illegal marketplace, through illegal methods or for illegal purposes.
12. **Crime Gun:** Any firearm that is illegally possessed, used in a crime or suspected to have been used in a crime. This can include guns that were found if it is suspected they were used in a crime or illegally possessed.
13. **Federal Firearms Licensee:** An FFL is a person, partnership or business entity holding a valid license issued by ATF under the authority of Title 18 U.S.C. chapter 44, that allows them to "engage in the business" of dealing firearms. By law, all FFLs must keep records of their firearms transactions.

ACTIVITY #3: Trafficking in the State

Goal: To understand the nature and extent of firearms trafficking in your state and learn how law enforcement departments in the state handle firearms trafficking cases.

State Trafficking Information Tables

Obtain information about trace requests made and successfully completed in your state during the past year. Your local ATF field office should be able to provide a table reflecting the number of firearms successfully traced by the ATF National Tracing Center recovered in your state or that originated in your state during the specified period. You may also want to obtain similar data from neighboring states to observe trafficking trends.

PLEASE NOTE: The total for your state will only represent the amount of traces successfully completed, not the total number of firearms recovered in crimes, nor the total number of trace requests received from that state. **It is important to note that comparisons of figures between states must be done with great caution**, as the figures for each individual state reflect how many firearms were *successfully traced* and **not** how many firearms were *recovered*.

For example, just because there are twice as many guns traced in State X as compared with State Y, that does not mean more guns were recovered or used in crimes in State X. It may only mean State X traces a higher percentage of the guns they recover. Likewise, just because more guns from State Z were recovered in State X than in State Y, does not mean more guns from State Z are being trafficked to State X than to State Y. It may again be that because State X traces more of its recovered firearms, a larger number of those

[Instructor: Obtain tables from local ATF field office or the National Tracing Center. Request tables that indicate the guns successfully traced by ATF recovered in your state and/or that originated in your state. Also review other state data to identify trafficking corridors that involve your state.]

Trainer-prepared slide or handout.

weapons originating in State Z are reflected in their numbers.

Statewide Differences

Just as differences between *states* can be explained by understanding differences in the number of traces requested, so can differences between *regions of a state*. For example, the New York State figures on traces may be skewed by New York City's numbers, because it traces the largest percentage of guns in the state.

MODULE SUMMARY

Important points to remember:

1. Because criminals get firearms through trafficking, we must aim to reduce firearms trafficking.
2. Because guns injure and kill law enforcement officers, we must always put guns first.
3. Guns are “tools of the trade” for drug and firearms traffickers. Without guns they do not have the power to influence others or deal in their trade.

The training modules that follow provide information to assist officers in reaching the goal of reduced firearms trafficking. This training includes information on:

- laws that pertain to firearms trafficking,
- ways to detect and respond to trafficking operations, and
- the importance of tracing firearms and cooperating with ATF.

QUESTION AND ANSWER SESSION

1. Prompt participants for questions.
2. Ask the following questions to generate discussion and support learning:
 - a. Ask participants to recount any personal experiences with traffickers or firearms tragedies.
 - b. Ask participants to develop a list of additional situations where it is important to look for “Guns First.”

MODULE RESOURCES

Activity #1:

Federal Bureau of Investigation (1997). Crime in the United States: Uniform Crime Reports, 1996. Washington, D.C.: U.S. Department of Justice.

Federal Bureau of Investigation (1996). Law Enforcement Officers Killed and Assaulted (annual), Washington, D.C.: U.S. Department of Justice.

Federal Bureau of Investigation (1992). Killed in the Line of Duty: A Study of Selected Felonious Killings of Law Enforcement Officers (special report). Washington, D.C.: U.S. Department of Justice.

FBI Information Dissemination (304) 625-4995.

National Law Enforcement Officers Memorial Fund, 605 E St. NW, Washington, DC, 202-737-3400.

Activity #2:

Bureau of Alcohol, Tobacco and Firearms Guide to Investigating Illegal Firearms Trafficking (October 1997). Washington, D.C.: U.S. Department of the Treasury.

Bureau of Alcohol Tobacco and Firearms (September). Firearms Trafficking School. Washington, D.C.: U.S. Department of the Treasury.

Activity #3:

Trainer-prepared materials.

Local ATF Field Office or The National Tracing Center at 1-800-788-7133.



INTRODUCTORY MODULE APPENDIX

Slides included in this appendix:

- #1-Title Slide
- #2- Firearms Trafficking
- #3 -The Problem of Gun Violence
- #4-Trafficking Terminology
- #5-Trafficking Terminology

Handouts included in this appendix:

- Participant Pre/Post test



GUNS FIRST
TRAINING PROGRAM



FIREARMS TRAFFICKING

- ❑ Criminals Get Guns to Commit Crimes.**
- ❑ Enforce Trafficking Laws to Disarm Criminals.**

THE PROBLEM OF GUN VIOLENCE

- ❑ Firearms - #1 Cause of Officer Deaths**
- ❑ Since 1794 - 7,202 Officers Killed with Firearms.**
- ❑ During 1996 - 67.8 Percent of Murders Firearms-Related.**

TRAFFICKING TERMINOLOGY

- ☐ **Trafficking**
- ☐ **Source Areas**
- ☐ **Market Areas**
- ☐ **Time to Crime**
- ☐ **Time to Sale**
- ☐ **Straw Purchase(r)**
- ☐ **Suspect Firearm**

TRAFFICKING TERMINOLOGY

- ❑ Firearms Trace**
- ❑ Firearms Trafficking Corridor**
- ❑ Firearms Trafficking Gateway**
- ❑ Illegal Firearm Diversion**
- ❑ Crime Gun**
- ❑ FFL**

GUNS FIRST

Course Pre-Test

Name: _____

Date: ____/____/____

Circle one of the following answers.

1. What is the most important reason to combat firearms trafficking?
 - a. All laws must be enforced.
 - b. Officer and citizen safety is at stake.
 - c. To make things easier for legitimate dealers and purchasers.
2. Firearms Trafficking is defined as:
 - a. Any acquisition of firearms for the purpose of resale in another jurisdiction.
 - b. The acquisition of firearms for the purpose of unlawful resale.
3. Time-to-crime is a term used to describe the amount of time between:
 - a. When a firearm is acquired from a dealer and recovered by law enforcement in a crime.
 - b. When a firearm is sold illegally and recovered by law enforcement in a crime.
 - c. When a firearm is sold until it is used to commit the first crime.
4. A straw purchaser is someone who:
 - a. Purchases a firearm for his or her own use.
 - b. Purchases a firearm for someone who wants to conceal their identity.
 - c. Purchases a firearm from a unlawful dealer.
5. A source state is where large amounts of firearms are acquired and transported to other states for sale to criminals.

TrueFalse
6. My state is a firearms trafficking:
 - a. Source state.
 - b. Market state.
 - c. Both.
7. Only the federal government has laws regulating the trafficking of firearms.

TrueFalse
8. The firearms laws of other states can have an effect on the number of firearms available in my state.

TrueFalse

9. FFL stands for:
- a. Federal Firearms License
 - b. Federal Firearms Laws
 - c. Federal Firearms Lease
10. It is a federal offense to steal a firearm from a licensed dealer.
- True False
11. A person found transporting one or two guns is unlikely to be a major firearms trafficker.
- True False
12. A source state will often have strict gun laws.
- True False
13. A person carrying a firearm will show certain tendencies to which law enforcement officers should be alert.
- True False
14. To trace a firearm, the National Tracing Center must have possession of the weapon.
- True False
15. My state maintains a database of licensed firearms.
- True False
16. If an NCIC check of a firearm shows it not stolen, there is no reason to initiate a trace of the weapon.
- True False
17. A firearms trace can only be submitted to the National Tracing Center through registered U.S. mail.
- True False
18. Project LEAD is a computer-based relational database program that identifies commonalities among completed firearms trace requests.
- True False
19. It is possible to submit a trace through the National Law Enforcement Telecommunications System (NLETS).
- True False
20. Mail-order firearms are a source of trafficked firearms.
- True False

GUNS FIRST

Course Post-Test

Name: _____

Date: ____/____/____

Circle one of the following answers.

1. What is the most important reason to combat firearms trafficking?
 - a. All laws must be enforced.
 - b. Officer and citizen safety is at stake.
 - c. To make things easier for legitimate dealers and purchasers.
2. Firearms Trafficking is defined as:
 - a. Any acquisition of firearms for the purpose of resale in another jurisdiction.
 - b. The acquisition of firearms for the purpose of unlawful resale.
3. Time-to-crime is a term used to describe the amount of time between:
 - a. When a firearm is acquired from a dealer and recovered by law enforcement in a crime.
 - b. When a firearm is sold illegally and recovered by law enforcement in a crime.
 - c. When a firearm is sold until it is used to commit the first crime.
4. A straw purchaser is someone who:
 - a. Purchases a firearm for his or her own use.
 - b. Purchases a firearm for someone who wants to conceal their identity.
 - c. Purchases a firearm from an unlawful dealer.
5. A source state is where large amounts of firearms are acquired and transported to other states for sale to criminals.

True

False
6. My state is a firearms trafficking:
 - a. Source state.
 - b. Market state.
 - c. Both.
7. Only the federal government has laws regulating the trafficking of firearms.

True

False
8. The firearms laws of other states can have an effect on the number of firearms available in my state.

True

False

9. FFL stands for:
- a. Federal Firearms License
 - b. Federal Firearms Laws
 - c. Federal Firearms Lease
10. It is a federal offense to steal a firearm from a licensed dealer.
- True False
11. A person found transporting one or two guns is unlikely to be a major firearms trafficker.
- True False
12. A source state will often have strict gun laws.
- True False
13. A person carrying a firearm will show certain tendencies to which law enforcement officers should be alert.
- True False
14. To trace a firearm, the National Tracing Center must have possession of the weapon.
- True False
15. My state maintains a database of licensed firearms.
- True False
16. If an NCIC check of a firearm shows it not stolen, there is no reason to initiate a trace of the weapon.
- True False
17. A firearms trace can only be submitted to the National Tracing Center through registered U.S. mail.
- True False
18. Project LEAD is a computer-based relational database program that identifies commonalities among completed firearms trace requests.
- True False
19. It is possible to submit a trace through the National Law Enforcement Telecommunications System (NLETS).
- True False
20. Mail-order firearms are a source of trafficked firearms.
- True False

STATE LAW MODULE

Goal: To provide students with information on their state's firearms laws and prosecution of firearms trafficking cases.

LEARNING OBJECTIVES

At the completion of this module, students will be able to

1. understand relevant state firearms laws and how they impact firearms trafficking, and
2. summarize case studies where enforcement of state and local laws has led to decreased firearms trafficking (optional).

PREPARATION GUIDE

We recommend that a law enforcement trainer, assistant state's attorney general and/or prosecutor with knowledge of the state firearms laws and cases prosecuted conduct this module. The suggested length of this module is one hour and 15 minutes.

Before the session, complete the following preparations:

- Select which PowerPoint® slides and/or overheads you will use and prepare participant handouts.
- For activity #1:
 - **Prepare a summary of your state statutes regarding firearms and trafficking.**
 - Prepare case examples of the impact of State laws on trafficking.
 - Obtain information on elements of proof for State laws and pointers for officers on improving case preparation.
 - Obtain information on prosecution of firearms cases (e.g., the number of cases prosecuted in the state during recent time period, reasons why prosecutions are or are not pursued in your state, such as caseload, prosecutorial priorities).
 - Prepare PowerPoint® slides and participant handouts of State law summary and pointers for improved case preparation.
- For activity #2:
 - Identify one or more local law enforcement officers who have been involved in successful firearms cases to share their experiences (optional).

Keys to success in this module:

- Officers may doubt the commitment of prosecutors to pursue firearms offenses. Early in this module, stress why these cases need to be investigated. Assist officers in understanding the competing demands on prosecutors and the ways cases are selected for prosecution in your area (activity #1).

MATERIALS

Slides included in the appendix to this module:

- #6-State Law
- #7-State Law Components
- #8-State Law Components

Trainer-prepared materials:

- State Law Summary
(handout and PowerPoint® slide for activity #1)
- Pointers for Improved Case Preparation
(handout and PowerPoint® slide for activity #1)

ACTIVITY #1: State Law Review

Goal: To understand relevant firearms laws of the state and their impact on reducing firearms trafficking.

State Firearms Law Review

State Law and the Flow of Firearms

It is important to recognize that the laws of each state can have an impact both on crime within the state as well as that in neighboring states. For example, when Virginia adopted its "one-gun-a-month" law, there was a rash of gun shop burglaries within the state. Also, because the law only referred to handguns, shotguns became the gun of choice to traffic.

Ways for Officers to Improve Case Preparation

In general, the best way to assist prosecutors in trying cases is to understand the law and its elements, and to understand that the prosecutor must prove each element in the law to obtain a conviction. Law enforcement officers should always be thinking about what evidence they can collect for each one of the elements to best assist prosecutors in proving that element.

Slide #6

*[Instructor: **Distribute Trainer-prepared Handout** summarizing your state's statutes. Review the summary, using a **Trainer-prepared Slide** as a guide. Provide case examples for clarification. Describe impact of these laws on trafficking.]*

Slides # 7-8

*[Instructor: Provide information on the prosecution of firearms cases and pointers for officers on improving their case preparation. **Distribute Trainer-prepared Handout(s)** on this topic.]*

Trainer-prepared Slide

Instructor's Notes

ACTIVITY #2: Case Study

(Optional)

Goal: To present case studies where enforcement of state and local laws has led to a decrease in firearms trafficking.

[Instructor: Provide information on cases of interest.]

MODULE SUMMARY

This module presented State laws that restrict the behavior of citizens with regard to firearms. It is important for officers to be aware of these laws and to understand their elements so they may enforce them and help prepare cases for prosecution. This module also emphasized that laws in neighboring states can have an impact on trafficking in your state.

QUESTION AND ANSWER SESSION

1. Prompt participants for questions.
2. Ask the following questions to generate discussion and support learning:
 - a. Ask participants to discuss impediments they have encountered during prosecution of their firearms cases. Brainstorm ways to avoid or counteract these problems. This can include better case preparation, better communication with prosecutors, etc.
 - b. Ask officers who have worked firearms trafficking cases to share their experiences.

Instructor's Notes

MODULE RESOURCES

Activity #1:

Trainer-prepared materials.

Activity #2:

Trainer-prepared materials.



STATE LAW MODULE APPENDIX

Slides included in this appendix:

- #6-State Law
- #7-State Law Components
- #8-State Law Components



State Law



STATE LAW COMPONENTS

- ☐ **Right to Bear Arms**
- ☐ **Possession Restrictions**
- ☐ **Place Restrictions**
- ☐ **Possession Requirements**
- ☐ **Firearm Purchasing**

STATE LAW COMPONENTS

- ☐ **Sale Restrictions**
- ☐ **Liability for Minor Access**
- ☐ **Report Requirements**
- ☐ **Miscellaneous**



FEDERAL LAWS AND REGULATIONS MODULE

Goal: To provide students with an overview of relevant Federal firearms laws and regulations and how they can be applied to local law enforcement efforts to reduce trafficking.

LEARNING OBJECTIVES

At the completion of this module, students will

1. understand the interaction, overlap and conflict between Federal, State and local law and explain why enforcement agencies may want to pursue Federal and local laws in addition to State laws;
2. be able to describe the important features of the relevant Federal firearms laws;
3. understand the importance of regulatory enforcement in reducing trafficking of firearms; and
4. become familiar with case studies where local law enforcement officials have initiated Federal investigations that had an impact on firearms trafficking (optional).

PREPARATION GUIDE

We recommend that a law enforcement trainer, assistant U.S. attorney and/or legal counsel from a regional ATF office conduct this module. The suggested length of the module is one hour and 15 minutes.

Before the session, complete the following preparations:

- Select which PowerPoint® slides and/or overheads you will use and prepare participant handouts.
- For activity #1:
 - Obtain information on your State law preemption provisions and areas of the State law that run counter to Federal law.
 - Obtain information on factors that contribute to the decision of which jurisdiction will prosecute.
- For activity #2:
 - Select those Federal laws that you wish to cover in the training. Some may already be summarized in this manual, some may not. A list of appropriate Federal firearms statutes is contained in the appendix to this module.
 - Obtain information on any Federal laws you wish to add to the module (optional).
 - Prepare PowerPoint® slides, overheads and handouts for those laws you add to these materials.
- For activity #3:
 - Distribute Handout #1.
- For activity #4:
 - Obtain information on efforts made by local law enforcement to identify, investigate individuals and dismantle organizations involved in the unlawful use, sale or acquisition of firearms.
 - Obtain information on local FFL requirements.
 - Prepare a PowerPoint® slide and/or overhead and a handout of FFL requirements.

- For activity #5:
 - Identify one or more local law enforcement officer(s) who have been involved in successful Federal firearms cases to share their experiences (optional).

Keys to success in this module:

- Officers may not understand the relevance of these Federal laws because they are not responsible for enforcing them. Emphasize that Federal laws usually carry stiffer penalties and stress the importance of being aware of these laws so that when they become privy to information that may be relevant to a Federal investigation, they can be instrumental in assisting ATF and making their community safer.
- To enhance the significance of this module, select Federal laws that you feel are most relevant to your jurisdiction. The laws summarized in this module relate to situations State and local law enforcement officers are most likely to encounter. If these materials do not summarize a law you feel is important, feel free to add this information. A list of Federal firearms laws pertaining to trafficking is contained in the appendix to this module.
- For simplicity's sake, a great deal of information about the requirements of proof for these laws has been omitted. Be sensitive to the level of detail you provide about the laws. It is most important to stress that officers should contact ATF if they suspect a Federal law has been violated.
- Consider inviting a representative from the regulatory branch of ATF to present the information on compliance with the FFL requirements.

MATERIALS:

Slides included in the appendix to this module:

- #9-Federal Law
- #10-Concurrent Jurisdiction
- #11-Federal, State and Local Law
- #12-Interaction of Local and State Law
- #13-Prosecution Decisions
- #14-Importance of Federal Law
- #15-Federal Laws
- #16-Federal Laws
- #17-Regulatory Enforcement
- #18-Cooperation with Dealers

Handouts included in the appendix to this module:

- Federal Law Case Scenario Practicum

Reference materials included in the appendix to this module:

- Federal Firearms Trafficking Violations

Trainer-prepared materials:

- Additional Federal Law Summaries
(optional overhead and handout for activity #2)
- Local FFL Requirements
(overhead and handout for activity #4)

ACTIVITY #1: Federal, State and Local Law

Goal: To understand the interaction, overlap and conflict between Federal, State and local law and explain why enforcement agencies may want to pursue Federal laws and local ordinances in addition to State laws.

Concurrent Jurisdiction

There can be no State or local law that is in conflict with the Federal law. There may be overlap however, in the State and Federal law such that they prohibit the same activity. In this case, concurrent jurisdiction exists and either authority can bring charges.

Interaction of Local Ordinance and State Law

There are three mechanisms for controlling the amount of overlap between State and local authority:

- 1) the localities may be preempted entirely by the State constitution from enacting ordinances for firearms,
- 2) the localities can be preempted from enacting ordinances for specific firearms-related issues, such as licensing, or
- 3) the localities are not preempted at all from enacting firearms ordinances.

If a locality is not preempted, the only requirement is that the ordinance not conflict with the State law. This means the ordinance can only be more restrictive than the State law. For example, a state may prohibit anyone under the age of 18 from purchasing a handgun. In a city in that state, a local ordinance may prohibit anyone under the age of 21 from purchasing a handgun.

Slide #9

Slide #10

Slide #11

Slide #12

Instructor's Notes

This ordinance is more restrictive than the State law, but not in conflict with it.

In recent years, there has been a trend for states to institute a complete preemption of firearms laws. When this occurs, the existing local ordinances are often "grandfathered." This means any existing ordinances in effect prior to preemption by the state will remain valid.

State-Specific Information

- Preemption provisions
- Areas that run counter to Federal law

What Factors Contribute to the Decision of Who Will Prosecute

The process of determining which authority will prosecute is an important issue for law enforcement. This decision is based on several factors: politics, available resources and the penalties required by each level for the violation. A State or local jurisdiction may conduct an independent or joint investigation with the Federal government, ultimately turning the case over to the Federal level for prosecution because the penalties are higher. Most communities resolve this arrangement amicably.

Importance of Federal Laws

The Federal law is one tool among many law enforcement officers can use to curb the flow of firearms to criminals, because it specifically addresses the interstate aspect of firearms trafficking.

In addition, under Federal law sentencing guidelines, offenders in some circumstances will be subject to greater penalties. For example, carrying a concealed weapon may be only a misdemeanor violation under State law, while Federal law may carry a 15-year mandatory sentence under Section 924(e).

[Instructor: Provide information on relationship between your State law and the Federal law.]

Slide #13

[Instructor: Provide additional information on how these decisions are made in your area.]

Slide #14

Example:

Officers stop a car in a state with tough purchase laws (i.e., a market state). They find a number of unloaded guns stored in the trunk. Although the officers are suspicious that trafficking is occurring, state law permits the transport of unloaded firearms. Under State law, the officers can take no action.

If the officers conduct a search of the car, however, and discover the weapons were purchased in another state by a straw purchaser or someone using false identification, the occupants of the car may be subject to criminal penalties under Federal law. Federal law prohibits the illegal purchase and transport of firearms across state lines. This is the interstate nexus addressed by Federal law.

ACTIVITY #2: Federal Firearms Laws

Goal: To describe the important features of relevant Federal firearms laws.

Slide #15

Title 18, United States Code, Section 922(a)(6)

It is unlawful for any person

- (1) in connection with the purchase/acquisition, or
- (2) attempted purchase/acquisition

of a firearm to make false oral or written statements or to provide false, fictitious identification, which is likely to mislead, to an FFL as to a fact effecting the lawfulness of the sale (e.g., lying on an ATF Form 4473—Gun Transfer Record).

PENALTY: Up to 10 years imprisonment and/or a \$250,000 fine per offense.

Title 18, United States Code, Section 922(u)

It is unlawful for any person to

- (1) steal, or
- (2) unlawfully take away from an FFL/FFL's place of business

any firearm in the FFL's business inventory.

PENALTY: Fined or imprisoned not more than five years per offense.

EXAMPLE:

1. Burglary or robbery of an FFL.

Title 18, United States Code, Section 922(g)

It is unlawful for any person who:

- (1) has been convicted of a felony,
- (2) is a fugitive from justice, or
- (3) is an illegal alien

to possess or receive any firearm or ammunition that has traveled in interstate commerce (across state lines).

PENALTY: Up to 10 years imprisonment and/or a \$250,000 fine per offense.

NOTE: The interstate nexus or travel in interstate commerce can occur in different ways, including transportation of the weapon across state lines by the possessor, or travel across state lines of the firearm, frame or receiver during or subsequent to its manufacture.

Title 18, U.S.C., Section 924(e)(1)

Title 18, U.S.C., Section 924(e) calls for the mandatory imprisonment of not less than 15 years for anyone

- (1) who violates Section 922(g) (i.e., a convicted felon, alien or fugitive who possesses or receives a firearm or ammunition that has traveled in interstate commerce), and
- (2) who has three prior State or Federal convictions for violent felonies or serious drug offenses, including extortion, burglary or arson, or an offense involving the use of explosives.

PENALTY: This statute does not allow for parole, probation or early release. In addition, the statute provides for a discretionary fine of \$250,000.

Slide #16

Title 18, United States Code, Section 924(c)

Whoever,

- (1) during and in relation to any crime of violence or drug trafficking crime,
- (2) for which he may be prosecuted in a court of the United States,
- (3) uses or carries a firearm or who, in furtherance of any such crime, possesses a firearm,

is subject to the following penalties.

PENALTIES:

The offender, in addition to the punishment provided for the crime of violence or drug trafficking crime, *shall be sentenced to a consecutive term of not less than five years imprisonment;*

If the firearm is brandished, *a consecutive term of imprisonment of not less than 7 years;*

If the firearm is discharged, *a consecutive term of imprisonment of not less than 10 years;*

If the firearm is a short-barreled shotgun or rifle or semiautomatic assault weapon, *a consecutive term of imprisonment of not less than 10 years;*

If the firearm is a machine gun, destructive device or is equipped with a silencer, *a consecutive term of imprisonment of not less than 30 years.*

Instructor's Notes

Title 18, United States Code, Section 922(j)

It is unlawful for any person to knowingly

- (1) receive,
- (2) possess,
- (3) conceal,
- (4) store,
- (5) barter,
- (6) sell, or
- (7) otherwise dispose of

any stolen firearms or ammunition that are shipped or transported across state lines either before or after being stolen.

PENALTY: A fine or imprisonment not greater than 10 years.

*[Instructor: **Distribute
Trainer-prepared Handout
of additional Federal Laws
(optional).**]*

ACTIVITY #3: Case Scenario Practicum

Goal: To become familiar with important Federal laws.

CASE EXAMPLE #1:

In 1981, Barry Wise was convicted of two counts of burglary of a residence. The burglaries took place on two separate nights and count as "separate criminal acts." Because Congress specifically cited burglary as a violent crime in this statute, this counts as two separate felony offenses.

In 1989, Wise was the subject of a major drug investigation. A warrant was executed at his residence. During the entry phase, Wise took a shot at one of the officers. He was arrested and cocaine was recovered. Wise was convicted of possession with intent to distribute and assault with intent to kill. These offenses took place as part of the same criminal act and count as one prior conviction. Wise now has three felony convictions.

In 1995, Wise was arrested for possession of stolen property. Recovered from his waistband was a Taurus 9mm pistol. This is a violation of what statute?

Answer:

While the 1995 charge is not a serious felony, the three prior violent felonies in conjunction with possession of a firearm subject him to the much stiffer penalty under statute 924(e)(1).

ATF, with the assistance of state and local law enforcement agencies, has had tremendous success in gaining significant prison sentences through aggressive enforcement of this statute.

[Instructor: Distribute Handout #1.]

CASE EXAMPLE #2:

A convicted felon uses an alias to obtain a false state driver's license and uses it to buy a handgun at a Federally licensed gun dealer. On the 4473 (Application to Purchase a Firearm), he answers, "No," in response to the question, "Have you ever been convicted of a crime for which the maximum penalty exceeds one year?" This is a violation of what statute?

Answer:

A violation of statute 922(a)(6) occurred when the purchaser lied/misrepresented to the dealer that he had not been convicted of a felony. Note, however, that *any* false statement to a dealer is a violation of Federal law and subjects the offender to the relevant penalties.

CASE EXAMPLE #3:

In 1989, Matt Hastings was convicted of armed robbery and sentenced to five years in jail. He actually served three months.

In 1995, Hastings was stopped by the police for speeding. As the officer approached the vehicle, he observed the butt of a gun sticking up from the space between the driver's seat and the armrest. Hastings was the only occupant of the car and the vehicle was registered to him. This is a violation of what statute?

Answer:

Even though Hastings served only three months of his five-year sentence, he has violated statute 922(g) because he is a convicted felon and in possession of a firearm.

CASE EXAMPLE #4:

A market state resident travels to a source state and pays a source state resident \$100 to buy him two Glock 9mm pistols. By posing as the actual purchaser and using his source state driver's license and signing the 4473, the source state resident is making a false written statement (i.e., that he, a resident of the source state, is buying the guns), which causes the Federal firearms licensee (FFL) to complete an illegal transfer. If the market state resident had come in with a market state identification, he would have been denied the purchase. This is a violation of what statute?

Answer:

A statute 922(a)(6) violation has occurred because the gun was not purchased for use by the source state resident, but instead was purchased for use by the market state resident. The source state resident has presented false or misleading information by acting as the intended owner/user of the weapon and can be subject to full penalty under this section. The market resident could be charged with aiding and abetting.

CASE EXAMPLE #5:

In 1996, Dan White, a convicted felon, jumped out of an apartment window during a drug raid. He was pursued by a uniformed officer acting as outside cover. After a short chase, the officer apprehended White. In his coat pocket was a magazine from a 9mm Smith and Wesson pistol, containing ammunition. No gun or drugs were recovered. This is a violation of what statute?

Answer:

White would be subject to prosecution under statute 922(g) because he is a convicted felon and he was caught with a magazine containing ammunition. NOTE: White does not need to have a firearm to be prosecuted under this statute; possession of ammunition is sufficient.

CASE EXAMPLE #6:

Brad and Bob Campbell, brothers, show up to a cocaine deal with five ounces of crack. Bob does most of the talking. Unknown to them, the man to whom they are planning to sell the crack is an undercover narcotics officer. During the deal, Bob says "If this is a rip or you're a cop, Brad is gonna kill you." As Bob says this, Brad pulls back his jacket to reveal a Colt .357 revolver. Both men can be charged with a violation of what statute? (Hint: Brad possessed, carried and brandished the firearm and Bob used it.)

Answer:

In this example, Brad carried, possessed and brandished a firearm in furtherance of the drug crime and is therefore subject to the penalties imposed by statute 924(c). Bob is also punishable under this statute because, while he did not possess or carry the weapon on his person, his reference to the weapon and the threat made to the officer constitute *use* of the weapon during the drug crime. Bob would be subject to a minimum five-year consecutive term in prison in addition to the sentence he receives for the drug charge. Brad would be subject to a minimum seven-year consecutive term in prison in addition to the sentence he receives for the drug charge.

CASE EXAMPLE #7:

Jeff Thomas and Paul Foster break into the home of an avid sportsman and gun collector and steal 10 handguns and seven rifles. They later transport the weapons to a neighboring state and sell them on the street. This is a violation of what statute?

Answer:

Jeff and Paul would be subject to penalty under statute 922(j) because they knowingly received stolen firearms and then transported them across state lines.

CASE EXAMPLE #8:

Based on an informant's information, officers implement a tactical operation to raid an apartment where crack is being cooked. A guard at the door has a "sawed-off" shotgun with a 12-inch barrel. One-quarter kilo of powder cocaine and one-quarter kilo of crack are recovered. This is a violation of what statute?

Answer:

The guard in this example is subject to penalty under 924(c) because the "sawed-off" shotgun is being *possessed* in furtherance of the drug crime. Because the weapon is a "sawed-off" shotgun, the guard would be subject to a consecutive term of not less than 10 years in addition to his sentence for the drug crime.

ACTIVITY #4: Regulatory Enforcement

Goal: To understand the importance of regulatory enforcement in reducing firearms trafficking.

Overview

The regulatory effort is of paramount importance in reducing the flow of firearms to criminals. Firearms come from a legitimate stream of commerce. If the legitimacy of that commerce is maintained through enforcement of the rules that regulate it, illegal purchases and transfers should decrease. Enforcement of regulations may have an even stronger impact on reducing trafficking than investigations.

Several states have joined forces with ATF to increase compliance with Federal and local regulations in an effort to weed out those dealers who may be trying to get a license for unlawful purposes. For example, in New York City, a team of a law enforcement officer and an ATF agent contacts all new and renewal applicants for FFLs to explain the nature of compliance with licensing. As a result of this educational effort, more than half these applicants decide not to apply.

This process may weed out those dealers who are not in compliance with FFL requirements and who may be most likely to work outside of the legitimate stream of commerce, engaging in illegal activity.

Impact of the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Act)

The Crime Act of 1994 legislated that gun dealers must be in compliance with State and local regulations in addition to Federal regulations. This means that if a dealer is not in compliance with State and local regulations, the license can be taken away and the dealer put out of business. This allows officers to focus on a smaller number of FFLs.

Slide #17

[Instructor: Present information on local law enforcement efforts.]

[Instructor: Distribute Trainer-prepared Handout on local FFL requirements and review.]

Trainer-prepared Slide or Overhead

Cooperation with Dealers

One approach available to law enforcement officers is to work directly with dealers to help them avoid attracting individuals with criminal intent (e.g., straw purchasers and thieves). This can be achieved in the following ways:

1. *Straw Purchases:* Educate dealers about typical activities and actions of straw purchasers to encourage a proactive deterrence approach. Dealers can make it clear they will not tolerate straw purchases by displaying prominent store notices, similar to anti-shoplifting campaigns, to this effect.
2. *Thefts:* To reduce “smash and grab” and gang thefts, dealers can install security measures that make the store harder to break into, such as pull-down metal doors or bars over windows.

Dealers may be concerned this approach will place undue burdens on them. One way to elicit their cooperation is to inform them that illegal purchasers often leave behind a string of problems for firearms dealers, including bad checks, bad credit cards, stolen merchandise, lost time spent working with law enforcement investigators and unwanted scrutiny by those investigators. Legitimate dealers have a vested interest in reducing straw purchases.

In this way, officers can work with dealers and appeal to their business sense. Because it is always in the best interest of a gun dealer NOT to have one of his or her guns show up in a crime, many will work with authorities. Increasing the number of legitimate, cooperative and law-abiding dealers can reduce firearms trafficking.

Slide #18

Sharing Information

Officers who work particular neighborhoods may begin to suspect a gun dealer in his or her area is working outside the law. Their suspicions may be based on neighborhood sources or direct observation. If the business is licensed under State law, there are regulatory boards to enforce those licensing requirements. Officers should make the appropriate authority aware of the information, so that further investigation can occur. The answer to the problem may be largely regulatory, which is often cheaper than legal solutions.

**ACTIVITY #5: Local Case Studies of
Federal Law** *(Optional)*

Goal: To present local case studies where State or local law enforcement have initiated Federal investigations that have had an impact on firearms trafficking.

MODULE SUMMARY

This module stressed the importance of the Federal law as an additional tool for law enforcement to use in combating firearms trafficking. Federal law sometimes allows for stiffer penalties and may be selected over State law for that reason. Federal law also restricts certain trafficking behaviors that State law may not cover. By becoming aware of these restrictions, State and local law enforcement officers may be able to contribute to larger-scale Federal investigations.

Several important relevant Federal laws were covered, including 924(e)(1) which mandates 15-year sentences for three-time felons who are caught with firearms.

This module also emphasized the importance of enforcement of firearms regulations and cooperation with gun dealers in curbing trafficking. If the legitimacy of firearms sales is maintained, through enforcement of the rules that regulate it, illegal purchases and transfers should decrease. In addition, legitimate firearms dealers will likely cooperate with law enforcement to detect and apprehend offenders.

QUESTION AND ANSWER SESSION

1. Prompt participants for questions.
2. Ask the following questions to generate discussion and support learning:
 - a. Ask officers who have worked on Federal cases to share their experiences.
 - b. Ask officers to relate their experiences with local firearms dealers. Have they been positive, negative or totally lacking? How can they be improved?

MODULE RESOURCES

Activity #1:

None.

Activity #2:

Trainer-prepared materials.

Activity #3:

None.

Activity #4:

Trainer-prepared materials.

FEDERAL LAW MODULE APPENDIX

Slides included in this appendix:

- #9-Federal Law
- #10-Concurrent Jurisdiction
- #11-Federal, State and Local Law
- #12-Interaction of Local and State Law
- #13-Prosecution Decisions
- #14-Importance of Federal Law
- #15-Federal Laws
- #16-Federal Laws
- #17-Regulatory Enforcement
- #18-Cooperation with Dealers

Handouts included in this appendix:

- Federal Law Case Scenario Practicum.

Reference materials included in this appendix:

- Federal Firearms Trafficking Violations



FEDERAL
LAW



CONCURRENT JURISDICTION

- ☐ Concurrent Jurisdiction - More Than One Body of Law Under Which Prosecution Can Be Sought.**

FEDERAL, STATE & LOCAL LAW

- ☐ **No Conflict with Federal Law**
- ☐ **May Overlap**

INTERACTION OF LOCAL & STATE LAW

- ❑ Localities May Be Preempted From Enacting Ordinances For**
 - Firearms Because of the State Constitution**
 - Specific Firearms-Related Issues**

PROSECUTION DECISIONS

- ☐ **Politics**
- ☐ **Resources**
- ☐ **Penalties**

IMPORTANCE OF FEDERAL LAWS

- ❑ Regulate Firearms Flow From State to State.**
- ❑ Sentencing Guidelines and Penalties May Be Stronger.**

FEDERAL LAWS

- ☐ Title 18, U.S.C., Section 922 (a) (6)**
- ☐ Title 18, U.S.C., Section 922 (u)**
- ☐ Title 18, U.S.C., Section 922 (g)**

FEDERAL LAWS

- ❑ **Title 18, U.S.C., Section 924 (e)(1)**
- ❑ **Title 18, U.S.C., Section 924 (c)**
- ❑ **Title 18, U.S.C., Section 922 (j)**

REGULATORY ENFORCEMENT

- ☐ **FFL Licenses**
- ☐ **Compliance with Federal, State
and Local Regulations**
- ☐ **Other**

COOPERATION WITH DEALERS

☐ **Reduce Straw Purchases**

☐ **Reduce Thefts**

GUNS FIRST: FEDERAL LAW

ACTIVITY #3: Case Scenario Practicum

Review each case scenario and choose the appropriate Federal statute.

Case Scenario #1:

In 1981, Barry Wise was convicted of two counts of burglary of a residence. The burglaries took place on two separate nights and count as "separate criminal acts." Because Congress specifically cited burglary as a violent crime in this statute, this counts as two separate felony offenses.

In 1989, Wise was the subject of a major drug investigation. A warrant was executed at his residence. During the entry phase, Wise takes a shot at one of the officers. He was arrested and cocaine was recovered. Wise was convicted of possession with intent to distribute and assault with intent to kill. These offenses took place as part of the same criminal act and count as one prior conviction. Wise now has three felony convictions.

In 1995, Wise was arrested for possession of stolen property. Recovered from his waistband is a Taurus 9mm pistol. While the 1995 charge is not a serious felony, the three prior violent felonies in conjunction with possession of a firearm subject him to the much stiffer penalty under what statute?

A violation of statute _____

Case Scenario #2:

A convicted felon uses an alias to obtain a false state driver's license and uses it to buy a handgun at a Federally licensed gun dealer. On the 4473 (Application to Purchase a Firearm), he answers, "No," in response to the question, "Have you ever been convicted of a crime for which the maximum penalty exceeds one year?"

A violation of statute _____

Case Scenario #3

In 1989, Matt Hastings was convicted of armed robbery and sentenced to five years in jail. He actually served three months. In 1995, Hastings was stopped by the police for speeding. As the officer approached the vehicle, he observed the butt of a gun sticking up from the space between the driver's seat and the arm rest. Hastings was the only occupant of the car and the vehicle was registered to him.

A violation of statute _____

Case Scenario #4:

A market state resident travels to a source state and pays a source state resident \$100 to buy him two Glock 9mm pistols. By posing as the actual purchaser and using his source state driver's license and signing the 4473, the source state resident is making a false written statement (i.e., that he, a resident of the source state, is buying the guns), which causes the Federal firearms licensee (FFL) to complete an illegal transfer. If the market state resident had come in with a market state identification, he would have been denied the purchase.

A violation of statute _____

Case Scenario #5:

In 1996, Dan White, a convicted felon, jumped out of an apartment window during a drug raid. He was pursued by a uniformed officer acting as outside cover. After a short chase, the officer apprehends White. In his coat pocket was a magazine from a 9mm Smith and Wesson pistol, containing ammunition. No gun or drugs are recovered.

A violation of statute _____

Case Scenario #6:

Brad and Bob Campbell, brothers, show up to a cocaine deal with five ounces of crack. Bob does most of the talking. Unknown to them, the man to whom they are planning to sell the crack is an undercover narcotics officer. During the deal, Bob says "If this is a rip or you're a cop, Brad is gonna kill you." As Bob says this, Brad pulls back his jacket to reveal a Colt .357 revolver. Both men can be charged with what statute?(Hint: Brad possessed, carried and brandished the firearm and Bob used it.)

A violation of statute _____

Case Scenario #7

Jeff Thomas and Paul Foster break into the home of an avid sportsman and gun collector and steal 10 handguns and seven rifles. They later transport the weapons to a neighboring state and sell them on the street.

A violation of statute _____

Case Scenario #8:

Based on an informant's information, officers implement a tactical operation to raid an apartment where crack is being cooked. A guard at the door has a "sawed-off" shotgun with a 12-inch barrel. One-quarter kilo of powder cocaine and one-quarter kilo of crack are recovered.

A violation of statute _____

FEDERAL FIREARMS TRAFFICKING VIOLATIONS

CHAPTER 44, TITLE 18 U.S.C. SECTION:

- 922 (a)(1)(a) - Willfully and knowingly engaged in the business of dealing in firearms without a license.
- 922 (a)(3) - An unlicensed person transporting or receiving firearms into a state of residency that were obtained in another state.
- 922 (a)(5) - An unlicensed person transporting or shipping firearms to other unlicensed persons knowing they are not residents of the same state.
- 922 (a)(6) - Making false oral or written statements to an FFL (Federal Firearms Licensee) in connection with the purchase of firearms. (e.g., lying on an ATF Form 4473 gun transfer record).
- 922 (b)(2) - Sale or delivery of firearms by an FFL to a person where the purchase or possession of those firearms would violate state law.
- 922 (b)(3) - Sale or delivery of handguns by an FFL to a person the FFL has reasonable cause to believe resides in a state other than the FFL's place of business.
- 922 (c)- FFL selling or delivering firearms to a person at a location other than the FFL's place of business.
- 922 (d) - No one may sell or deliver a firearm to a person known to be a prohibited person (e.g., a convicted felon, illegal alien, under indictment).
- 922 (e) - Failure to declare/notify a common carrier of a firearm(s) (e.g., on a train, plane, bus or shipping company).
- 922 (I) - Shipping or transporting stolen firearms in interstate commerce/across state lines.
- 922 (j) - Possession of firearms known to be stolen.
- 922 (k) - Transporting, receiving, or possessing firearms with obliterated serial numbers.

- 922 (m) - FFL making false entries in records with respect to firearms sales or acquisitions. (Misdemeanor)
- 922 (s) (t) - Transfer of a firearm by an FFL in violation of the Brady Law.
- 922 (u) - Theft of firearms from an FFL.
- 924 (a)(1)(A) - FFL or unlicensed person making false statement or entries in records required to be kept with respect to firearms.
- 924 (m) - Any person who travels from a state or foreign country other than his/her own with the intent of violating 922(a)(1)(A) - dealing without a license, and who acquires or attempts to acquire a firearm in furtherance of the unlawful dealing is in violation of this statute.
- 2- Aiding or abetting an act to be committed in violation of the law.
- 371- Two or more persons conspiring to violate the law.
- 1715 - Unlawful for an unlicensed person to ship any handgun or firearm that could be concealed on a person through the U.S. Mail.
- 1956 (a)(1) - Domestic money laundering. (e.g., if it can be shown that proceeds from drug trafficking were used to purchase firearms for trafficking purposes, money laundering may be a charge.)

Important Intelligence Gathering Violations

CHAPTER 44, TITLE 18, U.S.C. SECTION:

- 922 (g) - Prohibited person in possession of a firearm (e.g., convicted felon, illegal alien).
- 924 (c)- Use or carry a firearm during and in relation to a crime of violence or drug trafficking crime or possesses a firearm in furtherance of such a crime.
- 924 (e) - Possession of a firearm by a career criminal.

The above-listed statutes, and any other armed violations of the law, can provide valuable intelligence and leads with respect to identifying the illegal firearms traffickers who are supplying firearms to the criminal element if the firearms recovered from criminals are traced.

FIREARMS TRAFFICKING **INVESTIGATIONS MODULE**

Goal: To provide general investigative techniques for detecting and reducing illegal trafficking of firearms.

LEARNING OBJECTIVES

At the completion of this module, students will

1. be familiar with firearms trafficking methods and traffickers (e.g., practices, trafficking corridors, patterns in trafficking);
2. understand several roles they play in trafficking investigations;
3. be aware of investigation techniques that assist in uncovering and responding to firearms trafficking operations;
4. be able to explain the importance of sharing information with ATF to help reduce firearms trafficking and cite a case study example of such an effort; and
5. be able to employ techniques to recognize individuals carrying concealed firearms.
(Optional)

PREPARATION GUIDE

We recommend that a state firearms investigator or regional ATF agent conduct this module. The suggested length of this module is one hour and 30 minutes.

Before the session, complete the following preparations:

- Select which PowerPoint® slides and/or overheads you will use and prepare participant handouts.
- For activity #2:
 - Obtain the "I.D. Checking Guide," produced by the Driver's License Company, 1492 Oddstad Drive, Redwood City, CA 94063 (optional).
 - Obtain information on local statutes/ordinances on prohibited persons, and local policies and procedures for confiscation and investigation of firearms. Prepare slides and handouts as needed.
 - Obtain case study information to support investigative techniques discussed.
 - Consider inviting an interdiction expert from local ATF field office to discuss interview techniques (optional).
 - If your jurisdiction follows a community-policing model, obtain information on community partnerships and problem solving for trafficking (optional).
- For activity #3:
 - Check to see if your jurisdiction offers commendations for officers involved in Federal cases.
 - Check to see if your jurisdiction is working on a joint investigation/task force with ATF and describe.
- For activity #5:
 - Distribute Handout #1.

Keys to success in this module:

- Officers, once alerted to the safety risks involved in investigating trafficking, may want to discuss procedures to maintain their safety. Some of these issues are reviewed in activity #4.
- Include additional experts or officers with experience to provide information on unusual or interesting investigations techniques.

MATERIALS:

Slides included in the appendix to this module:

- #19-Investigations Title Slide
- #20-Why Investigate Firearms?
- #21-Traffickers
- #22-Source Area
- #23-Market Area
- #24-Trafficking Corridors
- #25-Methods of Transportation
- #26-BBQ Theory of Trafficking
- #27-Implications of Theory
- #28-Examples of Trafficking
- #29-Sources of Trafficked Firearms
- #30-Role of State and Local Law Enforcement
- #31-Important Information in Trafficking Investigations
- #32-Important Information in Trafficking Investigations
- #33-Investigative Techniques
- #34-Investigative Techniques
- #35-#38-Concealment Recognition

Handouts included in the appendix to this module:

- Case Scenario Practicum Handout

Trainer-prepared materials:

- Local Policies and Procedures
(Optional handout for activity #2)

Trainer-obtained materials:

- I.D. Checking Guide
(Optional handout for activity #2)

ACTIVITY #1: Trafficking and Traffickers

Goal: To become familiar with firearms trafficking methods and traffickers.

Overview

The introductory module explained the importance of investigating firearms trafficking. In sum, firearms trafficking poses a significant risk to officer safety because traffickers always have guns. Further, by reducing firearms trafficking, law enforcement can help prevent the use of firearms in these and other violent crimes. The next section presents patterns of behavior characteristic of firearms traffickers and the mechanisms of firearms trafficking. This information is useful in conducting investigations of these operations.

Understanding the Firearms Trafficker

Two main factors influence firearms traffickers: basic human nature and economic theory. Basic human nature tells us people will follow the path of least resistance and attempt to avoid risk wherever possible. Economic theory predicts that if State and local laws create a dry zone—low supply but high demand—enterprising individuals will seize the opportunity to supply that demand.

Where Guns Originate and Where They Go

Guns originate in source areas. A source area may be characterized by some or all of the following: 1) a high number of Federal Firearms Licensees (FFLs), 2) lenient State/local gun laws, 3) close proximity to urban centers or other places guns are desired and 4) lax law enforcement scrutiny. The principal market areas for guns to be sold are often large urban areas with restrictive gun laws and/or areas with high existing crime rates (e.g., narcotics trade).

Slide #19

Slide #20

Slide #21

Slide #22 & Slide #23

Instructor's Notes

A trafficking corridor is the path that connects locations with an abundant supply of firearms (i.e., source areas) to areas with a high demand (i.e., market areas). For example, Interstate 95 is a well-known trafficking corridor involving many East Coast states. When law enforcement officers stop vehicles on these corridors, there is a much higher risk of encountering an armed and dangerous firearms trafficker. If they are aware of the corridors, officers can be more alert to trafficking and better prepared to protect themselves. This leads to better enforcement, apprehension and suppression of firearms trafficking.

Once trafficked guns reach their destination, they are illegally sold or traded to criminals, gang members or others. The critical influence of firearms traffickers is the ability to supply weapons to a large number of people who have criminal, violent intent and/or who might otherwise not have ready access to them. These weapons are responsible for increasing the threat to not only law enforcement officers, but community members as well.

Methods of Transportation

Trafficked firearms are transported from source to market areas in many ways including:

- by automobile, sometimes concealed in areas of the vehicle that have been specially altered or modified to accept firearms, such as arm rests, spare tires, etc. Traffickers may be armed or have easy, immediate access to the weapons, making this mode of transport especially dangerous for officers;
- by train, where there are virtually none of the security measures found in airports;
- by airplane, concealed in checked baggage;
- by boat;
- by bus, carried by the straw purchaser or unsuspecting associate of the trafficker;
- by U.S. Mail, Federal Express, UPS and other shippers/carriers.

Slide #24

[Instructor: Ask participants to identify corridors in their state.]

Slide # 25

A Theory of Trafficking

ATF special agent Mark Kraft uses the “barbecue theory” to explain trafficking patterns. If a person wants to build a barbecue and the bricks needed are in a neighbor’s backyard, that person will likely carry one or two bricks at a time and make numerous trips. If, however, the bricks are a few miles away, the person will likely use a truck and make a single trip.

Likewise in trafficking, people will transport only one, two or three guns at a time if the market area is close to the source area. There is less risk of attracting attention and if they get caught, they only stand to lose little (a few guns, money, etc.) and will face smaller penalties. Because the market is nearby, the trafficker can always return to purchase more firearms. If, however, the trafficker needs to travel farther for the guns, he or she will take more weapons on each trip, risking more, but for a greater benefit.

The Importance of This Theory for Law Enforcement

This theory suggests that when law enforcement officers encounter trafficking suspects traveling greater distances, they will be more likely to find large quantities of guns. For example, when searching a vehicle on I-95 in New Jersey that is occupied by New York residents, one of whom has a Maryland identification card as well as a New York driver’s license, the officer may be looking for five, 10 or 20 guns, not one or two. If traffickers have taken the time and risk to travel that far, they are more likely to have a significant number of weapons.

On the other hand, when the market area is close to the source area, traffickers will be seen with only one or two weapons at a time. Although this case may not seem as important as a case involving larger quantities of guns, this type of trafficking is the more common and as a result contributes the largest proportion of weapons to criminals.

Slide #26

Slide #27

[Instructor: Substitute the trafficking corridor and states near your area for this example.]



Law enforcement officers should not overlook cases involving a smaller number of firearms if they hope to have a significant impact on trafficking. Further, a small seizure can lead to the identification of a major trafficker.

It is also true that trafficking of firearms in any number, small or large, poses a significant threat to officer safety. A single firearm can cause significant harm, injury or fatality. Officer safety is, again, the most important reason to exercise caution while investigating these cases.

Examples of Firearms Trafficking

Case Example #1 (Purchase Firearms Using Falsified Identification):

A person from [insert a market area] obtains a false identification card, such as a state identification or nondriver's identification card, using a false address, or address of a relative or someone they know in a source area. The falsified identification is used to buy guns, which is a criminal violation of 922(a)(6) of Title 18 U.S.C.

Case Example #2 (Purchase Through Straw Purchaser):

A person gets a straw purchaser, someone who is a resident of [insert a source state], to buy the guns for him or her. Actually, the straw purchaser is just satisfying the paperwork requirements. The person from [insert a market area] supplies the money (usually cash), selects the guns and even goes so far as to give the straw purchaser a list of guns to buy. This is a criminal violation of 922(a)(6) and 924(a)(1)A of Title 18 U.S.C.

Case Example #3 (Guns for Drugs Operation):

A person buys weapons in a [insert source area for firearms], transports them by train or bus to a [insert market area for firearms] and sells them at a profit. While there, this person uses these newly acquired funds to purchase drugs, which are readily available in

Slide #28

large quantities, or may simply trade the guns for drugs. The person then transports the drugs back to the original location, which is a market for drugs. This is a violation of 924(c) of Title 18 U.S.C.

Sources of Trafficked Firearms

In addition to the sale of firearms to people with altered identification and straw purchasers, trafficked firearms can also be obtained in the following types of situations:

- gun dealers selling guns without proper paperwork ("off the books");
- burglary of gun dealers ("smash and grabs");
- theft and diversion from interstate carriers such as UPS;
- theft of weapons from residences;
- flea markets/gun shows;
- mail-order firearms, purchased in pieces; and
- purchases from individual sellers from local newspaper advertisements, etc.

Summary

This section reviewed the patterns of behavior that characterize traffickers and trafficking. This information is particularly helpful to law enforcement officers as they become aware of the importance of investigating firearms trafficking to reduce risks to officer safety and prevent the flow of firearms to those intent on committing violent acts.

Slide #29

ACTIVITY #2: Firearms Trafficking Investigations

Goal: To be aware of investigative techniques that assist in uncovering firearms trafficking operations.

Overview

Federal law states a person can transport a firearm from any place or state where a weapon is legally possessed to another place or state where it may also be legally possessed. Therefore, driving from Georgia to Massachusetts with a truckload of secured, unloaded weapons is not, in and of itself, a crime. Therefore, more detailed investigation will be needed to uncover evidence that firearms trafficking is occurring.

This section explains the role of state and local law enforcement in firearms trafficking investigations, explains what information is useful in these investigations, and provides ways to proactively obtain information indicative of trafficking operations.

The Role of State and Local Law Enforcement in Firearms Trafficking Investigations

Although many believe firearms trafficking is solely a Federal issue, State and local law enforcement officers play an important role in these investigations. First, because they are the first point of contact with the person in possession of the firearm, they are in a unique position to gather information essential to trafficking case investigations.

When this information is shared with other local, state or Federal investigators, law enforcement also acts as a collaborator on other cases. Their information may start a new case process or fit into an ongoing investigation. Last, because the majority of trafficked weapons are recovered in local crimes by State and local law enforcement agencies, they can initiate a process of obtaining additional information about the

Slide #30

firearms, such as tracing them through the National Tracing Center to generate information vital in eliminating trafficking operations.

Important Information in Trafficking Investigations

As stated above, State and local law enforcement play an important role in trafficking investigations by gathering critical information. For example, in performing their duties—in patrol cars, out walking the beat and during neighborhood group meetings—law enforcement officers often acquire information about citizens' concerns or things citizens have witnessed or overheard that relate to firearms. Although officers may not have enough information to proceed with an investigation, the information they hear may raise a red flag.

There is a wide variety of information that is useful in uncovering trafficking investigations. This information is often encountered as a part of routine investigations—the officer may just need to know what to look for and what it means.

The following lists the types of situations State and local law enforcement may encounter and what information they can yield in terms of firearms trafficking.

- **Felons With Firearms**

When State or local law enforcement encounter a person with a background in felony convictions who is in possession of a firearm, they should ask where he or she obtained the weapon. It is likely the person obtained the firearm illegally, presumably through a firearms trafficking operation. Because felons are prohibited from purchasing weapons, the individual must have obtained the weapon through a straw purchaser, theft, unlicensed gun dealer or by using false identification.

[Instructor: Show video for examples.]

Slide #31

- Straw Purchaser

When State or local law enforcement encounter a person who has purchased many weapons in a short amount of time and knows nothing about them; purchased weapons and no ammunition; or reported firearms stolen shortly after purchasing them, this person may be a straw purchaser. Ask what happened to the guns and where the individual who has the guns can be located.

- Pattern in Recovered Firearms

When State or local law enforcement notice a certain type of weapon is being recovered in crimes more often, or a large number of recovered weapons have obliterated serial numbers, this indicates those weapons may be illegally trafficked. Large numbers of the same type of weapons, particularly if it is one of the most frequently trafficked, can indicate an illegal source of firearms is operating in your area. Weapons with obliterated serial numbers are a clear indication of trafficking, as obliteration is done specifically to eliminate the possibility that the weapons' origins can be traced. Always make an attempt to have the serial number restored and trace the firearm through NTC.

- Unconventional Means of Selling Firearms

When State and local law enforcement are told about individuals who are selling weapons from their homes or other unconventional locations (such as out of their car trunk), this is an indication that these individuals may be selling weapons illegally, without proper licenses or paperwork procedures.

- Firearms and Ballistics

When investigated thoroughly, firearms and ballistics evidence recovered at crime scenes can

Slide #32

be important in identifying trafficking operations. These pieces of evidence can be linked to traffickers through fingerprints and/or similarities with firearms or ballistics recovered in other crimes.

- **Materials From Gun Shops**

When State or local law enforcement encounter receipts from gun shops along with gun lists, gun purchasing forms containing false names or nonexistent addresses, or empty gun boxes, they should be aware that these materials are consistent with firearms purchases made for the purpose of trafficking.

- **Identification Irregularities**

When State or local law enforcement encounter a vehicle whose occupants are from an out-of-state market area and who either possess newly issued driver's licenses, nondriving identification cards, or have multiple state identification, they should be aware that these identification irregularities are used for the purpose of purchasing weapons in a state where the purchaser is not a resident—a clear violation of Federal statutes.

The situations and pieces of evidence listed above may indicate trafficking operations and may often be overlooked by law enforcement officers untrained in their importance. For example, the existence of gun paperwork (receipts, lists, bags and boxes) in the possession of a person who has multiple identification from source and market states can be an indicator of an illegal purchase of weapons.

These pieces of evidence, however, do not always immediately come to the attention of state or local law enforcement. There are several proactive means to acquire this information and build upon it.

*[Instructor: **Distribute Trainer-obtained Handout, "I.D. Checking Guide."**]*

Proactive Investigative Techniques

There are several ways officers can actively obtain additional information that reveals possible trafficking violations:

- Identify and check the criminal status of people in possession of a firearm—certain people are prohibited from owning firearms.
- Request a consent search of the vehicle, premises or person (have consent forms on hand).
- If guns have been found (especially cheaper firearms such as Lorcins or Brycos), collect as much information as you can on them and their origin (serial number, paper trail of receipts, gun shop bags, gun boxes, business cards, etc.) so their origin can be traced or stolen status can be checked.
- If guns have been found, ask the people in possession of the firearm where the gun came from.

Treat all recovered firearms and ballistics evidence as you would any other piece of physical evidence—fingerprint recovery is possible. Also, attempt to raise obliterated serial numbers or send weapon to outside facility where this technique is available.

- Inspect the location and condition of guns to see if statute violations have occurred (e.g., are guns concealed, being carried loaded, unsecured, etc.).
- Interview suspects and witnesses in cases involving guns, including those involved in narcotics cases. The intent of these interviews is to learn as much about the weapons as possible, such as where the person purchased the weapon, from whom and how long ago.
- Trace all recovered firearms through National Tracing Center.
- Investigate firearms theft reports made by individuals or dealers. In some cases, a straw purchase may have occurred or the guns may have been sold “off the books.” For example, interview

Slide #33

Slide #34

[Instructor: Provide information from interdiction expert on interview techniques (optional).]

[Instructor: Provide community policing practices and strategies appropriate to your jurisdiction (optional).]

the individual who reports a gun as stolen to discover if they know the make and caliber, serial number and how much the gun individually cost. This inquiry may aid in determining if the person reporting the gun stolen is really a straw purchaser trying to hide their affiliation with a trafficker.

These investigative techniques are designed to provide the officer with probable cause for arrest and/or confiscation of the firearms. At the very least, when encountering situations suspected of involving firearms trafficking, the officer should exercise extreme caution, because firearms may be nearby and involved people may feel nervous or threatened. If the officer does have probable cause that a statute has been violated, the suspect may be arrested and evidence seized. Proper evidence collection procedures should be used to preserve any possible fingerprint evidence. **Even if there is no probable cause to arrest, the information collected may still be vital to future investigations, to ATF and to help stop trafficking firearms.**

Summary

This section provided State and local law enforcement officers with an understanding of the importance of their assistance and their role in firearms trafficking investigations, the types of information that would be important in furthering those investigations and several proactive ways to obtain that information. Simply collecting this information, however, is not enough. To put the information to work, it must be shared—with state and local investigative teams, regional task forces and with ATF. The next section provides officers with information on how to share information with these other investigators and what can be gained through collaboration with ATF.

ACTIVITY #3: Sharing Investigative Information

Goal: To understand the importance of sharing collected information with department investigators, regional task forces and ATF to help reduce firearms trafficking.

Sharing Information

The best way for officers to put collected information to use is to share it with a department investigator, regional task force or an agent in the regional ATF office. To them, the information may be the missing link in a complex ongoing investigation, and therefore be vastly more important than it first appears.

When contacting ATF, it is also important for State and local law enforcement officers to know ATF considers their contributions to be valuable. Because pieces of information from widely varying sources can often fit together to form a complete picture, agents welcome all information. In addition, working with a Federal agency is good exposure for the officer and can allow his or her work to have a wider impact.

Collaboration with ATF

Collaborations with ATF can provide many benefits to the state or local agency as well. ATF maintains sophisticated laboratory capabilities that can be accessed by law enforcement in case investigations. For example, their laboratories provide forensic analyses not always available in smaller agencies, such as handwriting or document analysis. Further, ATF field offices provide access to Project LEAD data, which can help identify trafficking problems in specific jurisdictions.

[Instructor: Provide a case example of a joint investigation in your area. See video for other examples.]

[Instructor: Provide information on commendations for officers involved in Federal cases and joint investigations/task forces with ATF. Officers can be instructed to contact either regional ATF offices or task forces or investigative team members with information.]

ACTIVITY #4: Gun Concealment Recognition (Optional)

Goal: To learn techniques that help officers recognize individuals who are carrying concealed firearms.

Overview

Generally, individuals who carry firearms exhibit certain tendencies that can be observed and articulated. While the observance of one such mannerism or behavior may not in itself be enough to initiate a stop or frisk, it may well justify further surveillance of the individual. If during additional observation, more mannerisms or behaviors are displayed, then the officer may have a reasonable suspicion to justify a stop and frisk based on cumulative observations. The following indicators of concealed weapons may help formulate reasonable suspicion.

Observing a Subject's Body Movements

Because most firearms are not kept holstered, armed individuals tend to demonstrate periodic protective body movements. Officers can do the following to help determine if a person may be armed:

◦ *Identify individual's strong side.* The first step in identifying an armed subject is to distinguish his or her dominant or "strong side." This is because most individuals tend to carry their weapons in the waistband of their pants or in the pocket of their strong side. To identify the "strong side," it helps to know that:

- 1) people smoke cigarettes with their dominant hand;
- 2) people tend to wear their wrist watches on their weak hand; and
- 3) when people begin to walk across an area, they

Slide #35

usually take a first step with their weak side, keeping their dominant foot stationary.

Many firearms are concealed between the belt buckle and the hip area. Some are concealed in the small of the back, although this is less likely and more easily recognizable because of the pronounced concealment movements required to keep it in place.

- *Observe periodic touching of the gun.* Armed people will consciously and unconsciously check to ensure that their gun is secure. This check can include a very slight "security feel," a minor position adjustment of the weapon, or a full grasp of the weapon. An armed person may also discretely maneuver his or her forearm in a circular motion to secure the weapon. It is most likely that the gun will shift when the subject moves around, such as when exiting or entering a vehicle, climbing stairs, or stepping from a curb, or when the weather is rainy and people tend to walk more quickly. Any of these activities could result in a check of the firearm's placement.
- *Observe leg strides.* Because walking motions often cause a shift in the firearm, subjects carrying firearms tend to take a shorter leg stride on the side where they are holding the weapon. In addition, the arm swing on the side where the gun is being carried tends to be shorter to protect the weapon from dislodging.
- *Observe actions when approached.* When a subject carrying a firearm is approached by a police officer, the subject will tend to turn and conceal the armed side away from the officer and stand in a more protective position.

Observing a Subject's Clothing

- *Baggy clothing.* Because subjects who carry guns tend to conceal them in an accessible position, they

Slide #36

must wear baggy clothes and/or heavy coats. For example, in very cold weather, a subject who wears a warm coat that is either unzipped or partially unbuttoned deserves further observation.

- *Protrusion from the clothing.* Guns may reveal themselves in the form of a protrusion, although this is more likely with holstered weapons. Officers should look for barrel protrusions in the pants, under the belt line, as well as gun-butt protrusions in the hip area of the shirt or jacket. Once an officer suspects that a subject may be carrying a weapon on his or her strong side, a closer look may reveal a protrusion that adds to the officer's articulable suspicion. Additionally, when a firearm is carried in a jacket, the additional weight causes the opposite side of the jacket to rise up. The gun side of the jacket will be lower in the front and the back, and should be noticeable.

- *Clothing worn expressly for concealment properties.* Officers should be alert for people whose clothing does not fit the seasonal weather, which may add to an officer's suspicion that a person is carrying a gun.

- 1) A heavy overcoat worn in warm or moderate temperatures is one sign.

- 2) Also, a garment that does not match an outfit, such as a loose-fitting windbreaker-style jacket over suit pants, dress shirt and tie, is also a tip-off.

- 3) Police officers should be alert to look for individuals who wear belts that are not hooked inside the belt loops of their pants, or who wear belts when they have no belt loops on their pants at all, because the belt may have the sole purpose of securing and concealing a firearm.

- 4) Jacket or sweatshirt hoods also have been used by some individuals to carry firearms, but

because these areas allow too much room for the weapon to move around, subjects who carry weapons in their hoods will tend to fasten the ties on the hoods to limit movement, hold the gun snugly, but keep it easily accessible.

5) The manner in which a person wears gloves may also indicate that he or she is armed. For example, a person may wear one glove during periods of cold weather, but keep one bare hand (often the right hand) in his or her pocket.

6) Bags or fanny packs containing firearms may tend to lean heavily in a particular direction and tilt awkwardly downward. Officers should look for the uneven distribution of weight, and often an outline of a gun, in these bags. Women will most often carry guns in their purse. Officers should also be alert to the possibility that when the person is stationary his or her shoulder bag may be unzipped. Remember that when the armed person is stationary, accessibility to his or her weapon is critical, and thus he or she may leave the shoulder bag partially unzipped to make the gun more accessible.

Observations During Contacts or Stops

There are a number of principles that will maximize officer safety if an officer suspects someone of carrying firearms. They are:

- *Observation from patrol car.* Officers in patrol cars who observe subjects involved in suspicious activity should not suddenly slow down or depress their brakes, which may act as a clear indication to the subject that further police investigation will follow. Officers should try to make strategic use of their side and rear view mirrors to observe suspicious activity.

Slide #37

- *Approaching an armed subject.* An officer should always approach a person suspected of carrying a firearm from the subject's strong side and from the back if possible. This gives the approaching officer immediate control of the suspect's gun hand in the event the subject reaches for the weapon, while also providing the officer additional time to react by causing the suspect to make a full turn toward the officer while attempting to use a weapon. **BE ALERT WHEN APPROACHING A SUBJECT!** If an officer indicates that he or she wants to talk to a subject and the subject responds with a phrase such as "Huh?" or "What did you say?" the officer must use extreme caution, as this is a common delay tactic for someone attempting to decide how he or she will react to the officer.

- *Approach tactics.* Once an officer decides to approach a suspect, the location of that approach is an important tactical decision. The officer should choose a location that provides cover, while isolating the suspect and reducing the risk to other officers and the public. A "V-box" approach, where two or more officers approach a subject from opposing sides while the suspect is positioned against a wall, fence or other structure, is desirable.

- *Recognizing stash areas.* In areas where drug dealing or other criminal activity may be ongoing, individuals may try to stash their weapon in accessible locations, such as holes in the walls of a hallway, ledges, garbage cans or on top of the tire of a parked car, in the wheel-well area.

- *Confirmation of a weapon.* When officers conversing with a subject or subjects confirm the presence of a weapon, they should use a preestablished codeword to alert all personnel that a weapon has been observed. For example, if officers know that when a fellow police officer says, "Didn't I see you out here last night?", he or she means a gun has been spotted and the officers should take strategically sound positions of control and safety.

- *Documenting facts surrounding arrest.* Arresting officers should take a moment immediately after apprehending an armed subject to document each of the factors on which they relied to formulate their articulable suspicion. This includes documenting the factors used to justify the stop, as well as any mannerisms or behaviors that occurred during the stop to justify the further step of a protective frisk. These notes should be preserved as potentially discoverable material for subsequent production in court.

Each of these factors are really tools for police officers to use to protect themselves and the community from armed subjects. While one or two of these factors in and of themselves may not be enough to justify a stop and frisk, as more factors or behaviors are observed and accumulate, an officer will be closer to reaching the judicially imposed standard of reasonable suspicion.

Vehicle Stops

During vehicle stops, an armed subject may attempt to reach for his or her weapon to hide it or use it. An officer approaching a vehicle from the rear should observe whether or not the subject's shoulder rises on either side. A shoulder rise indicates that the subject is reaching for something. This motion may be followed by a bending forward, as if placing an item under or between the seat or in the glove compartment. Careful consideration should be given as to whether this motion occurred on the subject's "strong side."

Slide #38

ACTIVITY #5: Case Scenario Practicum

Goal: To become familiar with scenarios that may involve firearms trafficking.

Case Scenario #1: "Routine" Traffic Stop

You stop a car going north on a major interstate highway for a routine traffic stop. You discover the vehicle is rented from a neighboring state. You see empty bags from a [Insert Name of Neighboring Source State] gun dealer on the floor of the back seat and find receipts from a gun shop. When you identify the occupants of the car, you find that all four have [Insert Market State] driver's licenses and one also has a newly issued [Insert Source State] state identification card.

Instructor Questions and Suggested Responses

Overview

Although there is no apparent violation, this situation has many of the earmarks of a gun trafficking case. There is potential for danger to the officer making the stop if the occupants of the car get scared and react violently. The officer could also potentially initiate a trafficking investigation, either alone or jointly with ATF, if he or she thoroughly investigates the situation and collects the requisite information.

1) What is this case indicative of and why?

Suggested Answer:

Case indicates potential for firearms trafficking, because of empty bags from gun shop in [Insert Name of Source State], multiple identification cards and a car stopped on the way to a market state.

[Instructor: Distribute Handout #1]

2) What would you do?

Suggested Answer:

- Identify occupants and check criminal status.
- Interview participants.
 - Split people up to talk to them.
 - Ask the standard five: what, why, when, where, who.
 - Look for inconsistencies among the parties.
 - Look for lack of important information you would expect the person to have (e.g., what type of guns did you buy? where are you going?).
- Request consent search.
- Check for violations in State statute.

3) What evidence would you collect?

Suggested Answer:

- Collect information on guns (receipts, gun shop bags, gun boxes, business cards).
- Take care to preserve fingerprints.

Case Scenario #2: Domestic Violence Call

You respond to a domestic violence call. During course of the interview the victim mentions that her boyfriend had threatened her with a gun. She also mentions that her boyfriend has been in “trouble with the law” before.

Instructor Questions and Suggested Responses

Overview

During this call, the victim mentions a firearm during the interview. When responding to any type of call, officers should always inquire if firearms are involved. If so, then guns should be treated as any drug investigation—working from the bottom to the top—learning as much as possible about the weapon.

Officers should gather additional evidence about the boyfriend's criminal history.

1) *What does this case indicate and why?*

Suggested Answer:

The case indicates there is a felon in possession of a firearm. You will want to probe further to gather details about the firearm and how the individual obtained it.

2) *What kinds of questions and intelligence would you attempt to gather?*

Suggested Answer:

- Collect information about the prior felony convictions.
- Identify where the gun is located. Is it located in residence? Is the boyfriend in possession of it? Or has it been pawned?
- Ask where the weapon was obtained and collect contact information if possible.

3) *What evidence would you collect?*

Suggested Answer:

- Firearm (if available)
- Paperwork related to the firearm
- Finger Prints
- Pawn Shop Records

4) *What other steps should you take?*

Suggested Answer:

- If gun is recovered, trace the weapon.
- Share information with investigators, local firearms task forces and the local ATF—your information could be helpful in an on-going investigation.

MODULE SUMMARY

This module presented information on ways to detect and investigate trafficking operations. This involves understanding the methods and motivations of the trafficker and being able to identify earmarks of trafficking operations. This module also presented suggested response options for officers, which include arrest. If, however, there is no probable cause to make an arrest, officers are strongly encouraged to share information and their suspicions with ATF.

QUESTION AND ANSWER SESSION

1. Prompt participants for questions.
2. Ask the following questions to generate discussion and support learning:
 - a. What are the essential ways to maintain officer safety? (NCIC check for violent offender status; look for earmarks of trafficking that indicate weapons are nearby).
 - b. What are some examples of how officers might come into contact with straw purchasers? (During neighborhood patrols; when responding to stolen weapons report.)
 - c. Why is it so important to share information with ATF? What types of information can be shared with them?
 - d. Ask officers to share tips on gun concealment recognition.

MODULE RESOURCES

Activity #1:

None.

Activity #2:

*I.D. Checking Guide
Driver's License Company
1492 Oddstad Drive
Redwood City, CA 94063*

Trainer-prepared materials

Activity #3:

None.

Activity #4:

Hobson, R.A., Collins, C.E. and Gallagher, R.T. (1995).
Identifying Characteristics of the Armed Gunman.
Washington, D.C., Metropolitan Police Department,
Patrol Services Division.

Activity #5:

None.

INVESTIGATIONS MODULE APPENDIX

Slides included in this appendix:

- #19-Investigations Title Slide
- #20-Why Investigate Firearms?
- #21-Traffickers
- #22-Source Area
- #23-Market Area
- #24-Trafficking Corridors
- #25-Methods of Transportation
- #26-BBQ Theory of Trafficking
- #27-Implications of Theory
- #28-Examples of Trafficking
- #29-Sources of Trafficked Firearms
- #30-Role of State and Local Law Enforcement
- #31-Important Information in Trafficking Investigations
- #32-Important Information in Trafficking Investigations
- #33-Investigative Techniques
- #34-Investigative Techniques
- #35-#38-Concealment Recognition

Handouts included in this appendix:

- Case Scenario Practicum Handout



I ***NVESTIGATIONS***



WHY INVESTIGATE FIREARMS ?

- ❑ To Reduce Violent Crime**
- ❑ Increase Public Safety**
- ❑ Officer Safety**
- ❑ Firearms Traffickers = Guns**

TRAFFICKERS

- ❑ **Human Nature**
 - **Path of Least Resistance**
 - **Avoid Risk**

- ❑ **Basic Economics**
 - **Supply and Demand**

SOURCE AREA

- ❑ High Number of FFLs**
- ❑ Lenient State/Local Gun Laws**
- ❑ Near Urban Areas**
- ❑ Lax Law Enforcement Scrutiny**

MARKET AREA

- ❑ Restrictive Gun Laws**
- ❑ High Crime Rates**

TRAFFICKING CORRIDORS

**A Pathway Connecting
Supply and Demand Areas**

METHODS OF TRANSPORTATION

☐ **Automobile**

☐ **Bus**

☐ **Train**

☐ **Boat**

☐ **Airplane**

☐ **U.S. Mail, UPS,
FedEx**

BARBECUE THEORY OF TRAFFICKING

- ❑ **Longer Distances = More Bricks**
- ❑ **Shorter Distances = Fewer Bricks**

IMPLICATIONS OF THEORY

- ☐ Traffickers Traveling Greater Distances
= Large Quantities of Guns**
- ☐ Traffickers Traveling Short Distances =
Small Quantities of Guns**

EXAMPLES OF TRAFFICKING

- ❑ Using False Identification**
- ❑ Straw Purchaser**
- ❑ Guns for Drugs**

SOURCES OF TRAFFICKED FIREARMS

- ❑ Gun Dealers**
- ❑ Burglary (Smash & Grabs)**
- ❑ Interstate Theft & Diversion**
- ❑ Other Thefts**
- ❑ Mail Order Firearms - Piece by Piece**
- ❑ Individual Sales**

ROLE OF STATE AND LOCAL LAW ENFORCEMENT

- ☐ **Gather Information**
- ☐ **Share Information**
- ☐ **Trace all Recovered Firearms**

IMPORTANT INFORMATION IN TRAFFICKING INVESTIGATIONS

- ❑ Felon With Firearm**
- ❑ Straw Purchase**
- ❑ Patterns in Recovered Firearms (e.g., obliterated serial numbers)**

IMPORTANT INFORMATION IN TRAFFICKING INVESTIGATIONS

- ❑ Unconventional Firearms Sales (e.g., out of a car trunk)**
- ❑ Firearms and Ballistics**
- ❑ Gun Shop Materials (e.g., receipts)**
- ❑ Identification Irregularities**

INVESTIGATIVE TECHNIQUES

- ❑ Check Status Of People Involved**
- ❑ Consent Search Of Vehicle**
- ❑ Collect Information On Guns &
Origins**

INVESTIGATIVE TECHNIQUES

- ❑ Interview People Involved**
- ❑ Investigate Theft Reports**
- ❑ Trace all Recovered Firearms**

CONCEALMENT RECOGNITION

- Body Movements**
 - Identify “Strong Side”**
 - Periodic Touching**
 - Irregular Strides**
 - Actions When Approached**

CONCEALMENT RECOGNITION

❑ Subject's Clothing

- Baggy**

- Protrusions**

- Clothing Worn Expressly For
Concealment**

CONCEALMENT RECOGNITION

☐ Contacts Or Stops

- Patrol Car**
- Approaching Armed Subject**
- Approach Tactics**
- Recognizing Stash Areas**
- Confirmation of a Weapon**
- Documenting**

CONCEALMENT RECOGNITION

- ☐ During Vehicle Stops**
 - Watch for Shoulder Rise**
 - Bending Forward**

GUNS FIRST: INVESTIGATIONS

ACTIVITY #5: Case Scenario Practicum

Review each case scenarios and answer the following questions.

Case Scenario #1: "Routine" Traffic Stop

You stop a car going north on a major interstate highway for a routine traffic stop. You discover the vehicle is rented from a neighboring state. You see empty bags from a gun dealer from a neighboring source state on the floor of the back seat and find receipts from a gun shop. When you identify the occupants of the car, you find all four have driver's licenses from a market state and one also has a newly issued state identification card from the neighboring source state.

1) *What is this case indicative of and why?*

2) *What would you do?*

3) *What evidence would you collect?*

Case Scenario #2: Domestic Violence Call

You respond to a domestic violence call. During course of the interview the victim mentions her boyfriend had threatened her with a gun. She also mentions her boyfriend has been in "trouble with the law before."

1) *What is this case indicative and why?*

2) *What kinds of questions and intelligence would you attempt to gather?*

3) *What evidence would you collect?*



TRACING FIREARMS ORIGINS
MODULE

Goal: To understand the importance of thoroughly tracking the origins of confiscated firearms by using a four-step process involving National Crime Information Check (NCIC), suspect interviews, state databases and the National Tracing Center (NTC).

LEARNING OBJECTIVES

At the completion of this module, students will

1. be able to follow a series of steps to track a firearm's ownership history, and
2. understand the role of the National Tracing Center, the mechanisms for tracing firearms and ways to use information obtained from a trace.

PREPARATION GUIDE

We recommend that a representative from the National Tracing Center or a regional ATF agent conduct this module. The suggested length of this module is two hours.

Before the session, complete the following preparations:

- Select which PowerPoint® slides and/or overheads you will use and prepare participant handouts.
- For activity #1:
 - Obtain information about state registration databases and/or state's involvement with the Integrated Ballistics Identification System (IBIS), CEASEFIRE or DRUGFIRE programs.
- For activity #2:
 - Consider including a demonstration of the Project LEAD database.
 - Obtain copies of the ATF Guide to Investigating Firearms (ATFP3317.1). This publication may be obtained through the local ATF Field Office or through ATF distribution at (703) 455-7801.
 - Prepare overhead transparency of blank trace request form.
 - Prepare handout of Firearms Terminology contained in the appendix to this module.
 - Obtain information on the number of traces conducted in your jurisdiction and procedures used by your department to submit trace requests to NTC (e.g., NLETS or Batch Transfer).
 - Prepare handout of sample trace report contained in the appendix to this module.
- For activity #3:
 - Prepare handout of blank trace request form contained in the appendix to this module.

- For activity #4:
 - Prepare case scenario handout contained in the appendix to this module.

Keys to success in this module:

- Given that not all officers are encouraged to interview suspects about gun origins, and that they are not allowed to make plea bargain agreements, they may need to be informed of how they can work with investigative staff to expand information obtained about firearms.
- Officers may be concerned about paperwork involved and the amount of time it takes to complete trace requests. Provide information about strategies used by your department to ease this burden [e.g., batch download and National Law Enforcement Telecommunications System (NLETS) transfer] and reiterate the importance of tracing and what it can accomplish.
- Consider including a Project LEAD demonstration to illustrate how tracing firearms in your area has assisted investigations.

MATERIALS

Slides and Overheads included in the appendix to this module:

- #39-Tracing Title Slide
- #40-Tracking Ownership History
- #41-Tracing Definition
- #42-Mission of NTC
- #43-Mission of Crime Gun Analysis Branch
- #44-Number of Firearms Traced
- #45-Top Ten Firearms Traced
- #46-Benefits of Tracing
- #47-NTC Services
- #48-Firearms Tracing System
- #49-FFL/Interstate Theft Database
- #50-Multiple Sales Database

- #51-Suspect Guns
- #52-Suspect Names
- #53-FTS Queries
- #54-Firearms Trace Process
- #55-Obliterated Serial Numbers
- #56-Project LEAD
- #57-How to Fill Out Trace Request
- #58-Urgent Traces
- #59-Routine Traces
- #60-Submitting Traces
- #61-62 Batch Downloading
- #63-64-NLETs
- #65-Trace Results
- #66-Interpreting Trace Results
- #67-Questions
- #68-Jennings Bryco Gun
- #69-Jennings Bryco Gun

Overheads included in the appendix to this module:

- #1-Blank Trace Request Form
(overhead for activity #2)

Handouts included in the appendix to this module:

- Firearms Terminology Materials
(handout for activity #2)
- Sample Trace Report
(handout for activity #2)
- Blank Trace Request Form
(handout for activity #3)
- Case Scenario Practicum
(handout for activity #4)

Trainer-prepared materials:

- Number of Guns Traced Locally
(handout and overhead for activity #2)

Trainer-obtained materials:

- National Tracing Center Firearms Tracing Guide
(one for each participant)

ACTIVITY #1: Tracking Ownership History

Goal: To learn how to track ownership history when firearms are seized during the course of an investigation.

Overview

Law enforcement officers seize and confiscate firearms in the process of numerous types of investigations. These include trafficking investigations, crime scene investigations, drug raids and gun buy-back programs. Information on the origin of these weapons can help uncover firearms trafficking operations. These four steps should be followed to track the ownership history of confiscated weapons:

Step 1

The officer should first conduct an NCIC check to discover if the firearm was stolen.

Step 2

Many states maintain databases that allow the officer to determine to whom the firearm is licensed. The information contained in these databases differs for each state. Investigators may be able to check the databases in other nearby or suspected states, if the gun is not registered in their own state's database.

Step 3

If steps one and two indicate that the person in possession of the weapon is not the licensed owner, or are inconclusive, law enforcement officers should initiate an investigation of how the person obtained the firearm. For example, was it stolen? obtained through a straw purchaser? purchased at a flea market or through a disreputable dealer?, etc.

Slide #39

Slide #40

[Instructor: Provide information about your state's registration database and your state's involvement with DRUGFIRE or CEASEFIRE programs.]

To do this, officers must conduct debriefing interviews of all people found illegally possessing guns (see Investigations Module, Activity 2). These individuals should be asked about where they obtained the gun, what they know about illegal gun sales in the area, etc.

In addition, these people may want to provide information. Their information may be used as part of a plea bargain agreement. The intelligence they provide may be more valuable to law enforcement than the misdemeanor arrest is. Completed traces (see step IV below) of the weapons will help to validate the information received.

This investigation will often reveal information that is important to a firearms trafficking investigation and should be shared with investigators, local task force personnel and the regional ATF office (see Investigations Module, Activity # 3).

Step 4

In all cases, the officer should initiate an NTC trace through ATF of the weapon to provide further information for the investigation.

It is important to conduct NTC traces on all guns, even those that appear in individual state gun registration databases. By tracing these guns, departments are helping establish an accurate database to inform national investigations. Tracing can take you to the source of the weapon (the purchaser) and puts you into contact with other agencies in other areas which may share a similar trafficking problem.

Case Example

Your partner is gunned down during a bank robbery. A firearm was recovered at the crime scene and you initiate an urgent trace with the National Tracing Center (NTC). The NTC traces the gun to an FFL in Colorado who indicates that the gun was sold to

[Instructor: See video for other examples.]

Instructor's Notes

his son. The dealer's son matches the description of your suspect. If the officer had not traced the firearm would he have captured the killer? This was a true case.

ACTIVITY #2: Tracing Firearms

Goal: To understand the importance of tracing all firearms, the mechanisms for tracing and ways to use information obtained from a trace.

Overview

ATF is the government agency that maintains records of out-of-business Federal firearms licensees regarding their firearms sales. Since 1992, ATF has provided firearms tracing services to foreign and domestic law enforcement agencies.

This section provides information on the importance of tracing all firearms through ATF's National Tracing Center (NTC), the steps involved in collecting information for and submitting trace requests, and how to use the trace information to identify patterns and trends in trafficking.

Definition

Firearms tracing is the process of tracking firearms recovered in crimes from the manufacturer to the final purchaser, who is either an individual or firearms dealer.

The National Tracing Center Mission

The mission of the National Tracing Center (NTC) is to trace firearms recovered in crimes and to provide around-the-clock assistance to Federal, State, local and foreign law enforcement in their criminal investigations. During FY97, the NTC traced 193,237 firearms recovered in crimes worldwide. The Loric L380 was the most commonly traced weapon.

The NTC provides for law enforcement the most proficient and effective tracing methods for researching the movement of firearms. As such, the systematic tracking of firearms from the manufacturer through the dealer to the purchaser provides investigators with

Slide #41

Slides #42-#43

Slide #44-45

valuable leads in identifying potential violations and suspects.

The Importance and Benefits of Tracing Firearms

Successful trafficking investigations stop the transfer of illegal weapons to criminals who use the weapons to threaten the public or the safety of a law enforcement officer, or to commit a violent crime. The purpose of this module is to emphasize the importance of firearms tracing as a tool in building such investigations.

Tracing identifies the source of crime guns trafficked into a particular jurisdiction. The flow of weapons to criminals only can be stopped when the source has been identified. Every firearm you prevent from reaching the criminal element may be a life you have saved.

Hence, one should think of a gun as an informant. Once recovered, the gun has a story to tell about where it has been and how it reached a crime scene. When every firearm is traced, an important database of crime gun intelligence is created. Searches of this database result in identification of related crimes and can produce investigation leads.

National Tracing Center Services

The NTC maintains a reference library to identify firearms, firearms manufacturers and importers. The NTC contacts manufacturers (foreign and domestic) and/or importers, wholesale and retail dealers for the disposition of the firearm and relays this information to the trace requester. The NTC utilizes this information to identify trends and trafficking patterns that provide investigative leads to the field.

The NTC has a variety of services available to law enforcement officers around the world. The Firearms Tracing System (FTS) is the database which houses trace information from crime guns traced from across

Slide #46

Slide #47

Slide #48

the country. This system can provide information about the number of crime guns traced back to a dealer; the number of crime guns traced back to your state; the types of guns being traced by your state; the number of traces to an individual; multiple sales information; and stolen gun information.

Within the FTS are several databases:

- *FFL/Interstate Theft Databases*—contains information from dealers about stolen firearms and information about firearms stolen in transit. The database also tracks the recovery of stolen firearms. This database is useful for identifying trends and links between recovered firearms and a reported theft.
- *Multiple Sales Database*—stores data on multiple sales of handguns from the same dealer within five business days. A helpful tool to link individuals with guns recovered in crimes and is helpful in identifying straw purchasers and firearms traffickers. ATF has determined that individuals, who have made multiple purchases of cheap guns and have had two or more firearms traced back to them, may be trafficking firearms. Therefore, if a traced firearm is part of a multiple sale, further investigation is needed.
- *Suspect Gun Database*—contains descriptions on firearms related to trafficking investigations. The information is stored in this database so investigators are alerted if their suspect guns are recovered and traced. For example, if there is an FFL theft in your area, you can obtain gun descriptions from the dealer and enter the descriptions into the suspect gun database. When or if the guns are recovered and traced, you will be notified and will be able to contact the officer/agent who initiated the trace. This information will tell you where your guns are recovered, what crimes were committed and who is involved—which may lead you to the thief.

Slide #49

Slide #50

Slide #51

Instructor's Notes

NOTE: you must first contact ATF to enter a gun into this database because NTC needs an investigation number for verification.

- *Suspect Names*—Stores information on individuals who are under investigation in order to detect if guns are traced to them in the future or if the suspect makes future multiple sales purchases.
- *FTS Queries*—NTC can initiate a query on FFLs or individuals to determine how many firearms have been traced back to them, the types of crimes committed and suppliers of the firearms.

Firearms Trace Process

When NTC receives a trace request, the trace is entered into the Firearms Tracing System (FTS) and the databases listed above are searched for any hits. If the firearm is not located in any of the databases a formal trace is initiated. Once the trace is processed the results are sent to the requester.

Obliterated Serial Numbers

If you recover guns with obliterated serial numbers, the NTC encourages you to have the serial number raised and to submit a trace. Ten percent of firearms recovered have obliterated serial numbers, which ATF considers an absolute "intent to traffick."

If you do not have the resources to raise serial numbers but if you know the possessor/associate/recovery location, submit a trace. This information can be used to link individuals to other obliterated serial number information that may help your case.

PROJECT LEAD: Putting Your Trace Data to Work

In 1993, the National Tracing Center developed Project LEAD to analyze information gathered during the firearms tracing process. This information is used

Slide #52

Slide #53

Slide #54

Slide #55

Slide #56

to pro-actively identify and investigate suspected firearms traffickers, straw purchasers and corrupt Federal firearms licensees.

LEAD is a computer-based relational database program that identifies commonalities among completed firearms trace requests based on dealer, individual and recovery location. LEAD does this by producing a number of predefined reports.

Project LEAD performs analysis on crime guns to provide information about individuals and dealers in your area. This information can be used to identify firearms trafficking trends, patterns and develop leads for firearms trafficking investigations. Use this system as you would an informant. Ask it questions, review and verify the information, and develop leads.

Project LEAD Data

LEAD contains the following categories of information:

1. firearms recovered and traced by the NTC, including the purchaser's name;
2. multiple sales of firearms reported by FFLs;
3. names of individuals in possession of a firearm;
4. names of individuals associated with recovery of a firearm, (e.g., if a firearm is recovered from a vehicle, all of the individuals in the vehicle at the time of the recovery are then associated with that firearm);
5. recovery locations of firearms; and
6. suspect guns, or firearms purchased by an individual who is a suspected firearms trafficker or straw purchaser, or firearms being sold illegally by an FFL.

An example case:

During routine scanning of the LEAD data, Special Agent Smith ran a dealer Profile Report. He was looking for dealers who sold a large number of firearms that ended up as crime guns. The report identified Lee Pawnbrokers as having sold four crime

[Instructor: Include ATF demonstration of how Project LEAD assisted with a local investigation.]

guns. In addition, the average number of years from sale to trace for these weapons was 1.54 years, which is well below the national average of five to six years.

To find out more about this dealer, Agent Smith ran a query on the dealer, using his FFL number. This revealed that all four firearms had been purchased by the same individual, Patrick Jones, on or around the same date. Running a query on Mr. Jones revealed that the guns were purchased in Georgia, but were recovered in New York.

Further queries indicated that another individual also purchased crime guns in Georgia on the same day, which also ended up in New York crimes. These findings were indicative of a possible trafficking operation involving these two individuals, either in conspiracy or as straw purchasers.

How to Complete a Trace Request Form

Because it would be impossible for the NTC to physically examine each weapon that requires tracing, a form has been prepared to transmit the relevant information to them. This section provides information on how to complete this form.

- *Select the trace priority* (routine or urgent). Urgent traces are requested when the firearm was involved in certain crimes of violence (homicide, high profile incident) and/or when the trace information is essential to apprehending or holding a suspect. You **MUST** state a reason for the urgency in the "Remarks" section of the form. Routine traces involve all other crimes such as carrying a firearm without a permit, burglary and firearms trafficking.
- *Enter Requester Information.* Provide information about the individual or organization requesting the trace.

*[Instructor: Review instructions for completing the trace form, showing **Overhead #1 (trace request form)**. Additional explanation is provided at left.]*

Slide #57

Slide #58-59

*[Instructor: **Distribute Handout #1 -Firearms Terminology Materials.**]*

Instructor's Notes

- **Describe Firearm.** Provide a description of the firearm you want traced. You must enter complete and accurate information in this section.

- It may not always be clear which numbers or markings on the firearm constitute the serial number or model number. If this is unclear, note additional numbers or markings in the "other marks" section.

- ALWAYS indicate the importer name if the firearm is made by a foreign manufacturer. Because foreign-made firearms are often brought into the United States by several different importers, the specific importer must be specified for an accurate trace.

- If there is a question about the firearm, (e.g., where do I look for markings, is a model needed, etc.) contact the NTC before submitting the trace to ensure accuracy of the information.

- **Enter Crime Code.** The NTC will enter only one NCIC crime code. You must select the code that is most appropriate to your situation.

- **Enter Possessor Information.** Provide information on the individual in possession of the firearm when it was recovered. For the NTC to process the trace, the possessor information section should be completed. If this information is not available, the form must contain a completed recovery section.

- **Enter Associate Information.** Provide information on any individuals who were present or involved in the scene of the recovery.

- **Enter Recovery Location.** Provide information on the recovery location and vehicle. This data is valuable for analysis on where guns are recovered and where to concentrate resources.

- **Important Tips.** Always have the gun in hand while completing the trace form, rather than an investigative report or a description of the weapon by someone else.

[Instructor: Provide information on the number of traces conducted in your department and whether departments in your area use NLETS or Batch Transfer as the method of submitting trace requests.]

If the information you provide is incomplete or incorrect, the form will be returned for corrections, or the information returned to you will be incorrect. There have been cases where incorrect or incomplete information has led to the identification of the wrong owner, causing further delays.

How to Submit a Trace Request

After you have completed the trace form, you should fax it to the NTC at 1-800-578-7223. Urgent trace requests should also be faxed in to the NTC, but followed with a phone call for confirmation. The NTC will also accept Batch Electronic or NLETS trace submissions.

Slide #60

Batch Electronic Trace Submission or Batch Downloading allows police departments to electronically submit a large group of trace requests through a stand-alone database directly into the Firearms Tracing System. There are several benefits to batch downloading:

Slide #61-62

- Ensures that all firearms entered into your current database will be traced;
- Eliminates manually filling out the trace request forms;
- Ability to submit more traces in less time;
- Reduces the turnaround time to complete the trace requests;
- Provides requester with confirmation of receipt.
- Provides for better accuracy in trace submissions.

Agencies that recover large amounts of firearms should consider batch downloading. To be considered as a candidate for batch downloading contact the NTC.

The NLETS Trace Submission System allows law enforcement officials to electronically submit trace requests through the National Law Enforcement Telecommunications System. Many states have formatted trace request screens on NLETS. Contact your NLETS representative for more information.

Slide #63-64

There are several benefits to an NLETS trace request.

- Allows users to submit traces quickly and accurately.
- Provides confirmation that NTC has received request.
- Reduces trace time.

If your state does not have a trace request screen on NLETS and is interested in developing the capability, contact your NCIC state representative.

Interpreting the Trace Results: Report Contents

The trace results report are sent to you by mail and contains important information for your investigation.

- Information about who sold the gun is provided in the "Dealer Information" section.
- Information about who owns the firearm is provided in the "Purchaser Information" section.
- If there is additional information available about the purchaser, dealer, or on the possessor/associates/recovery location, the trace will indicate that you should contact the local ATF field office to obtain the information.

If you have any questions about the trace report or the results of the trace, please contact the NTC.

Using Trace Information

Information received from the National Tracing Center can assist state and local law enforcement officers to identify the nature and extent of trafficking in their area.

*[Instructor: **Distribute Handout #2-sample trace report for participants to review.**]*

Slide #65-66

indicate that firearms involved in crimes are most likely being purchased through straw purchasers.

These different scenarios will clearly result in different law enforcement approaches, one targeting household burglaries and the other targeting the identification of straw purchasers. For this department to select the most appropriate and effective approach, it must know that both scenarios are at work in their community and that burglaries may be more of a problem than straw purchases. If the department does not explore the reasons for the unsuccessful traces in addition to the successful ones, their enforcement efforts might be skewed in the wrong direction and not have the largest impact on gun crimes.

Officers should take special notice if the trace informs you there is additional information available. The local ATF office or the NTC may have the following information:

- a significant number of firearms are being traced back to a particular dealer or individual;
- the "time to crime" statistic—the time it takes for a purchased firearm to end up as a traced crime gun—is shorter than the average of five years; and/or
- a purchaser resides in a high-crime area.

Law enforcement officers should work with ATF to interpret results and initiate investigations, because ATF may already have information on the problem dealer or trafficker you have identified. An officer may spend hours attempting to identify a source dealer or composite profile when one call to ATF may reveal that the offender/dealer is dead or imprisoned.

Slide #67

Learning from Successful and Unsuccessful Traces

While some traces are successful and reveal information about the firearms origin, others are not. If your department only examines successful traces, you may be skewing the understanding of the nature and extent of trafficking in your state. It is therefore important to obtain additional information about all traces (successful and unsuccessful) and analyze them both. Staff at the NTC (1-800-788-7133, extension 200) can often let you know why certain traces did not succeed (e.g., gun was too old, out-of-business dealer, etc.) to help in this analysis.

For example, in department X, 60 percent of traces are unsuccessful and 40 percent are successful. A review of the unsuccessful traces reveals that they are largely due to old guns, which means that these firearms are most likely coming into the possession of criminals via burglaries or purchases from individuals. On the other hand, analysis of the successful traces indicates a short time-to-crime statistic, which may

ACTIVITY #3: Trace Form Activity

The following exercise is an opportunity to practice completing a trace request form, using the tips learned in this module. Using only what you can see on the overhead, complete the trace form in your packet.

Questions:

1. What type of gun is pictured?

Answer: The gun pictured is manufactured by Bryco.

2. What is misleading about the gun's markings?

Answer: This gun's markings are misleading because it bears the name of two different manufacturers: Jennings and Bryco. In this case, however, the gun is manufactured by Bryco and distributed by Jennings. The problem with tracing this gun is that if an officer completes the trace request form using Jennings as the manufacturer, the NTC may trace the wrong weapon. This can occur because Jennings may have manufactured a gun with the exact same serial number as the Bryco gun.

3. How can the confusing information be relayed properly to NTC?

Answer: All information and markings on a gun should be included in the trace request form. All questions on the form should be answered fully and any additional information that is available should be included in the comments section of the form. In addition, if you have any questions about how to complete the form, please contact the NTC; they will be helpful in answering your questions.

Slide #68

[Distribute Handout #3—blank trace request form. Instruct participants to complete the trace form based on the pictured firearm.]

[Instructor: When the participants are ready, show Slide #69. This gun can be easily mis-coded on the form when officers do not write everything down. This example will point to the need for care when completing the form and the need to use the comments section of the form to add additional information.]

ACTIVITY #4: Case Scenario Practicum

The following exercise is an opportunity to review the material learned in this module.

Questions:

1. You pull over a speeding car and discover the driver is in possession of a firearm. You confiscate the firearm and trace it. What information should you submit to the NTC? What trace results could you expect to receive?

Answer: You would need to submit the following information to NTC:

- Possessor Details;
- Recovery Location;
- Associates;
- Firearms Information; and
- Officer Information.

You could expect to receive the following trace results:

- Where the gun came from;
- If it is a suspect gun, a multiple sale, an FFL/Interstate Theft;
- If there is additional information available such as:
 - How many traces in which the FFL has been involved;
 - If the individual has been involved with other traces; and
 - How many traces the possessor, associate, recovery location, have been involved in, etc.

2. A firearm is left at a robbery scene. You trace the firearm and the NTC trace report informs you that the firearms dealer stated the purchaser periodically comes into his store twice a month but does not purchase multiple firearms. The NTC tells you that this purchaser has been involved with four other traces. What could this indicate and what additional information could the NTC provide?

*[Instructor: **Distribute Handout #4**—case scenario practicum. Instruct participants to complete the handout. When the participants are ready, review the appropriate answers provided.]*

Answer: This could indicate that the purchaser is trying to circumvent the multiple sales form and may be purchasing firearms from other dealers in the area. The appropriate steps should be taken:

- Contact the FFL who sold the firearms and obtain the other firearms information.
- Have the NTC determine if firearms have ever been traced and if so, by who and where? Contact the requester.
- Request copies of the four other NTC traces and contact the requesters to identify trafficking patterns. Ask them about the circumstances of the gun recovery--where and under what circumstances.
- If the other firearms have not been traced, have them entered into the suspect guns database so you will be contacted if they are ever traced in the future.
- Enter the purchasers name into the suspect names database so you will be aware of future activity.
- Have a project LEAD query run by purchase dates to determine who else was buying firearms on that same day/week with similar names and addresses and date of births to see if it is the same purchaser trying to circumvent the multiple sales form.

3. You confiscate a firearm with an obliterated serial number from an individual who attempted to rob a local convenience store. While waiting for the serial number to be restored, what could you do with the information on the possessor?

Answer:

- Contact the NTC and request them to run the name of the possessor through their database to see if the individual has prior firearms traced to him/her or made any multiple sales purchases.
- If the other firearms have been traced to the possessor, get copies of the traces and contact the requesters to discover how and why these guns were recovered.

- If multiple sales purchases have been made, obtain gun information from the NTC and enter the firearms into the suspect guns database.
- Enter the possessor's name into the suspect name database so you will be aware of future activity.
- Request NTC to run queries on any dealers that are related to traces or multiple sales.

4. After restoring the serial number on the above-mentioned firearm, you trace it and discover there is additional information on the purchaser and the dealer. You contact the local ATF office and they tell you there have been ten other traces to the individual and 80 traces to the dealer. What additional information would you ask for from the NTC?

Answer:

- Request information about the other traces the individual was involved with to uncover patterns in crime gun recovery. This may indicate the person is a straw purchaser or trafficker.
- Request an FTS query on the FFL (such as the guns, the crimes, the individuals involved, multiple sales, recovery locations, etc.)
- Request local ATF to run name information in Project LEAD.
- Look for recovery location and other geographic connections.

5. You have just made an undercover buy from a firearms trafficker. You believe the trafficker is associated with a corrupt FFL. You have information that the FFL may be reporting guns stolen as you have already traced one firearm that resulted in an FFL theft hit. What additional information could the NTC provide you and how could you monitor this FFL?

Answer:

- Contact the Stolen Firearms Coordinator at the Crime Gun Analysis Branch, NTC and request a copy of the FFL theft report and any background on other thefts reported by the same dealer.

Instructor's Notes

- If the investigation becomes sensitive and you do not want the dealer contacted, inform the Project LEAD group to place this dealer into the "Do Not Contact Dealer Database."

6. You discover that you overlooked tracing a firearm for a case and you need trace information in five days for court. What do you do?

Answer:

- Do not send in as an urgent trace. Contact NTC and explain your situation.

MODULE SUMMARY

This module emphasized the importance of investigating firearms and tracing them through the NTC to eliminate firearms trafficking. The key to ATF's ability to investigate and reduce trafficking is a complete database of crime guns recovered in the United States. Through Project LEAD's reporting capabilities, searches of this database will enable Federal, State and local law enforcement agencies to identify potential trafficking operations and eliminate them. To produce a complete database, it is important for law enforcement to trace all recovered firearms and to submit accurate trace request forms.

QUESTION AND ANSWER SESSION

1. Prompt participants for questions.
2. Ask the following questions to generate discussion and support learning:
 - a. What are the most important things to remember when completing a trace request form? (Be accurate and complete; if you do not know what some marking is, either call ATF or make a note in the appropriate section.)
 - b. How can your department use the trace results you obtain from ATF? (Identify problem dealers, problem individuals, possible criminal associations.)

MODULE RESOURCES

Activity #1:

None.

Activity #2:

NTC Firearms Tracing Guide

Activity #3:

None.

Activity #4:

None.



TRACING MODULE APPENDIX

Slides included in this appendix were provided by the NTC:

- #39-Tracing Title Slide
- #40-Tracking Ownership History
- #41-Tracing Definition
- #42-Mission of NTC
- #43-Mission of Crime Gun Analysis Branch
- #44-Number of Firearms Traced
- #45-Top Ten Firearms Traced
- #46-Benefits of Tracing
- #47-NTC Services
- #48-Firearms Tracing System
- #49-FFL/Interstate Theft Database
- #50-Multiple Sales Database
- #51-Suspect Guns
- #52-Suspect Names
- #53-FTS Queries
- #54-Firearms Trace Process
- #55-Obliterated Serial Numbers
- #56-Project LEAD
- #57-How to Fill Out Trace Request
- #58-Urgent Traces
- #59-Routine Traces
- #60-Submitting Traces
- #61-62 Batch Downloading
- #63-64-NLETs
- #65-Trace Results
- #66-Interpreting Trace Results
- #67-Questions
- #68-Jennings Bryco Gun
- #69-Jennings Bryco Gun

Handouts & Overheads included in this appendix:

- Firearms Terminology Materials
- Sample Trace Report
- Blank Trace Request Form (handout & overhead)
- Case Scenario Practicum



T ***RACING***



Tracking Ownership History

FOUR STEPS

- 1. Conduct NCIC Check**
- 2. Check State Database**
- 3. Question How Firearm Obtained**
- 4. Initiate ATF Trace**

Firearms Tracing

- ❑ Tracking Firearms**
- ❑ Recovered in Crimes**
- ❑ From the Manufacturer**
- ❑ To Final Purchaser**
 - Individual**
 - Firearms Dealer**

The National Tracing Center Mission

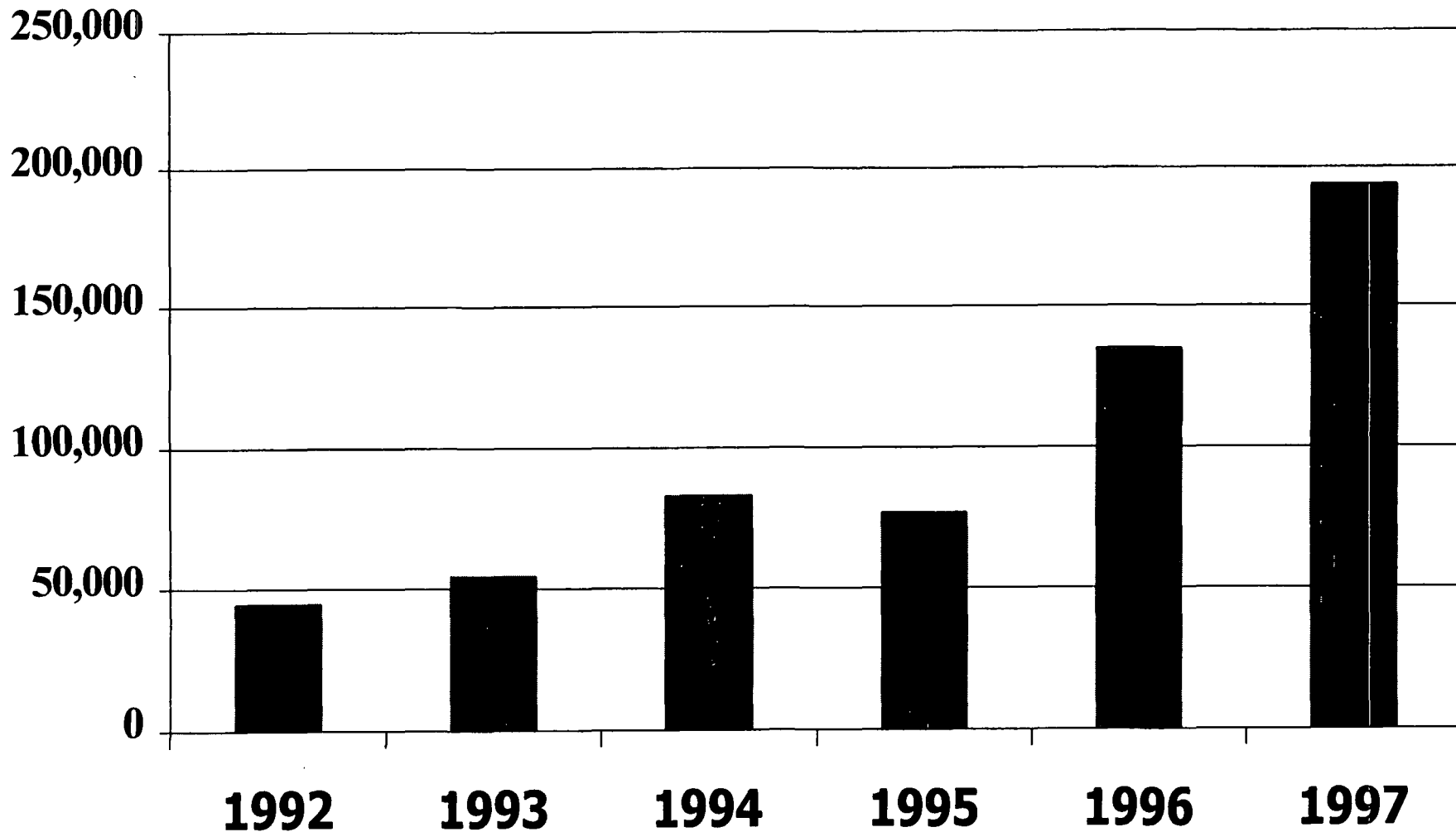
- ❑ Trace Recovered Firearms**
- ❑ Provide Information**
- ❑ Furnish Investigative Leads**

Crime Gun Analysis Branch Mission

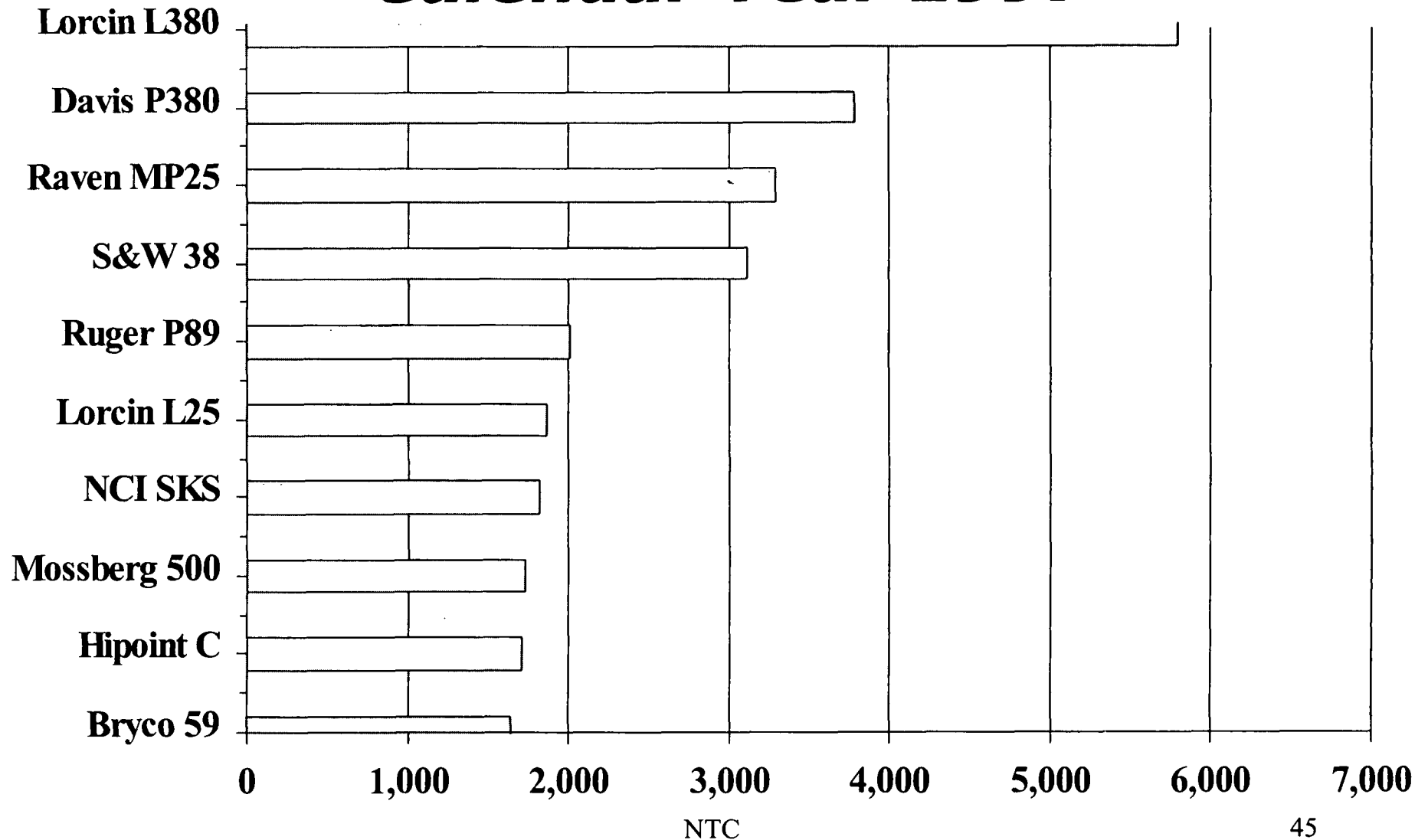
- ❑ Analyze Crime Gun Data**
- ❑ Identify Traffickers Supplying Criminals and Juveniles**
- ❑ Forward Investigative Leads**
- ❑ Design Analytical Tools**

Number of Firearms Traced

Calendar Years 1992-97



Top Ten Firearms Traced Calendar Year 1997



Benefits of Firearms Tracing

- ❑ Central Location for Crime Gun Data**
- ❑ Investigative Leads**
- ❑ Collaboration of Information**
- ❑ Think of the Gun As an Informant**

NTC SERVICES

Firearms Tracing System

**Data on Crime Guns Traced
From Across the Country**

FFL/Interstate Theft Databases

- ❑ Information on Stolen Firearms**
- ❑ Use Information on:**
 - Stolen, Missing or Lost**
 - Identify Trends**
 - Similarities in Theft M.O.'s**

Multiple Sales Databases

**Links Multiple Sales
With Firearms Traces**

Suspect Gun Database

- ❑ Information on Firearms Related to Criminal Investigations**
- ❑ Informs You When Firearms Are Recovered Anywhere in the U.S.**

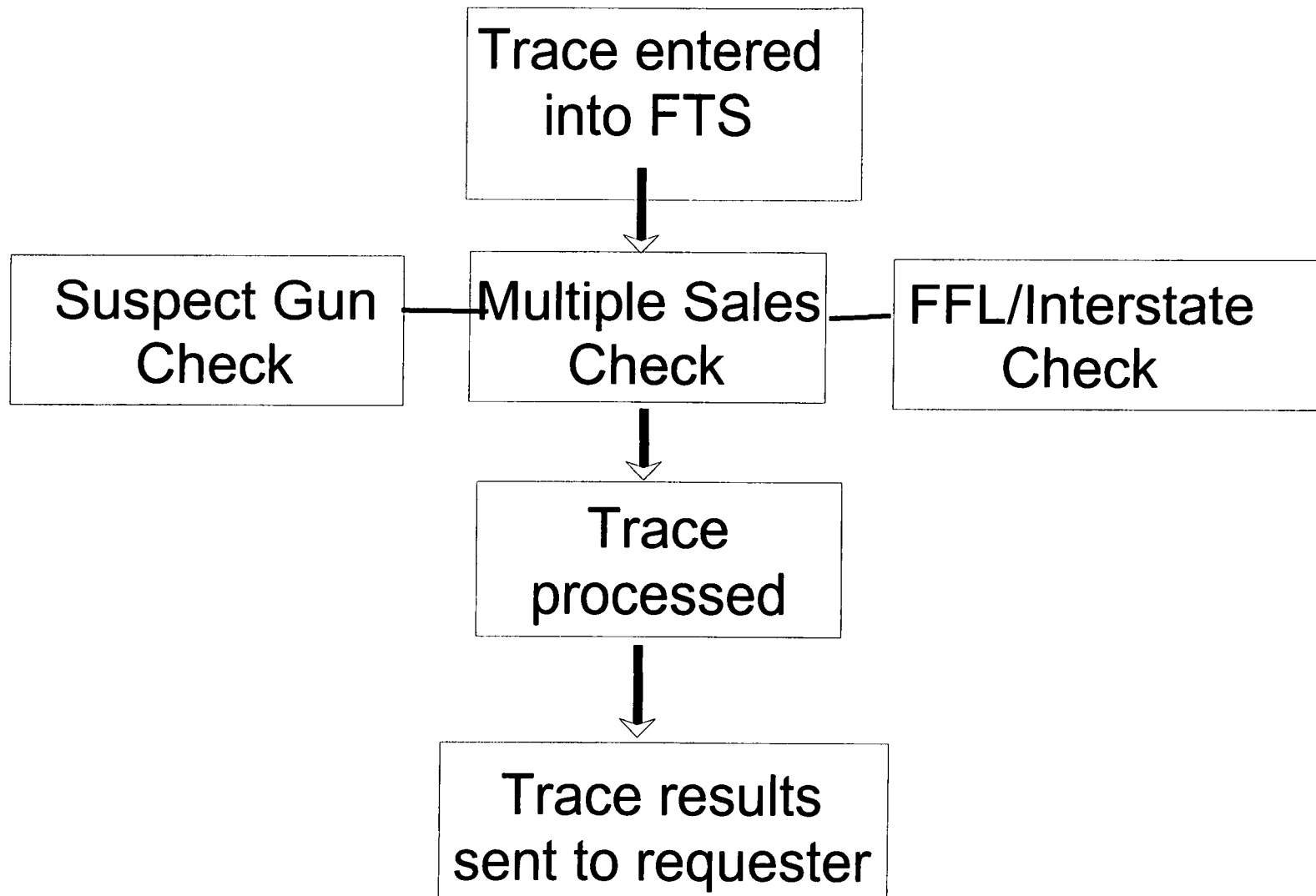
Suspect Names

**Stores Information on Individuals
Under Investigation**

FTS Queries

- ❑ FFLs**
- ❑ Individuals**
- ❑ Recovery Locations**
- ❑ Statistics**

Firearms Trace Process



Obliterated Serial Numbers

- ❑ 10 Percent of Firearms Recovered**
- ❑ Submit Information Even If No
Serial Number**
- ❑ Absolute “Intent to Traffic”**

Project LEAD

- ❑ Performs Analysis on Crime Guns to Individuals and Dealers**
- ❑ Goal: To Help Develop Leads**

How to Fill Out a Trace Request Form

- ☐ **Select Trace Priority**
- ☐ **Requester Information**
- ☐ **Description of Firearm**
- ☐ **Crime Code**
- ☐ **Possessor Information**
- ☐ **Associate Information**
- ☐ **Recovery Location**

URGENT TRACES

- ❑ For a Search Warrant**
- ❑ Prevent Unlawful Flight**
- ❑ High-profile or Politically-sensitive Case**

ROUTINE TRACES

- ❑ Carrying a Concealed Weapon**
- ❑ Burglary**
- ❑ Firearms Trafficking**

SUBMITTING TRACES

- ☐ **Fax or Mail Form to NTC**

- ☐ **Follow up All Urgent Trace**

**Requests With a Phone Call for
Confirmation**

What is Batch Downloading?

- ❑ Batch Electronic Trace Submission**
- ❑ A Group of Trace Requests**
- ❑ Transferred Electronically Into the Firearms Tracing System**

Batch Downloading

- ❑ Firearms Database will Trace Firearms**
- ❑ Eliminates Filling Out the Trace Forms**
- ❑ Submit More Traces in Less Time**
- ❑ Reduces the Turnaround Time**

NLETS Trace Submission

**Electronically Submit Trace Requests
Through the National Law
Enforcement Telecommunications
System (NLETS)**

Benefits of NLETS Tracing

- ☐ *Reduces Paperwork***
- ☐ *Speed and Accuracy***
- ☐ *Provides Confirmation***
- ☐ *Saves Mailing/Faxing Expenses***
- ☐ *Reduces Trace Time***

Trace Results

- ❑ The Trace Results Report**
- ❑ Information You Sent to the NTC**
- ❑ Information Discovered About the Crime Gun**

Interpreting The Trace Results

Report Contents

- ☐ **Dealer Information**
 - Where the Gun Came From**
- ☐ **Purchaser Information**
 - Firearm Owner**
 - Association With Other Crime Guns**
- ☐ **Recovery Location**

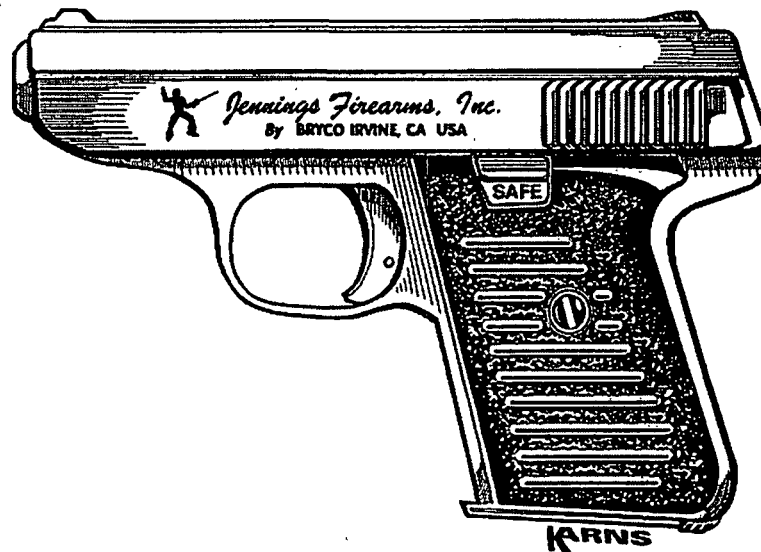
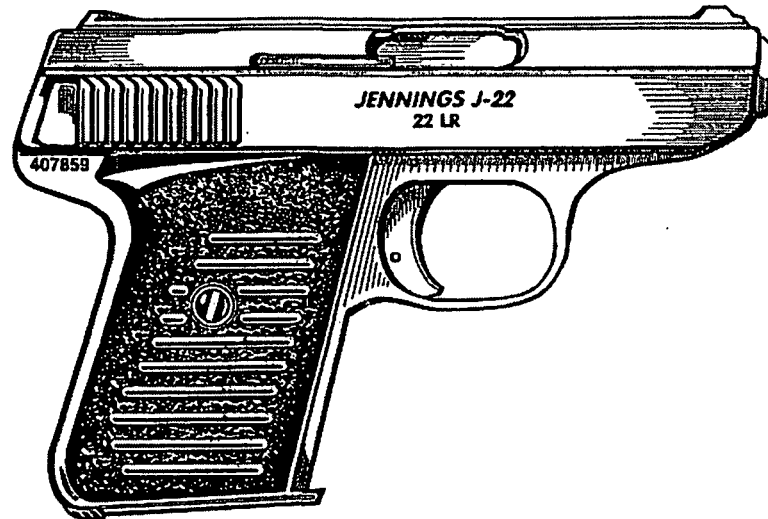
Questions?

**Have questions about your Trace
Results report?**

Just call us at the NTC!

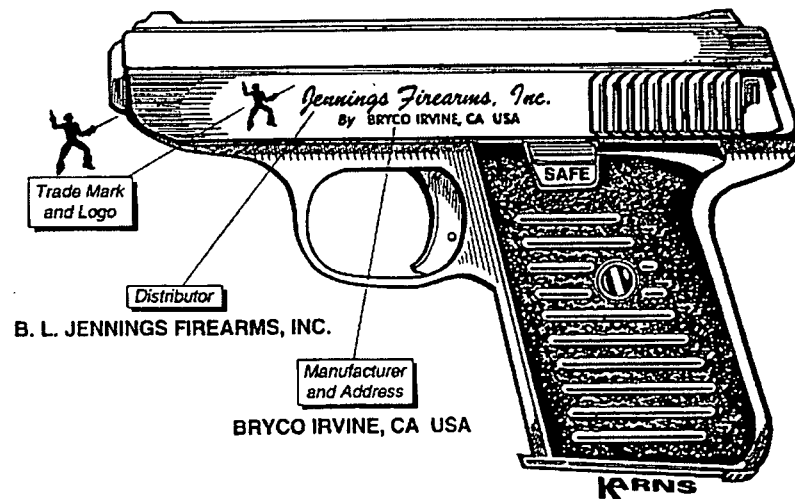
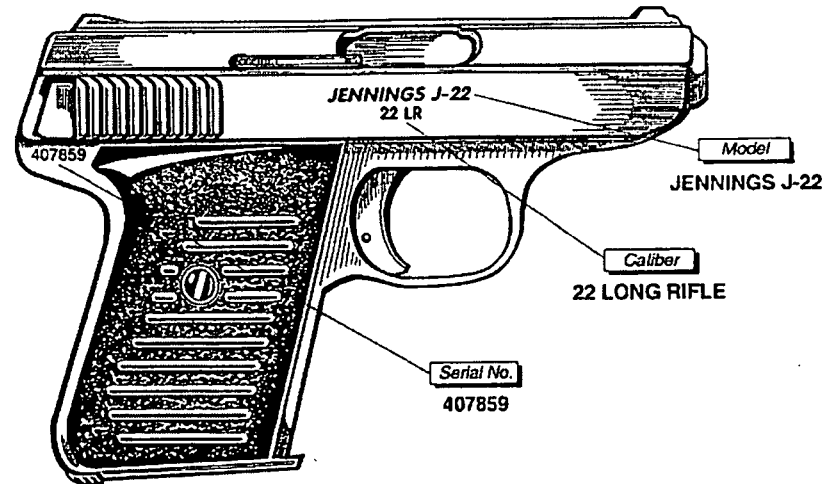
1-800-788-7133

Jennings Bryco Gun



Jennings Bryco Gun

PISTOLS



ATF National Tracing Center

Firearms Terminology

FIREARMS TERMINOLOGY

A description of terminology, used by ATF for weapons, is included for your information.

Assault rifle - A fully automatic weapon that fires an intermediate cartridge that is larger than a pistol cartridge but smaller than a full-sized rifle cartridge. Assault rifles are normally selective fire and fed by a detachable magazine.

Autoloading - A firearm action in which the propellant gases or recoiling forces created by the firing cartridge are used to open and close the mechanism of a firearm. The autoloading mechanism extracts each fired case from the chamber, ejects the spent case from the firearm, and then chambers a loaded cartridge in preparation for the next shot.

Automatic (fully automatic) - An autoloading action that will fire a succession of cartridges, so long as the trigger is depressed, or until the ammunition supply is exhausted. Automatic weapons are machineguns subject to the provisions of the National Firearms Act. The term automatic is often incorrectly applied to semiautomatic rifles, pistols, and weapons.

Caliber - A term used to describe ammunition. Caliber is the approximate diameter of a projectile. In the United States, caliber is usually written in inches; i.e., .30 caliber. In most other countries of the world, caliber is usually written in millimeters; i.e., 7.62mm. When describing ammunition, we must be more specific than just citing the diameter of the projectile, as there are, for example, many different .30 caliber cartridges. Therefore, additional descriptive information is used to describe specific ammunition. There is no standard system for describing ammunition. In the United States, a specific cartridge may be described by its caliber plus the year of its introduction (.30/06), the caliber plus the name of the weapon for which designed (.30 Carbine), the caliber plus the name of the designer (.30 Newton), and so forth. Most other countries identify specific ammunition by its diameter plus the overall length of the cartridge (7.62x63mm). There are many other terms that are used to further describe specific ammunition.

Conversion of Calibers to Millimeters

The following list provides the caliber, followed by its general equivalent in the metric system. It is not all inclusive but contains the more commonly found calibers that are referred to in decimal or metric measurement. In some cases, the conversions are not fully accurate but are the normally used terminology.

- (1) .22, .222, or .223 caliber can be called 5.56mm.
- (2) .22, .222, or .223 caliber can be called .556mm.
- (3) .25 caliber = 6.35mm.
- (4) .264 caliber = 6.5mm.
- (5) .284 caliber = 7mm.
- (6) .30 and .308 caliber = 7.62mm.
- (7) .32 caliber = 7.65mm.
- (8) .380 caliber = 9mm short (sometimes called "Corto" or "Kurz").
- (9) .45 caliber - 11mm or 11.4mm.

Note: .38 and .357 do not have metric equivalents. 9mm Parabellum does not have a decimal equivalent.

Double action - A type of operation normally associated with revolvers, where pulling the trigger rotates the cylinder, cocks, and fires the weapon. The term is also used to describe certain semiautomatic pistols where pulling the trigger will cock and fire the first shot.

Handgun - A weapon originally designed, made, and intended to fire a small projectile (bullet) from one or more barrels, when held in one hand, and having a short stock (grip) designed to be gripped by one hand and at an angle to, and extending below, the line of the bore(s).

Machinegun - A machinegun is any weapon that 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.

Pistol - Any handgun that does not contain its ammunition in a revolving cylinder. Pistols may be single shot, manually operated repeaters, multiple-barreled, semiautomatic, or fully automatic.

Revolver - A handgun that contains its ammunition in a revolving cylinder.

Rocket launcher - A device for launching a rocketpropelled projectile, usually having a high-explosive warhead. Weapons of this type are designed to be used against armored vehicles and fortified positions. Most rocket launchers are destructive devices. The ammunition for rocket launchers is usually also a destructive device.

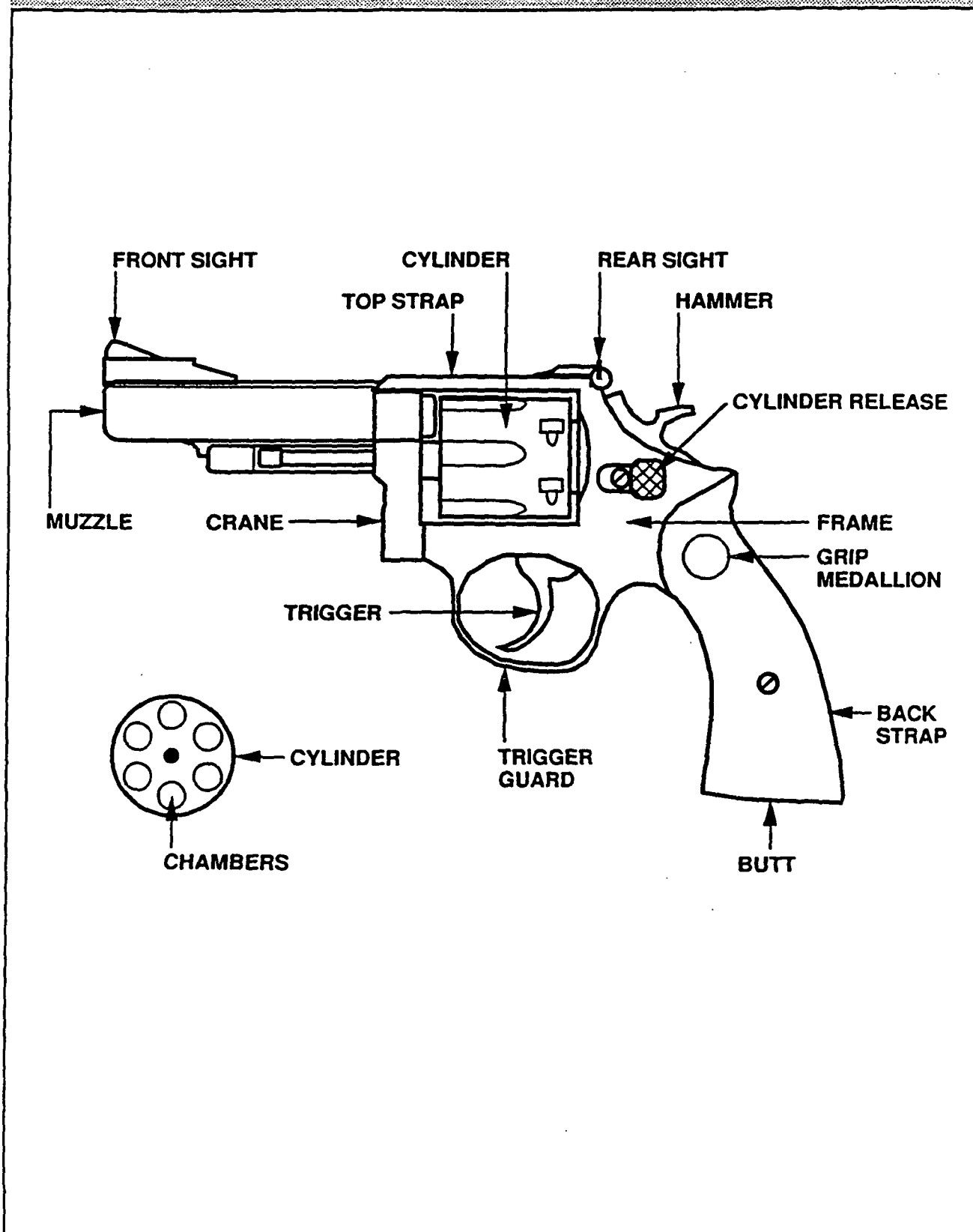
Semiautomatic - An autoloading action that will fire only a single shot for each single function of the trigger.

Single action - A type of operation normally associated with revolvers where the hammer must be manually cocked for each shot. The manual cocking also rotates the cylinder, bringing another cartridge in line with the barrel for firing. The term is also used to describe certain semiautomatic pistols that must be manually cocked prior to firing the first shot.

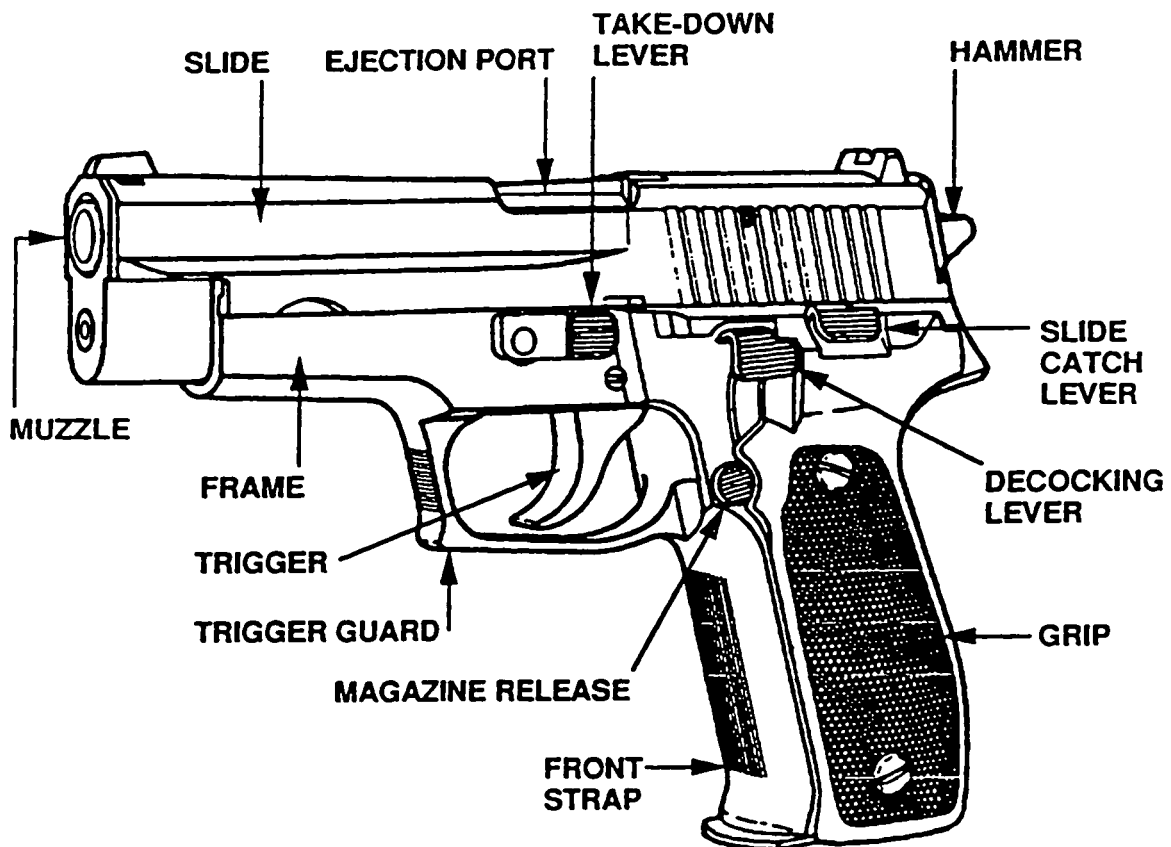
Submachinegun - A simple fully automatic weapon that fires a pistol cartridge. Submachineguns are also referred to as machine pistols.

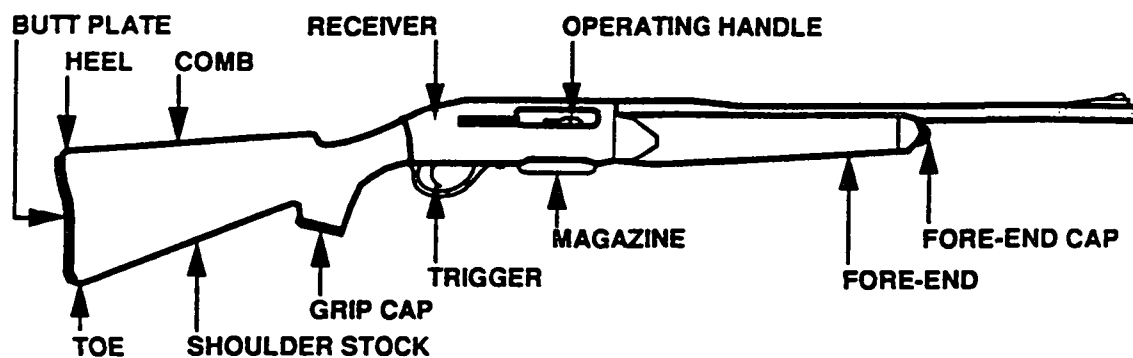
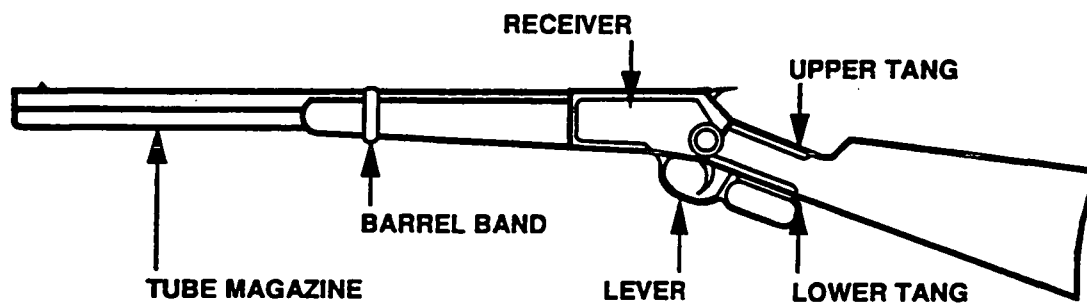
Serial numbers -Current regulations (27CFR55.178.92) require that the serial number of a firearm be conspicuously located on the frame or receiver. Common serial number locations would include: side of the frame, on the butt, under the crane (yoke) or on the front strap.

DOUBLE ACTION REVOLVER

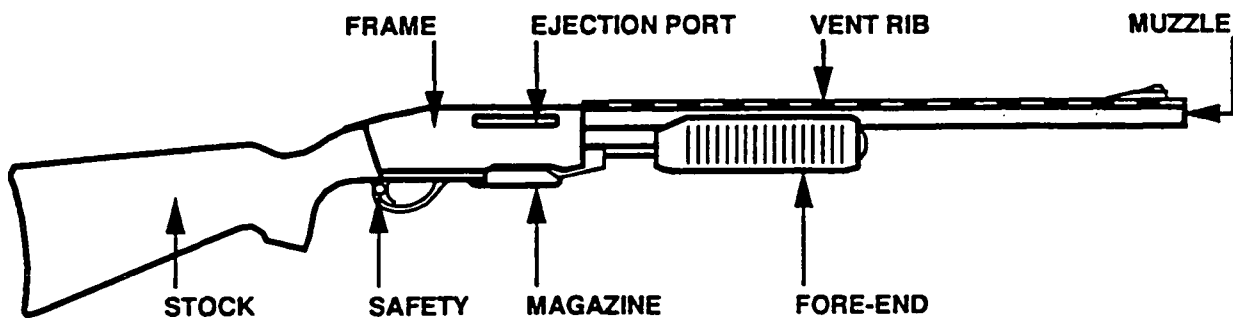


SEMIAUTOMATIC PISTOL

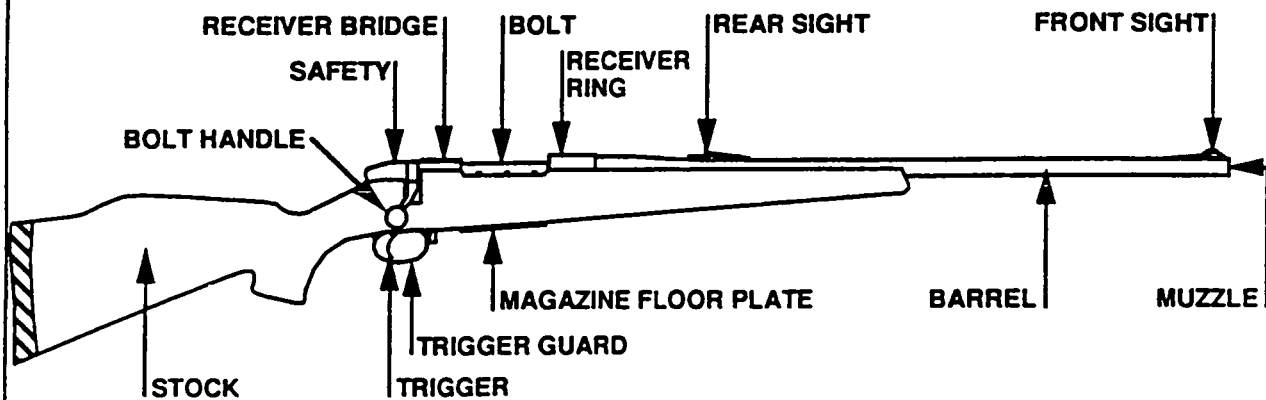
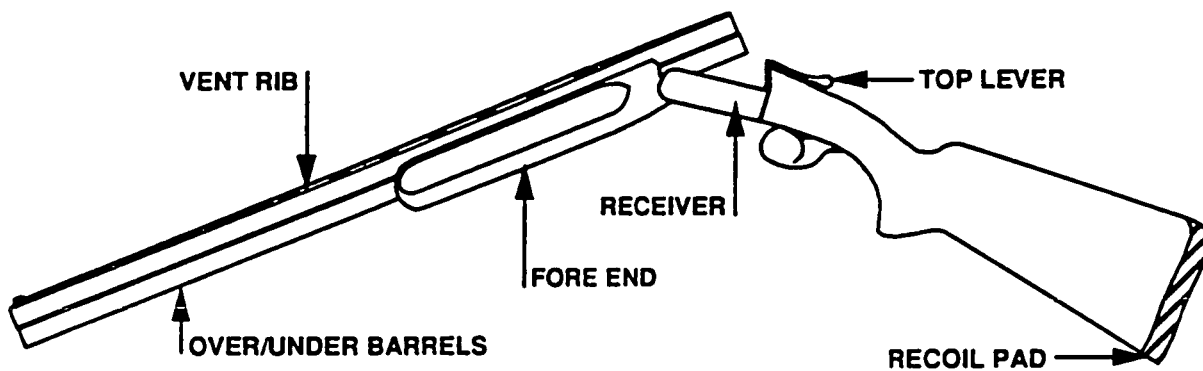


AUTOLOADING ACTION**LEVER ACTION**

NOTE: MAGAZINE CAN ALSO BE BOX TYPE.

PUMP/SLIDE ACTION

NOTE: MAGAZINE CAN ALSO BE TUBULAR TYPE.

BOLT ACTION**BREAK OPEN ACTION**

NOTE: FIREARMS HAVING THIS ACTION TYPE CAN BE SINGLE OR MULTI BARREL RIFLES OR SHOTGUNS.

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

Phone: (800) 788-7133
Fax : (800) 578-7223
Print Date: February 18, 1997



FIREARMS TRACE REPORT

Trace Number: 976114

ATF

Toledo Field Office
234 Summit Street
Toledo, OH 43604

Request Date: Tuesday, February 04, 1997

ATF Investigation Number: 741605

ATF Conducted this Trace for:
Fabian
Requester Failed To Provide
Sufficient Data To Identify
ORI = OH*****

DESCRIPTION OF FIREARM

Make: Charter Arms
Model: BULLDOG
Type: Pistol Revolver
Caliber: 44
Serial Number: 5664
Country: United States of America

SUMMARY OF RESULTS

This Firearm was Purchased on: Thursday, May 29, 1980

Purchaser: James Burdon Riggle
4806 N 23rd Ln
West Palm Beach, FL 33409

Date of Birth: October 10, 1946

Race: White

Sex: Male

Height: 5 ft. 11 in.

Weight: 142 lbs.

ID Type: Police Dept. Badge No.

ID No: 337

Birthplace: West Palm Beach, FL

PURCHASER HISTORY:

Riggle is not currently associated with
any other traces.

Notes:

Per FFL, Is Also West Palm Beach Police
Officer.

The Firearm was shipped to Csi :

FFL Name: Csi
FFL Number: 93333364
Address: 2029 S Business Pkwy
Ontario, CA 91761

Phone: (909) 923-1411

NOTES ON THIS FFL:

This FFL is involved with 423 other traces.

Last Regulatory Enforcement contact: August 21, 1991.

The Firearm was recovered on Thursday, March 21, 1996 from the following location:

Address: 3449 Corsa Avenue
New York, NY

NOTES ON THIS RECOVERY LOCATION:

There were 5 other firearms recovered in this area
based on matching Street Name, City, State.

The Trace Numbers associated with these firearms are:
9747775, 9747776, 9747779, 9747780, 9748539

The following individual was reported to be in possession of the firearm:

Name: Marquis Branch +1
Address: 120 Benchly Place
(no city or state)

Date of Birth: January 29, 1976

Race: Black

Sex:

Height: 5 ft. 9 in.

Weight: 150 lbs.

ID:

NOTES ON THIS POSSESSOR:

Individual may be associated with 4 other traces
based on matching Last Name, Date of Birth.

The trace numbers for associated firearms are:
9747775, 9747776, 9747779, 9747780

The following Administrative information was entered with this Trace:

Ballistic #: : 1996-0032.
Date of Analysis: : / /
Complaint #: : 1996-047-0038
Precinct: : 04
Voucher #: : 1996-047-G03830
Rifling: : -
Admin #7:

ADMINISTRATIVE NOTES:

NONE

PROJECT LEAD REFERRAL LIST

The following traces may be associated with your trace.
Please contact the offices listed below for additional information.

<u>Trace #</u>	<u>Requested By</u>	<u>Phone Number</u>	<u>Requesting Office</u>
9747775		(212) 466-5683	New York VII (Achilles)/(Pltf)
9747776		(212) 466-5683	New York VII (Achilles)/(Pltf)
9747779		(212) 466-5683	New York VII (Achilles)/(Pltf)
9747780		(212) 466-5683	New York VII (Achilles)/(Pltf)
9748539		(212) 466-5683	New York VII (Achilles)/(Pltf)

MESSAGE FROM THE DIRECTOR OF ATF

Violence is this Nation's primary public safety issue. The number of firearms used in armed robberies, assaults, and murders have been escalating at an alarming rate. Indiscriminate shootings spurred by an indifference toward human life are depleting the cultural and material resources of our cities. Through statutory authority and congressional mandates, we, in ATF, maintain a long standing commitment to providing innovative unique mission areas. ATF's establishment, in 1972, of a National Tracing Center is but one initiative, albeit, a significant one that has assisted the law enforcement community in identifying violent criminals and producing investigative leads.

John W. Magaw

National Tracing Center Trace Request Form

Phone: 1-800-788-7133

Falling Waters, West Virginia 25419

FAX: 1-800-578-7223

NOTE: * = Required Entry Field (Must be completed for trace processing)

** = Required Entry Field w/Listed Data Response (See back for Codes and Options)

PART 1-TRACE INITIATION INFORMATION

1a. Date of Request:	b. Priority**: <input type="checkbox"/> Routine <input type="checkbox"/> Urgent (Support request for Urgent Trace under "Justification") Justification:
c. Remarks: <input type="checkbox"/> Do not trace beyond Retail Dealer <input type="checkbox"/> This is a Trace Study <input type="checkbox"/> Info. only/Results not needed. <input type="checkbox"/> Other (Included Instructions) Special Instructions:	

2-ATF AGENT REQUESTING TRACE

2a. ATF Special Agent's Name: (Last, First, Middle)	b. Field Office:
c. ATF Case No:	d. BOC Code*: e. Phone: FAX:

3-OTHER AGENCY REQUESTING TRACE

3a. Other Agency Officer's Name: (Last, First, Middle)	b. Badge No.:	c. Dept./ Unit:
d. Mailing Address:	e. Phone: FAX:	
f. ORI Number*:	g. Other Agency Case Number:	

4-FIREARMS INFORMATION

4a. Firearm Manufacturer*:	b. Type**:	c. Model*:
d. Caliber*:	e. Serial No.*:	<input type="checkbox"/> Obliterated Attempt to Raise ? <input type="checkbox"/> Yes <input type="checkbox"/> No
f. Country of Manufacture*: (Importer required if other than U.S.)	g. Importer*:	

5-CRIME CODE INFORMATION

5a. Juvenile Involved? <input type="checkbox"/> Yes <input type="checkbox"/> No Gang Name:	Gang Involved? <input type="checkbox"/> Yes <input type="checkbox"/> No	b. Project Code**:	c. NCIC Crime Code**:
---	---	--------------------	-----------------------

6-POSSESSOR INFORMATION

6a. Name of Person in Possession of Firearm: (Last, First, Middle)		AKA:	
b. Address — Street No.:	c. Direction:	d. Street Name:	e. Apt. No.:
f. City:	g. State.:	h. Zip Code:	
i. Sex:	j. Race:	k. Height:	l. Weight:
m. Date of Birth:			
n. Place of Birth:	o. Possessor's ID. No.:	p. ID. Type/State:	

7-ASSOCIATE INFORMATION

7a. Name of Associate: (Last, First, Middle)		AKA:	
b. Address — Street No.:	c. Direction:	d. Street Name:	e. Apt. No.:
f. City:	g. State.:	h. Zip Code:	
i. Sex:	j. Race:	k. Height:	l. Weight:
m. Date of Birth:			
n. Place of Birth:	o. Associate's ID. No.:	p. ID. Type/State:	

8-RECOVERY INFORMATION

8a. Firearm Recovery Location — Street No.:	b. Direction:	c. Street Name:	d. Apt. No.:
e. City:	f. State.:	g. Zip Code:	
h. Additional Information:		i. Firearm Recovery Date:	

INSTRUCTIONS FOR COMPLETING FORM ATF 3312.1 — REQUEST FOR A FIREARMS TRACE

General Instructions — *Required Data Entry Fields & **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 2d* (*Organizational BOC Code confirmed by ISA*)

Question 3f* (*Other Agency ORI Number*)

Questions 4a, 4b**, 4c, 4d, 4e, 4f & 4g (*Confirm data to be submitted*)

Question 5b** (*Include Project Code if applicable*)

Question 5c** (*List appropriate NCIC Code*)

Question 1b — Priority (Qualifying Urgent Trace Request)

NOTE: Only The Following Violent Crimes & Case Circumstances Justify Urgent Trace Requests

Assault	Murder/Suicide	Terrorist Threat	To Initiate Search Warrant
Bank Robbery	Rape/Sex	For Undercover Case	
Kidnapping	Terrorist Act	To Hold Suspect In Custody	

Question 4b — 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 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 discharges 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.

Question 5b — PROJECT CODES (Enter one code only)

IEB International Enforcement	OBL Obliterated Serial Number	MUN Murder and Narcotics
ITR ITAR Project	ORG Organized Crime	MIL Militia Related Project
JSS Juvenile and School	SEN Media or Political Case	GNG Gang Related
JVV Juvenile and Violence	TRS Trace Study	YCG Youth Crime Gun

Question 5c — NCIC CRIME CODES (Enter one code only)

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 Officer)	1602 Threat (Terroristic)	3799 Obscenity	5699 Civil Rights
0911 Homicide (Suicide)	1702 Material Witness (Federal)	3802 Cruelty Toward Child	5799 Invade Privacy
0999 Homicide (Street)	2099 Arson	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 Embezzle	5211 Explosives	7399 Public Order Crimes
1301 Aggravated Assault (Family)	2899 Stolen Property	5212 Possession of Weapon	8100 Escape (Juvenile)

GUNS FIRST: TRACING

ACTIVITY #4: Case Scenario Practicum

Review each case scenarios and answer the following questions.

Case Scenario #1.

You pull over a speeding car and discover the driver is in possession of a firearm. You confiscate the firearm and trace it. *What information should you submit to the NTC? What trace results could you expect to receive?*

Case Scenario #2.

A firearm is left at a robbery scene. You trace the firearm and the NTC trace report informs you the firearms dealer stated the purchaser periodically comes into his store twice a month but does not purchase multiple firearms. The trace report also states this purchaser has been involved with four other traces. *What could this indicate and what additional information could the NTC provide?*

Case Scenario #3.

You confiscate a firearm with an obliterated serial number from an individual who attempted to rob a local convenience store. *While waiting for the serial number to be restored, what could you do with the information on the possessor?*

Case Scenario #4.

After restoring the serial number on the above-mentioned firearm, you trace it and discover there is additional information available about the purchaser and the dealer. You contact the local ATF office and they tell you there have been ten other traces to the individual and the 80 traces to the dealer. *What additional information would you ask for from the NTC?*

Case Scenario #5.

You have just made an undercover buy from a firearms trafficker. You believe the trafficker is associated with a corrupt FFL. You have information that the FFL may be reporting guns stolen, as you have already traced one firearm that resulted in an FFL theft hit. *What additional information could ATF/NTC provide you on the theft and how could you monitor this FFL?*

Case Scenario #6.

You discover you overlooked tracing a firearm for a case and you need trace information in five days for court. *What do you do?*



Bibliography

Anderson, R.N., K.D. Kochanek, and S.L. Murphy (1997). "Report of Final Mortality Statistics, 1995," *Monthly Vital Statistics Report*, vol 45 (11).

Annest, J.L., J.A. Mercy, D.R. Gibson, and G.W. Ryan (1995). "National Estimates of Nonfatal Firearm-Related Injuries: Beyond the Tip of the Iceberg," *Journal of the American Medical Association*, vol 273 (22):1749-1754.

Bureau of Alcohol, Tobacco and Firearms. *Guide to Investigating Illegal Firearms Trafficking* (October 1997). Washington, D.C.: U.S. Department of the Treasury.

Bureau of Alcohol, Tobacco and Firearms. (1997). *National Tracing Center PowerPoint® Presentation*. West Virginia: National Tracing Center.

Bureau of Alcohol Tobacco and Firearms (September 1995). *Firearms Trafficking School*. Washington, D.C.: U.S. Department of the Treasury.

Centers for Disease Control (1994). "Deaths Resulting from Firearm- and Motor-Vehicle Related Injuries: United States, 1968-1991," *Mortality and Morbidity Weekly Report*, vol.43 (3), January 28: 37-42.

Federal Bureau of Investigation (1997). *Crime in the United States: Uniform Crime Reports, 1996*. Washington, D.C.: U.S. Department of Justice.

Federal Bureau of Investigation (1996). *Law Enforcement Officers Killed and Assaulted (annual)*, Washington, D.C.: U.S. Department of Justice.

Federal Bureau of Investigation (1992). *Killed in the Line of Duty: A Study of Selected Felonious Killings of Law Enforcement Officers* (special report). Washington, D.C.: U.S. Department of Justice.

Hobson, R.A., Collins, C.E. and Gallagher, R.T. (1995). *Identifying Characteristics of the Armed Gunman*. Washington, D.C.: Metropolitan Police Department, Patrol Services Division. 1995.

CURRICULUM APPENDIX

Resource List
ATF Field Division Offices
Participation Forms (2)
Pre- and Post-test Answer Key

Resource List

For information on additional firearms training, contact:

Bureau of Alcohol, Tobacco and Firearms
Office of Training and Professional Development
Career Development Division
Special Agent Mark Kraft
202-565-4570

For information on ATF programs, contact:

The ATF Communications Center
Phone: 202-927-8050
Fax: 202-927-8531

For information on tracing, contact:

The National Tracing Center
1-800-788-7133

For Information on Project LEAD, contact:

The NTC Project LEAD Help Desk
1-800-788-7133, x286

Bureau of Alcohol, Tobacco and Firearms

Field Division Offices

ALABAMA

Birmingham (Group I)
205-731-1111

Birmingham (Group II - Industry Operations)
205-731-0070

Huntsville (Satellite Office)
256-539-0623

Mobile
334-441-5338

Mobile (Industry Operations)
334-441-6126/6127

Montgomery
334-223-7507

ALASKA

Anchorage
907-271-5701

Anchorage (Industry Operations)
907-271-5701

ARIZONA

Phoenix Field Division
602-640-2840

Phoenix (Group I)
602-640-2027

Phoenix (Group II)
602-640-2972

Phoenix (Group III - Industry Operations)
602-640-2938

Tucson (Group I)
520-670-4725

Tucson (Group II)
520-670-4882

Tucson (Satellite Office - Industry Operations)
520-670-4804

ARKANSAS

Little Rock
501-324-6181

Little Rock (Industry Operations)
501-324-6475

CALIFORNIA

Bakersfield (Satellite Office)
805-861-4220

Fresno (Group I)
209-487-5393

Fresno (Group II - Industry Operations)
209-487-5093

Modesto (Industry Operations)
209-522-6925

Los Angeles (Group III - Arson)
213-894-4840

Los Angeles (Group IV - Industry Operations)
213-894-4815

Los Angeles (Group II)
213-894-6582

Los Angeles (Metro)
213-894-4811

Los Angeles Field Division
213-894-4812

Napa (Industry Operations)
707-224-7801

Oakland (Industry Operations)
510-637-3441

Oakland
510-637-3431

Riverside
909-276-6031

Sacramento (Group I)
916-498-5100

Sacramento (Group II - Industry Operations)
916-498-5095

San Francisco Field Division
415-744-7001

San Francisco (Group I)
415-436-8020

San Francisco (Group II - Arson)
415-744-7012

San Francisco (Group III - Industry Operations)
415-744-9458

San Diego (Group I)
619-557-6046

San Diego (Group II)
619-557-6046

San Diego (Group III - Industry Operations)
619-557-6046

San Jose (Group I)
408-535-5015

San Jose (Group II - Industry Operations)
408-291-7464

Santa Ana (Group I)
714-246-8210

Santa Ana (Group II - Industry Operations)
714-246-8252

Santa Rosa (Industry Operations)
707-576-0184

Van Nuys
818-756-4350

Van Nuys (Industry Operations)
818-756-4364

COLORADO
Colorado Springs
719-473-0166

Denver (Group I)
303-844-3421

Denver (Group II - Arson)
303-866-1173

Denver (Group III- Industry Operations)
303-843-4144

CONNECTICUT
Hartford (Industry Operations)
860-240-3400

New Haven
203-773-2060

DELAWARE
Wilmington (Industry Operations)
302-573-6102

DISTRICT OF COLUMBIA
Washington Field Division:
202-927-8810

Washington (Group I)
202-305-8189

Washington (Group II)
202-927-7105

Washington (Group III)
703-658-7842

Washington (Group IV - Arson)
703-927-7124

FLORIDA
Fort Myers (Group I)
941-334-8086

Fort Myers (Group II Industry Operations)
941-334-8086

Ft. Lauderdale
954-356-7369

Jacksonville
904-232-3468

Jacksonville (Industry Operations)
904-232-2868

Miami (Group I)
305-597-4777

Miami (Group II)
305-597-4778

Miami (Group IV)
305-597-4809

Miami (Group V)
305-716-3019

Miami (Group VI - Industry Operations)
305-597-4771

Miami Field Division
305-597-4800

Orlando
407-648-6136

Pensacola
850-435-8485

Tallahassee
850-942-9660

Tampa Field Division
813-228-2021

Tampa (Group II - Industry Operations)
813-288-1252

Tampa (Group I)
813-228-2184

West Palm Beach
561-835-8878

Winter Haven (Industry Operations)
941-293-0294

GEORGIA
Atlanta Field Division
404-679-5170

Atlanta (Group I)
404-331-6436

Atlanta (Group II - Arson)
404-331-4851

Atlanta (Group III)
404-730-3355

Atlanta (Group IV)
404-730-2856

Atlanta (Group V - Industry Operations)
404-679-5130

Macon
912-474-0477

Savannah
912-652-4251

GUAM
Hagatna
011-671-472-7129

HAWAII
Honolulu (Industry Operations)
808-541-2670

IDAHO
Boise (Industry Operations)
208-334-1983

ILLINOIS
Chicago Field Division
312-353-6935

Chicago (Group I)
312-886-7391

Chicago (Group II)
312-886-5429

Chicago (Group III)
312-353-8113

Chicago (Group IV - Arson)
312-886-5441

Fairview Heights
618-632-9380

Fairview Heights (Industry Operations)
618-632-0704

Oakbrook (Group I)
630-268-0986

Oakbrook (Group II)
630-268-1279

Oakbrook (Group III)
630-268-0965

Oakbrook (Group IV - Industry Operations)
630-268-1282

Peoria (Industry Operations)
309-671-7108

Springfield (Group I)
217-492-4273

Springfield (Group II - Industry Operations)
Opens January 1999

INDIANA

Fort Wayne
219-424-4440

Indianapolis
317-226-7464

Indianapolis (Industry Operations)
317-248-4002

Merrillville
219-791-0702

South Bend (Industry Operations)
219-236-8352

IOWA

Des Moines
515-284-4372

Des Moines (Industry Operations)
515-284-4857

KANSAS

Wichita
316-269-6229

KENTUCKY

Ashland
606-329-8092

Bardstown (Industry Operations)
502-348-3829

Bowling Green
502-781-7090

Frankfort (Industry Operations)
502-223-3350

Lexington
606-233-2771

London (Satellite Office)
606-862-9244

Louisville Field Division
502-582-5211

Louisville (Group I)
502-582-5213

Louisville (Group II - Industry Operations)
502-582-5216

Owensboro (Industry Operations)
502-684-5995

LOUISIANA

Baton Rouge
504-389-0485

New Orleans Field Division
504-589-2350

New Orleans (Group I)
504-589-4680

New Orleans (Group II)
504-589-2563

New Orleans (Group III - Industry Operations)
504-589-7113

Shreveport
318-676-3301

Shreveport (Industry Operations)
318-676-3534

MAINE

Portland
207-780-3324

MARYLAND

Baltimore Field Division
410-962-0897

Baltimore (Group I - Arson)
410-962-4115

Baltimore (Group II)
410-579-5011

Baltimore (Group III)
410-962-2327

Baltimore (Group V - Industry Operations)
410-962-4121

Hyattsville
202-927-3200

MASSACHUSETTS

Boston Field Division
617-565-7042

Boston (Group I - Arson)
617-565-7050

Boston (Group II)
617-565-7054

Boston (Group IV)
617-565-7062

Boston (Group V - Industry Operations)
617-565-7073

Springfield (Satellite Office)
413-785-0007

Worcester
508-793-0240

MICHIGAN

Detroit Field Division
313-393-6000

Detroit (Group I)
313-393-6024

Detroit (Group II)
313-393-6048

Detroit (Group III - Arson)
313-393-6036

Detroit (Group IV)
313-393-6042

Detroit (Group V - Industry Operations)
313-393-0078

Flint
810-766-5010

Flint (Industry Operations)
810-766-5010

Grand Rapids (Group I)
616-456-2566

Grand Rapids (Group II - Industry Operations)
616-456-2566

Kalamazoo (Industry Operations)
616-343-5436

MINNEAPOLIS

St. Paul Field Division
651-290-3092

St. Paul (Group I)
651-290-5120

St. Paul (Group II- Industry Operations)
651-290-3496

MISSISSIPPI

Oxford (Group I)
601-234-3751

Gulfport
228-863-4871

Jackson
601-965-4205

Jackson (Industry Operations)
601-965-4205

MISSOURI

Kansas City Field Division
816-421-3440

Cape Girardeau (Satellite Office)
573-335-3163

Kansas City (Group I - Arson)
816-421-3231

Kansas City (Group II)
816-421-2014

Kansas City (Group III - Industry Operations)
816-221-4036

Springfield
417-864-4707

St. Louis (Groups I & II)
314-539-2251

St. Louis (Group III - Industry Operations)
314-539-2251

MONTANA

Billings
406-657-6886

Helena (Satellite Office)
406-441-1100

NEBRASKA

Omaha
402-221-3651

Omaha (Industry Operations)
402-221-3571

NEVADA

Las Vegas
702-388-6584

Reno (Industry Operations)
702-784-5136

Reno
702-784-5251

NEW HAMPSHIRE

Concord (Satellite Office)
603-225-1547

NEW JERSEY

Atlantic City (Satellite Office)
609-625-2228

Camden
609-968-4884

Fairfield (Group II - Arson)
973-357-4070

Fairfield (Group III - Industry Operations)
973-808-1319

Fairfield (Group I)
973-357-4065

Trenton (Industry Operations)
609-989-2142

Trenton (Arson and Explosives)
609-989-2155

NEW MEXICO

Albuquerque
505-346-6914

Albuquerque (Industry Operations)
505-766-1984

NEW YORK

Albany
518-431-4182

Albany (Industry Operations)
518-431-4188

Bath (Industry Operations)
607-776-4549

Buffalo (Group I)
716-551-4041

Buffalo (Group II - Industry Operations)
716-551-4048

Melville
516-694-8372

Melville (Industry Operations)
516-694-1366

New York Field Division
212-466-5145

New York (Group I)
718-254-7845

New York (Group II)
718-254-7854

New York (Group III - Arson)
718-896-6400

New York (Group IV)
212-466-5683 or 4404

New York (Group V)
212-264-4651

New York (Group VI - Industry Operations)
212-264-4650

White Plains (Industry Operations)
914-682-6164

Rochester (Satellite Office)
716-263-5720

Syracuse
315-448-0889

Syracuse (Industry Operations)
315-448-0898

NORTH CAROLINA

Charlotte Field Division
704-344-6125

Charlotte (Group I)
704-344-6126

Charlotte (Group II)
704-344-6119

Charlotte (Group III - Industry Operations)
704-344-6127

Fayetteville
910-483-3030

Fayetteville (Industry Operations)
910-483-3030

Greensboro (Group I)
336-547-4224

Greensboro (Group II - Industry Operations)
336-547-4150

Raleigh
919-856-4366

Wilmington
910-815-4936

NORTH DAKOTA

Fargo
701-239-5176

OKLAHOMA

Oklahoma City (Group I - Industry Operations)
405-297-5060

Oklahoma City (Group II)
405-297-5060

Tulsa
918-581-7731

OHIO

Cincinnati (Group II - Industry Operations)
513-684-3351

Cincinnati (Group I)
513-684-3354

Cleveland (Group III - Industry Operations)
216-522-3374

Cleveland (Group I)
216-522-3080

Cleveland (Group II)
216-522-3786

Columbus Field Division
614-469-5303

Columbus
614-469-6717

Columbus (Industry Operations)
614-469-2225

Toledo
419-259-7520

Youngstown
330-747-8285

OREGON

Portland (Group I - Arson/ Explosives)
503-326-2171

Portland (Group II)
503-326-5115

Portland (Group III - Industry Operations)
503-231-2331

PENNSYLVANIA

Harrisburg
717-221-3402

Kingston (Industry Operations)
717-726-6551

Lansdale (Industry Operations)
215-362-1840

Philadelphia Field Division
215-597-7266

Philadelphia (Group I)
215-597-3059

Philadelphia (Group II Arson & Explosives)
215-597-9080

Philadelphia (Group III)
215-597-2167

Pittsburgh (Group I & Group II - Arson)
412-395-6911

Pittsburgh (Group III - Industry Operations)
412-395-6918

Reading (Satellite Office)
610-320-5222

PUERTO RICO

Hato Rey San Juan (Group I)
787-277-8720

Hato Rey San Juan (Group II)
787-277-8720

Hato Rey San Juan (Group III - Industry
Operations)
787-766-5584

Mayaguez (Industry Operations)
787-831-3442 or 48

RHODE ISLAND

Providence (Industry Operations)
401-528-4366

SOUTH CAROLINA

Columbia
803-765-5723

Columbia (Industry Operations)
803-765-5722

Charleston
843-727-4275

Greenville
864-232-3221

SOUTH DAKOTA

Sioux Falls (Group I - Satellite Office)
605-330-4368

TENNESSEE

Chattanooga
423-855-6422

Knoxville
423-545-4505

Memphis
901-544-0323

Nashville Field Division
615-781-5364

Nashville (Group I)
615-781-5563

Nashville (Group II - Industry Operations)
615-781-5368

TEXAS

Austin
512-349-4545

Beaumont
409-835-0062

Beaumont (Industry Operations)
409-835-0062

Corpus Christi
512-888-3392

Dallas (Group IV)
214-767-3986

Dallas (Group V - Industry Operations)
214-767-9461

Dallas (Group III)
214-767-2062

Dallas (Group II - Arson)
214-767-0530

Dallas Field Division
214-767-2250

El Paso (Industry Operations)
915-534-6475

El Paso
915-534-6449

Fort Worth (Industry Operations)
817-978-2771

Fort Worth
817-978-2771

Houston Field Division
281-449-2073

Houston (Group VI - Industry Operations)
281-449-5429

Houston (Group IV)
281-449-9392

Houston (Group I)
281-449-9089

Houston (Group II)
281-449-9157

Houston (Group III - Arson)
281-449-2093

Lubbock (Group I)
806-798-1030

Lubbock (Industry Operations)
806-798-1030

McAllen
956-687-5207

San Antonio (Group I)
210-805-2727

San Antonio (Group II - Industry Operations)
210-805-2777

Tyler
903-590-1475

Waco (Satellite Office)
254-741-9900

UTAH

Salt Lake City
801-524-5853

Salt Lake City (Industry Operations)
801-524-3120

VERMONT

Burlington
802-951-6593

VIRGINIA

Bristol
540-466-2727

Falls Church (Group I - Arson)
703-285-2551

Falls Church (Group II)
703-285-2547

Falls Church (Industry Operations)
703-285-2544

Norfolk
757-441-3190

Norfolk (Industry Operations)
757-441-3192

Richmond (Group I)
804-560-0005

Richmond (Group II - Industry Operations)

Roanoke
540-857-2300

Roanoke (Industry Operations)
540-857-2304

VIRGIN ISLAND

St. Thomas
340-774-2398

WASHINGTON

Seattle Field Division
206-220-6440

Seattle (Group I)
206-220-6450

Seattle (Group II - Industry Operations)
206-220-6456

Spokane (Group I)
509-353-2862

Yakima
509-454-4403

WEST VIRGINIA

Charleston (Industry Operations)
304-347-5172

Charleston
304-347-5249

Falling Waters (Industry Operations)
304-274-4100 x216

Wheeling
304-232-4170

WISCONSIN

Milwaukee (Group I)
414-297-3937

Milwaukee (Group II - Industry Operations)
414-297-3991

WYOMING

Cheyenne
307-772-2346

Participation Forms

Instructions:

Please complete one of the attached **participation forms** to document training. A form should be completed *each time* the curriculum is taught. The completed form can be faxed to PERF at 202-466-7826.

Combating Interstate Trafficking of Firearms “GUNS FIRST”

Who has participated in training?

Each time the “Guns First” curriculum is used to train State or local law enforcement officers, please complete the information requested below and fax this form to PERF at 202-466-7826 to the attention of Tara Shelley. Retain a copy for your own records. Thank you very much!

The GUNS FIRST curriculum was taught on: ____ / ____ / ____,
at the _____ training facility, in
_____(city), _____(state).

There were approximately ____ attendees.

Contact person name: _____

Contact person telephone number: _____

Please complete this form and fax it to:
Tara Shelley at 202-466-7826.

Combating Interstate Trafficking of Firearms “GUNS FIRST”

Who has participated in training?

Each time the “Guns First” curriculum is used to train State or local law enforcement officers, please complete the information requested below and fax this form to PERF at 202-466-7826 to the attention of Tara Shelley. Retain a copy for your own records. Thank you very much!

The GUNS FIRST curriculum was taught on: ____ / ____ / ____,
at the _____ training facility, in
_____(city), _____(state).

There were approximately ____ attendees.

Contact person name: _____

Contact person telephone number: _____

Please complete this form and fax it to:
Tara Shelley at 202-466-7826.

National Guns First Pre/Post Test

Answer Key

1. b (Intro-5; Safety Issues)
2. b (Intro-8; 1. Firearms Trafficking)
3. a (Intro-8; 4. Time to Crime)
4. b (Intro-8; 6. Straw Purchase(r))
5. True (Intro-8; 2. Source Area)
6. Answer to be determined by trainer
7. False (State Law-4; State Firearms Law Review)
8. True (State Law-4; State Firearms Law Review)
9. a (Federal Law-17, Overview)
10. True (Federal Law-8; 2. Title 18, United States Code, Section 922(u))
11. False (Investigations-6; Theory of Trafficking)
12. False (Investigations-4; Where Guns Originate and Where They Go)
13. True (Investigations-16; Gun Concealment Recognition)
14. False (Tracing-15; How to Submit a Trace)
15. Answer to be determined by trainer
16. False (Tracing-6; Step 4)
17. False (Tracing-15; How to Submit a Trace)
18. True (Tracing-12; Project LEAD)
19. True (Tracing-15; How to Submit a Trace)
20. True (Investigations-8; Sources of Trafficked Firearms)

Acknowledgments

The Police Executive Research Forum (PERF) acknowledges the important contributions of many agencies and individuals who have contributed their resources, knowledge and energy to the completion of both the original and revised versions of the National Guns First training curriculum. Without their support, this curriculum would not have been possible.

PERF thanks the Bureau of Justice Assistance (BJA), U.S. Department of Justice, which awarded PERF a grant to prepare and revise this training curriculum. Special appreciation is given to Luke Galant, BJA Law Enforcement Branch Chief, for his continued interest, leadership and support of this endeavor.

The Bureau of Alcohol, Tobacco and Firearms (ATF) made significant contributions to the development of both versions of this guide. Specifically, we would like to thank Special Agent Mark Kraft of the Career Development Division and Ben Hayes, group supervisor of the Falls Church field office. Both dedicated many hours and resources to provide information regarding firearms trafficking investigations and Federal firearms laws for this guide.

PERF also recognizes the National Tracing Center (NTC) for its generous contributions regarding NTC operations, the firearms tracing process and Project LEAD. We give special appreciation to Special Agent Dave Kriegbaum and Program Analyst Martha Brognard, who provided direction and materials for the Tracing module of the curriculum.

PERF also would like to recognize the efforts of several other individuals involved in developing the original version of the curriculum. They include John Veen, supervisory program manager of the Drug Courts Program Office; Steve Yonkers, COPS Office program manager; ATF Special Agents John C. Killorin, Dale Armstrong, Gerald Nunziato, Gerry Crispino and Kay Morrison; ATF Senior Counsel Steve Rubenstein; Gwen Holden and Lisa Doyle Moran of the National Criminal Justice Association, and consultant Phil McGuire.

Table of Contents

Introduction	Preface - i
How to Use This Participant Manual	Preface - iv
Introduction	Intro - 1
Activity #1: Importance of Firearms Investigations	Intro - 2
Activity #2: Definition of Terms	Intro - 4
Activity #3: Trafficking in The State	Intro - 7
Module Summary	Intro - 8
State Law	State Law - 1
Activity #1: State Law Review	State Law - 2
Activity #2: Case Study	State Law - 4
Module Summary	State Law - 5
Federal Laws and Regulations	Federal Law - 1
Activity #1: Federal, State And Local Law	Federal Law - 2
Activity #2: Federal Firearms Laws	Federal Law - 4
Activity #3: Case Scenario Practicum	Federal Law - 6
Activity #4: Regulatory Enforcement	Federal Law - 7
Activity #5: Local Case Studies of Federal Law	Federal Law - 9
Module Summary	Federal Law - 10
Firearms Trafficking Investigations	Investigations - 1
Activity #1: Trafficking and Traffickers	Investigations - 2
Activity #2: Firearms Trafficking Investigations	Investigations - 4
Activity #3: Sharing Investigative Information	Investigations - 6
Activity #4: Gun Concealment Recognition	Investigations - 7
Activity #5: Case Scenario Practicum	Investigations - 9
Module Summary	Investigations - 10
Tracing Firearms Origins	Tracing - 1
Activity #1: Tracking Ownership History	Tracing - 2
Activity #2: Tracing Firearms	Tracing - 3
Activity #3: Trace Form Activity	Tracing - 6
Activity #4: Case Scenario Practicum	Tracing - 7
Module Summary	Tracing - 8



Introduction

Firearms Trafficking

Although crime has declined in recent years, there is consensus that violence involving firearms has reached epidemic proportions. The following statistics demonstrate this belief. According to the FBI's 1996 Uniform Crime Reports, 29 percent of violent crimes in the United States are firearms-related. In fact, 67.8 percent of murders were firearms-related in 1996. Of the 15,848 murders the FBI documented in the United States in 1996, 10,744 involved firearms, 8,594 of which were handguns (FBI 1997:18).

The Center for Disease Control (CDC) reports that firearms-related violence is a leading cause of injury-related death, second only to automobile-related fatalities (CDC 1994). In addition, analysis of injury data in 1992 revealed there are three firearm-related injuries for every firearm-related death (Annest, et al 1995). Further, the National Center for Health Statistics (NCHS), reports that in 1995, 35,957 people died as a result of firearm-related injuries (Anderson, Kochanek and Murphy 1997). Homicides committed with a firearm accounted for 44 percent of these deaths (Anderson, Kochanek and Murphy 1997). The CDC projects (based on current trends) that firearm fatalities will become the leading cause of injury-related deaths by 2003 (CDC 1994). If firearms violence is not reduced, the CDC forecasts there will be three million shootings, fatal and nonfatal, between 1993 and 2000 (CDC 1994).

Thousands of firearms are stolen from citizens, firearms manufacturers, FFLs and interstate shipments annually. As of July 1, 1998, the National Crime Information Center (NCIC) database contained records on more than 2,318,000 stolen firearms. These stolen and illegally obtained firearms are recovered from violent crime scenes, narcotics traffickers, and even from children at schools. Firearms traffickers often barter firearms for narcotics, which narcotics traffickers consider "tools of the trade." In fact, it was the expanded narcotics trade of the 1980s that gave rise to the significant increase in firearms violence and the trafficking that made the firearms available.

The role firearms traffickers play in this process cannot be understated. Although it is difficult to develop a firearms trafficking definition that encompasses all circumstances, firearms trafficking is broadly defined as the acquisition of firearms for the principal purpose of making firearms available to criminals and/or to people in areas where State and local laws limit the availability of firearms (ATF 1997).

Firearms trafficking has become a profitable venture for individuals willing to assume the risk of criminal prosecution in exchange for monetary (or some other) reward. A firearm may cost five to six times its original price when sold to criminals in major cities. Frequently, the firearms are trafficked to areas with strict gun control laws, thus negating the intended effect of the State or local law.

The typical unlicensed firearms trafficker is an enterprising individual who travels to a state with lax firearms laws and returns to his or her state of residence with the firearms, which then are sold, traded or distributed to criminal associates. The traffickers may use false or fraudulent identification documents or enlist friends or relatives to make purchases on their behalf. It was expected by the law enforcement community that these “straw” purchases would increase with the implementation of the Brady law. It is also likely that the prevalence of “straw” purchases will increase with the implementation of the nationwide “instant” felon identification system for dealers to check people purchasing firearms.

Firearms trafficking is not limited to nonlicensed people. Unscrupulous firearms dealers knowingly sell firearms to prohibited purchasers, narcotics dealers, nonresidents and obvious straw purchasers. Violations occur at licensed premises, gun shows, flea markets and even from the trunks of cars.

Firearms trafficking investigations are *not* an assault on the Second Amendment. What trafficking investigations *are* about is keeping guns out of the hands of prohibited purchasers, drug traffickers, gangs and violent criminals through the successful detection, investigation and prosecution of gun traffickers. Ultimately, firearms trafficking is about how criminals acquire firearms, and trafficking investigations are about reducing this problem.

The National Guns First Training Program

The Bureau of Justice Assistance (BJA) and the Police Executive Research Forum (PERF) originally developed the Guns First Training Program for the Interstate Firearms Trafficking Compact (the Compact), an agreement signed by the governors of 14 East Coast states, the Mayor of the District of Columbia and the Bureau of Alcohol, Tobacco, Firearms (ATF) to combat the illegal distribution of firearms.

The Bureau of Justice Assistance (BJA), U.S. Department of Justice, awarded a grant to the Police Executive Research Forum (PERF) to develop a specialized training curriculum to assist State and local law enforcement from the Compact states to increase their investigative and prosecution effectiveness. The BJA-sponsored training was offered by PERF to all signatory states using a “train-the-trainers” format.

Due to the success of the training program in the Compact states, BJA funded the program on a national level. PERF has revised the original curriculum, created a PowerPoint® presentation and developed a training video for the new training program. PERF will oversee initial training sessions, which will be attended by State and local law enforcement trainers who will then implement the training for officers in their localities. With this structure, the important information contained in this document will reach large numbers of State and local officers.

References

Anderson, R.N., K.D. Kochanek, and S.L. Murphy (1997). "Report of Final Mortality Statistics, 1995," *Monthly Vital Statistics Report*, vol 45 (11).

Annest, J.L., J.A. Mercy, D.R. Gibson, and G.W. Ryan (1995). "National Estimates of Nonfatal Firearm-Related Injuries: Beyond the Tip of the Iceberg," *Journal of the American Medical Association*, vol 273 (22):1749–1754.

Bureau of Alcohol, Tobacco and Firearms. *Guide to Investigating Illegal Firearms Trafficking* (October 1997). Washington, D.C.: U.S. Department of the Treasury.

Centers for Disease Control (1994). "Deaths Resulting from Firearm- and Motor-Vehicle Related Injuries: United States, 1968–1991," *Mortality and Morbidity Weekly Report*, vol.43 (3), January 28: 37–42.

Federal Bureau of Investigation (1997). *Crime in the United States: Uniform Crime Reports, 1996*. Washington, D.C.: U.S. Department of Justice.

How to Use This Participant Manual

This manual has been divided into five sections that correspond to the five instruction modules: Introduction, State Law, Federal Law, Firearms Investigations and Firearms Tracing. At the beginning of each section, you will find a listing of the goals and learning objectives for that module. Each learning objective is matched to an activity within the module.

Outlines of the information to be conveyed in each activity are provided, with space for note taking. Text for goals, overviews and summaries are also provided. During the course of the training, the instructor will provide handouts of supplemental information.

INTRODUCTION

Goal: To convey the importance of investigating firearms and firearms trafficking. To become familiar with firearms trafficking terminology.

LEARNING OBJECTIVES

At the completion of this module, you will be able to

1. understand the problem of gun violence and the importance of investigating firearms that are recovered by or come to the attention of law enforcement officers (e.g., officer safety issues);
2. define important terms such as illegal firearms trafficking, straw purchaser, tracing, and source and market areas; and
3. understand the nature of firearms trafficking in your state and learn how law enforcement departments are handling firearms trafficking cases.

ACTIVITY #1: Importance of Firearms Investigations

Goal: To understand the importance of investigating firearms that come to the attention of law enforcement officers.

- **The Problem of Gun Violence**

- **Preventing Use of Firearms in Violent Crime**

- **Officer Safety Issues**

- **Local Case Example**

- **Guns Are More Dangerous Than Drugs**

- **Summary**

When police officers are involved in an on-scene investigation, the most important thing is to ensure the safety of the officers and citizens involved. In every situation this means looking for weapons that can cause harm to the officers, or others, before looking for evidence of other crimes. For example, officers must look for guns before looking for drugs.

We call this putting "Guns First."

ACTIVITY #2: Definition of Terms

Goal: To define important terms such as firearms trafficking, straw purchaser and source and market states.

Firearms Trafficking Terminology

- **Illegal Firearms Trafficking**

- **Source Areas**

- **Market Areas**

- **Time to Crime**

- **Time to Sale**

- **Straw Purchase(r)**

- **Suspect Firearm**

- **Firearms Trace**

- **Firearms Trafficking Corridor**

- **Firearms Trafficking Gateway**

- **Illegal Firearms Diversion**

- **Crime Gun**

- **Federal Firearms Licensee**

ACTIVITY #3: Trafficking in the State

Goal: To understand the nature and extent of firearms trafficking in your state and learn how law enforcement departments in the state handle firearms trafficking cases.

- **State Trafficking Information Tables**

- **Statewide Differences**

MODULE SUMMARY

Important points to remember:

1. Because criminals get firearms through trafficking, we must aim to reduce firearms trafficking.
2. Because guns injure and kill law enforcement officers, we must always put guns first.
3. Guns are "tools of the trade" for drug and firearms traffickers. Without guns they do not have the power to influence others or deal in their trade.

QUESTION AND ANSWER SESSION

Personal experiences with traffickers or firearms tragedies?

Please list additional situations where it is important to look for "Guns First":

STATE LAW

Goal: To provide you with information on your state's firearms laws and prosecution of firearms trafficking cases.

LEARNING OBJECTIVES

At the completion of this module, you will be able to

1. understand relevant state firearms laws and how they impact firearms trafficking, and
2. summarize case studies where enforcement of state and local laws has led to decreased firearms trafficking (optional).

This image shows a full page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- **State Law and the Flow of Firearms**

- **Ways for Officers to Improve Case Preparation**

(Optional)

[illegible]

MODULE SUMMARY

This module presented State laws that restrict the behavior of citizens with regard to firearms. It is important for officers to be aware of these laws and to understand their elements so they may enforce them and help prepare cases for prosecution. This module also emphasized that laws in neighboring states can have an impact on trafficking in your state.

QUESTION AND ANSWER SESSION

What are some ways to avoid or counteract impediments to prosecution of firearm cases?

Officers' experiences with firearms trafficking cases?



FEDERAL LAWS AND REGULATIONS

Goal: To provide you with an overview of relevant Federal firearms laws and regulations and how they can be applied to local law enforcement efforts to reduce trafficking.

LEARNING OBJECTIVES

At the completion of this module, you will

1. understand the interaction, overlap and conflict between Federal, State and local law and explain why enforcement agencies may want to pursue Federal and local laws in addition to State laws;
2. be able to describe the important features of the relevant Federal firearms laws;
3. understand the importance of regulatory enforcement in reducing trafficking of firearms; and
4. become familiar with case studies where local law enforcement officials have initiated Federal investigations that had an impact on firearms trafficking (optional).

ACTIVITY #1: Federal, State and Local Law

Goal: To understand the interaction, overlap and conflict between Federal, State and local law and explain why enforcement agencies may want to pursue Federal laws and local ordinances in addition to State laws.

- **Concurrent Jurisdiction**

There can be no State or local law that is in conflict with Federal law. There may be overlap, however, in the State and Federal law such that they prohibit the same activity. In this case, concurrent jurisdiction exists and either authority can bring charges.

- **Interaction of Local Ordinance and State Law**

- -
 -
 -
 -

- **State-Specific Information**

- -
 -
 -
 -

- **Factors That Contribute to the Decision of Who Will Prosecute**

- -
 -
 -
 -

- **Importance of Federal Laws**

ACTIVITY #2: Federal Firearms Laws

Goal: To describe the important features of relevant Federal firearms laws.

- Title 18, United States Code, Section 922(a)(6)

- Title 18, United States Code, Section 922(u)

- Title 18, United States Code, Section 922(g)

- Title 18, U.S.C., Section 924(e)(1)

- Title 18, United States Code, Section 924(c)

- **Title 18, United States Code, Section 922(j)**

ACTIVITY #3: Case Scenario Practicum

Goal: To become familiar with important Federal laws using the case scenario handout that the instructor will distribute to you.

ACTIVITY #4: Regulatory Enforcement

Goal: To understand the importance of regulatory enforcement in reducing firearms trafficking.

Overview

The regulatory effort is of paramount importance in reducing the flow of firearms to criminals. Firearms come from a legitimate stream of commerce. If the legitimacy of that commerce is maintained through enforcement of the rules that regulate it, illegal purchases and transfers should decrease. Enforcement of regulations may have an even stronger impact on reducing trafficking than investigations.

Several states have joined forces with ATF to increase compliance with Federal and local regulations in an effort to weed out those dealers who may be trying to get a license for unlawful purposes. For example, in New York City, a team of a law enforcement officer and an ATF agent contacts all new and renewal applicants for FFLs to explain the nature of compliance with licensing. As a result of this educational effort, more than half these applicants decide not to apply.

This process may weed out those dealers who are not in compliance with FFL requirements and who may be most likely to work outside of the legitimate stream of commerce, engaging in illegal activity.

- **Impact of the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Act)**

- **Cooperation with Dealers**

- **Sharing Information**

ACTIVITY #5: Local Case Studies of Federal Law *(Optional)*

Goal: To present local case studies where State or local law enforcement have initiated Federal investigations that have had an impact on firearms trafficking.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

MODULE SUMMARY

This module stressed the importance of the Federal law as an additional tool for law enforcement to use in combating firearms trafficking. Federal law sometimes allows for stiffer penalties and may be selected over State law for that reason. Federal law also restricts certain trafficking behaviors that State law may not cover. By becoming aware of these restrictions, State and local law enforcement officers may be able to contribute to larger-scale Federal investigations.

Several important relevant Federal laws were covered, including 924(e)(1) which mandates 15-year sentences for three-time felons who are caught with firearms.

This module also emphasized the importance of enforcement of firearms regulations and cooperation with gun dealers in curbing trafficking. If the legitimacy of firearms sales is maintained, through enforcement of the rules that regulate it, illegal purchases and transfers should decrease. In addition, legitimate firearms dealers will likely cooperate with law enforcement to detect and apprehend offenders.

QUESTION AND ANSWER SESSION

1) Officers' federal case experiences:

2) Officers' experiences with local firearms dealers:

FIREARMS TRAFFICKING **INVESTIGATIONS**

Goal: To provide general investigative techniques for detecting and reducing illegal trafficking of firearms.

LEARNING OBJECTIVES

At the completion of this module, you will

1. be familiar with firearms trafficking methods and traffickers (e.g., practices, trafficking corridors, patterns in trafficking);
2. understand several roles they play in trafficking investigations;
3. be aware of investigation techniques that assist in uncovering and responding to firearms trafficking operations;
4. be able to explain the importance of sharing information with ATF to help reduce firearms trafficking and cite a case study example of such an effort; and
5. be able to employ techniques to recognize individuals carrying concealed firearms.
(Optional)

ACTIVITY #1: Trafficking and Traffickers

Goal: To become familiar with firearms trafficking methods and traffickers.

- **Overview**

The introductory module explained the importance of investigating firearms trafficking. In sum, firearms trafficking poses a significant risk to officer safety because traffickers always have guns. Further, by reducing firearms trafficking, law enforcement can help prevent the use of firearms in these and other violent crimes. The next section presents patterns of behavior characteristic of firearms traffickers and the mechanisms of firearms trafficking. This information is useful in conducting investigations of these operations.

- **Understanding the Firearms Trafficker**

- **Where Guns Originate and Where They Go**

- **Methods of Transportation**

- **A Theory of Trafficking**

- **The Importance of This Theory for Law Enforcement**

- **Examples of Firearms Trafficking**

- **Sources of Trafficked Firearms**

Summary

This section reviewed the patterns of behavior that characterize traffickers and trafficking. This information is particularly helpful to law enforcement officers as they become aware of the importance of investigating firearms trafficking to reduce risks to officer safety and prevent the flow of firearms to those intent on committing violent acts.

ACTIVITY #2: Firearms Trafficking Investigations

Goal: To be aware of investigative techniques that assist in uncovering firearms trafficking operations.

Overview

Federal law states a person can transport a firearm from any place or state where a weapon is legally possessed to another place or state where it may also be legally possessed. Therefore, driving from Georgia to Massachusetts with a truckload of secured, unloaded weapons is not, in and of itself, a crime. Therefore, more detailed investigation will be needed to uncover evidence that firearms trafficking is occurring.

This section explains the role of state and local law enforcement in firearms trafficking investigations, explains what information is useful in these investigations, and provides ways to proactively obtain information indicative of trafficking operations.

- **The Role of State and Local Law Enforcement in Firearms Trafficking Investigations**

- **Firearms Trafficking Investigations**

- **Proactive Investigative Techniques**

Summary

This section provided State and local law enforcement officers with an understanding of the importance of their assistance and their role in firearms trafficking investigations, the types of information that would be important in furthering those investigations and several proactive ways to obtain that information. Simply collecting this information, however, is not enough. To put the information to work, it must be shared—with state and local investigative teams, regional task forces and with ATF. The next section provides officers with information on how to share information with these other investigators and what can be gained through collaboration with ATF.

ACTIVITY #3: Sharing Investigative Information

Goal: To understand the importance of sharing collected information with department investigators, regional task forces and ATF to help reduce firearms trafficking.

- **Sharing Information**

- **Collaboration with ATF**

ACTIVITY #4: Gun Concealment Recognition *(Optional)*

Goal: To learn techniques that help officers recognize individuals who are carrying concealed firearms.

Overview

Generally, individuals who carry firearms exhibit certain tendencies that can be observed and articulated. While the observance of one such mannerism or behavior may not in itself be enough to initiate a stop or frisk, it may well justify further surveillance of the individual. If during additional observation, more mannerisms or behaviors are displayed, then the officer may have a reasonable suspicion to justify a stop and frisk based on cumulative observations. The following indicators of concealed weapons may help formulate reasonable suspicion.

- **Observing a Subject's Body Movements**

- **Observing a Subject's Clothing**

- **Observations During Contacts or Stops**

- **Vehicle Stops**

ACTIVITY #5: Case Scenario Practicum

Goal: To become familiar with scenarios that may involve firearms trafficking using the investigations case scenario handout that the instructor will distribute to you.

MODULE SUMMARY

This module presented information on ways to detect and investigate trafficking operations. This involves understanding the methods and motivations of the trafficker and being able to identify earmarks of trafficking operations. This module also presented suggested response options for officers, which include arrest. If, however, there is no probable cause to make an arrest, officers are strongly encouraged to share information and their suspicions with ATF.

QUESTION AND ANSWER SESSION

What are the essential ways to maintain officer safety?

What are some examples of how officers might come into contact with straw purchasers?

Why is it so important to share information with ATF? What types of information can be shared with them?

TRACING FIREARMS ORIGINS

Goal: To understand the importance of thoroughly tracking the origins of confiscated firearms by using a four-step process involving National Crime Information Check (NCIC), suspect interviews, state databases and the National Tracing Center (NTC).

LEARNING OBJECTIVES

At the completion of this module, you will

1. be able to follow a series of steps to track a firearm's ownership history, and
2. understand the role of the National Tracing Center, the mechanisms for tracing firearms and ways to use information obtained from a trace.



ACTIVITY #2: Tracing Firearms

Goal: To understand the importance of tracing all firearms, the mechanisms for tracing and ways to use information obtained from a trace.

- **Overview**

ATF is the government agency that maintains records of out-of-business Federal firearms licensees regarding their firearms sales. Since 1992, ATF has provided firearms tracing services to foreign and domestic law enforcement agencies.

This section provides information on the importance of tracing all firearms through ATF's National Tracing Center (NTC), the steps involved in collecting information for and submitting trace requests, and how to use the trace information to identify patterns and trends in trafficking.

- **Definition**

- **The National Tracing Center Mission**

- **The Importance and Benefits of Tracing Firearms**

- **National Tracing Center Services**

- **Firearms Trace Process**

- **Obliterated Serial Numbers**

- **PROJECT LEAD: Putting Your Trace Data to Work**

- **How to Complete a Trace Request Form**

- **How to Submit a Trace Request**

- **Interpreting the Trace Results: Report Contents**

- **Using Trace Information**

- **Learning from Successful and Unsuccessful Traces**

ACTIVITY #3: Trace Form Activity

The trace form exercise is an opportunity to practice completing a trace request form, using the tips learned in this module. See the trace form activity that the instructor will distribute to you.

ACTIVITY #4: Case Scenario Practicum

See the tracing case scenario handout that the instructor will distribute to you.

MODULE SUMMARY

This module emphasized the importance of investigating firearms and tracing them through the NTC to eliminate firearms trafficking. The key to ATF's ability to investigate and reduce trafficking is a complete database of crime guns recovered in the United States. Through Project LEAD's reporting capabilities, searches of this database will enable Federal, State and local law enforcement agencies to identify potential trafficking operations and eliminate them. To produce a complete database, it is important for law enforcement to trace all recovered firearms and to submit accurate trace request forms.

QUESTION AND ANSWER SESSION

What are the most important things to remember when completing a trace request form?

How can your department use the trace results you obtain from ATF?


COMBATING INTERSTATE FIREARMS TRAFFICKING

"GUNS FIRST"

Participant Manual



Bureau of Justice Assistance
Police Executive Research Forum

February 1999



This project was supported by Grant No. 95-DD-BX-0042 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the agency.

ISBN # 1-878734-63-6



Program Assessment

Guns First and National Guns First: Training for Law Enforcement Officers to Help Reduce Illegal Trafficking of Firearms

Final Report

**Andrea L. Morrozzoff, Project Director
Police Executive Research Forum**



PROGRAM ASSESSMENT

Introduction

The Bureau of Justice Assistance (BJA) and the Police Executive Research Forum (PERF), in partnership with the Bureau of Alcohol, Tobacco, and Firearms (ATF), developed the Guns First Training Program for the Interstate Firearms Trafficking Compact. This Compact included an agreement signed by the Governors of 14 East Coast states and the Mayor of the District of Columbia to combat the illegal distribution of firearms. BJA awarded a grant to PERF to develop a specialized training curriculum to assist state and local law enforcement from the Compact states to increase their investigative and prosecution effectiveness. The BJA-sponsored training, “Guns First: Training for Law Enforcement to Help Reduce the Illegal Trafficking of Firearms,” was offered by PERF and the ATF, via U.S. Attorney Offices’ Law Enforcement Coordinating Committee Representatives (LECCs), to all signatory states using a “train-the-trainers” format.

Due to the success of the training program in the Compact states, BJA funded the program on a national level. PERF revised the original curriculum, developing the “*National* Guns First: Training for Law Enforcement to Help Reduce the Illegal Trafficking of Firearms” (both generally referred to as “Guns First”) and proceeded to oversee the training for officers in other localities. To date, PERF has facilitated the training of law enforcement trainers in approximately 70 cities and almost all 50 states in the country. PERF continues to schedule and facilitate these training sessions.



Project Description

The BJA-funded Guns First program seeks to directly address gun violence and issues related to the illegal acquisition and use of firearms through law enforcement training. Guns First trains officers in interdicting illegal firearms through use of both state and federal firearms laws, trafficking investigation procedures and comprehensive tracing through the ATF's National Tracing Center. The arrest and prosecution of illegal gun traffickers and seizure of crime guns decreases the availability of illegal guns and holds offenders accountable for their actions. Through ATF participation in the program, trainers are taught to trace crime guns using the Project LEAD (now known as E-LEAD) database, furthering law enforcement's ability to link guns to crimes, prosecute offenders, and locate illegal gun purchasers and sellers. The Guns First program teaches officers the necessary tactics for uncovering gun crimes, exchanging information, and using available resources effectively. This program furthers many of the goals of gun-related crime prevention and lend to local law enforcement agency's ability to solve and prevent future crimes.

Crime statistics report violent crime has decreased over the past decade, and while much has been accomplished in the area of gun violence prevention, the continuing focus by law enforcement, the media, and citizens on this violence tells us that much remains to be done. We still need to work intensely to further reduce the prevalence of gun crime, remove crime guns from the streets, and to prevent juveniles from obtaining and using firearms for violent acts. Part of this work involves evaluating and improving current gun violence reduction and crime gun interdiction strategies. This document describes our assessment of the Guns First training program, assessment findings and recommendations for improving future law enforcement training programs.



Assessment Design

In developing the assessment of this program, PERF first sought to identify and operationalize key components of programs success as related to both the original and extended program.

Program goals and critical success factors were identified through a review of the original Compact Jurisdiction Agreement, the funding proposal, and training program curriculum. PERF approached the evaluation in two phases.

Phase I

In the first phase, PERF contacted Law Enforcement Coordinating Committee Representatives (LECCs) in the U.S. Attorney's Offices, and others, who co-sponsored the training and worked collaboratively with PERF staff to identify training participants and speakers. In this phase, the program assessment sought to measure the following factors:

- **Program Format:** Was the “train-the-trainers” format appropriate and successful in disseminating the information to law enforcement in your district? Did law enforcement trainers offer the training in their departments (i.e. offer “secondary trainings”).
- **Program Content, Materials, and Delivery:** Was the content new and useful to law enforcement? Were the materials clear, comprehensive, and sufficient for offering secondary trainings? Were course instructors knowledgeable and well prepared?
- **Program Impacts on Collaboration:** Did the training program improve participant and participant department collaboration with U.S. Attorney's Office and federal law enforcement, specifically the ATF, as demonstrated by increases in federal gun cases and firearm tracing?

Phase II

In the second phase of the assessment, PERF contacted actual training participants to determine the impact of the following training objectives:

- **Program Format and Dissemination:** Did participants offer secondary trainings in their departments and how many officers did they train? If they did not offer secondary trainings, why not?
- **Program Impacts:** How much impact did the training program have on the department's collaboration with the U.S. Attorney's office and the ATF? How much impact did the training have on awareness of firearms trafficking patterns in the area and firearms tracing? What, if any, new department policies or procedures were implemented as a result of the training?
- **Future Training:** Would the officer be interested in attending similar trainings in the future, and what types of training related to firearms trafficking and crime gun interdiction are needed?

ASSESSMENT PHASE I

LECC Evaluation

Methodology

Law Enforcement Coordinating Committee representatives (LECCs) were asked to participate in a telephone interview regarding the efficacy of the Bureau of Justice Assistance (BJA) funded Guns First and National Guns First training programs. LECCs began working with PERF staff to offer the training in January 1997. LECCs offering the training between January 1997 and May 2000 were asked to participate in the survey (See Appendix for a copy of the telephone questionnaire.)

Results

Of the 47 LECCs that offered the training during this time, PERF was able to contact and interview 21 LECCs. LECCs that were unavailable were either no longer at the agency or could not be reached by PERF staff. During the interviews, LECCs were asked to refer PERF to other individuals that may have helped with the training or would be knowledgeable about the outcome of the program. Twenty-three referrals were offered, most referrals were Bureau of Alcohol, Tobacco and Firearms (ATF) agents that helped with the training. Due to staff turnover, interest in survey participation, or job mobility of the referrals, PERF was only able to contact eight of these individuals. In total, twenty-nine telephone interviews were conducted.

Program Format

Telephone survey results indicate that 15 LECCs, ATF agents and other referrals (51.7%) were aware of no additional trainings offered following the Guns First training. Six of the respondents (20.7%) knew of additional trainings and eight (27.6%) did not know. Of the six respondents who were aware of additional trainings, all were unsure of how many training sessions had been offered.

Figure 1

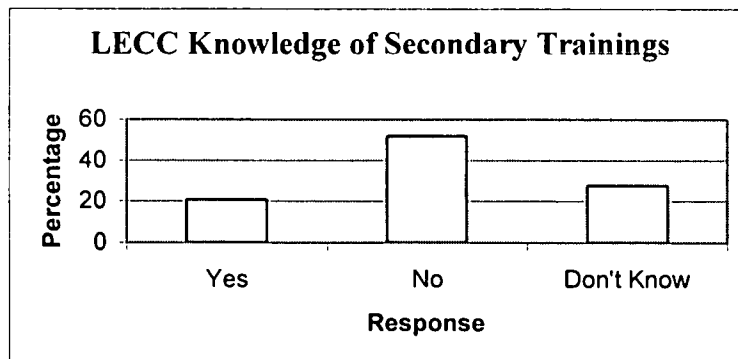


Table 1

LECC Knowledge of Secondary Trainings

Response	N	Percent
Yes	6	20.7
No	15	51.7
Don't Know	8	27.6

Regarding training program format, 22 (75.9%) believed that the train-the-trainers format was appropriate. Of those that did not believe the training format was appropriate, six respondents (20.7%) thought this was because the attending police departments did not have designated trainers. Only one respondent (3.4%) did not think the training adequately prepared officers to offer training to others in their departments.

Program Content, Materials, and Delivery

All respondents stated that the information presented at the training was helpful to law enforcement. Twenty-five (86.2%) thought the binder was sufficient for preparing officers to offer training. One respondent (3.4%) felt it was adequate, but only if the additional materials, provided by the training presenters, supplemented the binder, and one respondent did not know. Another respondent stated that officers would not use the binder, remarking it would probably “sit on a shelf,” with no further explanation.

All respondents thought the course instructors were well prepared¹. Fifteen respondents (51.7%) responded that the training led to an increase in federal gun cases. Only six individuals (20.7%) believed the training did not lead to increases in federal gun cases, and seven

¹ This question was only asked of LECC respondents or those organizing the training in their states. Most referrals were not asked this question, as they may or may not have attended the training.

respondents (24.1%) did not know the impact of the training on federal gun cases. One respondent did not answer the question. Sixteen respondents (55.2%) believed the training resulted in an increase in firearms tracing. One individual (3.4%) did not believe tracing increased and 11 respondents (37.9%) did not know. One LECC did not answer the question.

Program Impacts on Collaboration

Twenty-two respondents (75.9%) believed that the training increased local law enforcement's interaction with the ATF. Only one respondent (3.4%) did not believe the training increased this interaction and five (17.2%) were unsure. One LECC did not answer the question.

Figure 2

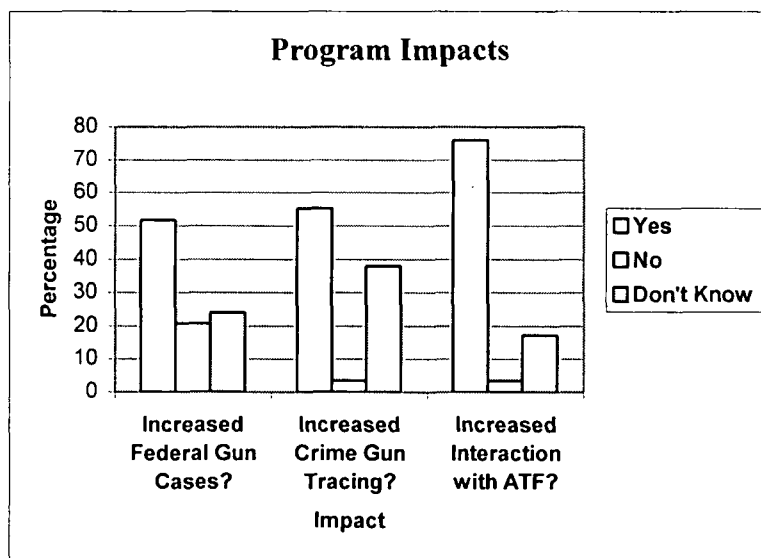


Table 2

Impacts of the Training

	Yes	No	Don't Know
Increased Federal Gun Cases?	(15) 51.7%	(6) 20.7%	(7) 24.1%
Increased Crime Gun Tracing?	(16) 55.2%	(1) 3.4%	(11) 37.9%
Increased Interaction with ATF?	(22) 75.9%	(1) 3.4%	(5) 17.2%

Summary

Generally, LECCs and others offering the Guns First training program were not aware of additional trainings, yet most thought the training format was appropriate. The majority of these respondents believed the material to be helpful to law enforcement. Regarding training preparation, LECCs and others considered the program's trainers to be well prepared, and more than half of the respondents were confident the training led to increases in federal gun cases and increases in firearms tracing. Most respondents believed the training led to more federal law enforcement and prosecutor interaction with local police.

Discussion

Program Format and Information Dissemination

While secondary trainings in local law enforcement agencies may not have taken place formally, the training still may have impacted officers in these departments. For example, one LECC reported that formal trainings were not held, but some officers reviewed the training experience during roll call in their departments. Another LECC felt that the training manual provided an invaluable resource to the departments, whether or not a formal training occurred. Other less direct impacts were also cited. LECCs and others believe the training increased awareness of guns and the area's gun trafficking problems. Additionally, participants were impressed with the capabilities of firearms tracing and this may have traveled by word-of-mouth in the departments, encouraging other officers to trace crime guns. Furthermore, the training highlighted many gaps in officer knowledge regarding state and federal firearm laws. The Guns First Training had a large impact in Illinois. The training highlighted the lack of officer knowledge of gun laws and, as a direct result; the U.S. Attorney's Office initiated a series of gun law trainings throughout the state. Finally, several respondents believed strongly that the training was new for many officers

in their area and the information should be revisited, both by new officers and original training participants.

ASSESSMENT PHASE II

Training Participant Evaluation

Methodology

During the LECC and co-sponsor interviews, those who retained training participant lists were asked to fax these lists to PERF. From the participant lists, PERF staff mailed a one-page survey to these participants following up on several aspects of the training program (See Appendix for a copy of the survey).

Results

Of the 812 surveys mailed, 201 surveys were returned complete for a response rate of almost 25 percent. While the response rate is low, it was expected due to the time gap between early training programs and this survey. Additionally, many attendees have changed positions or left their departments since the time of the training. Approximately 100 surveys were returned for unknown addressee or wrong addresses. Of the returned surveys, 84 percent (n=169) of the respondents indicated they attended the training. Sixteen percent of the respondents returning the survey did not attend the training.

Program Format and Information Dissemination

First, the survey sought to determine if the “train-the-trainer” format was effective in disseminating the program information to state and local law enforcement. The effectiveness of



this aspect of the training was gauged by whether the participants reported sharing the Guns First program materials with other officers (referred to as “secondary training”). Forty percent (n=68) stated they offered secondary Guns First training to other officers in their department. The number of officers trained ranged from 1 to 90. The mean number of officers trained was 17.7. (One officer reported training 600 other officers. This response was omitted in calculating the mean.)

Figure 3

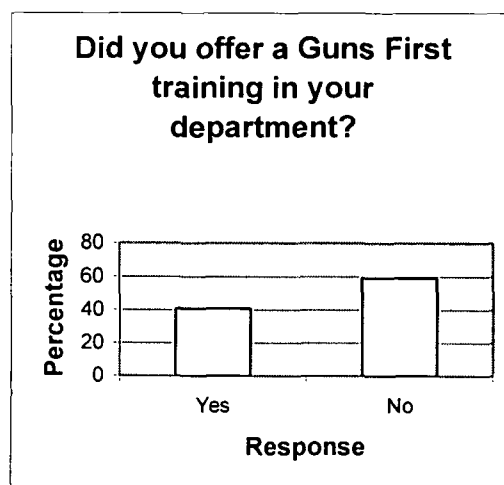


Table 3

Secondary Trainings Offered by Participants

	N	Percent
Yes	68	40.7
No	99	59.3
Total	167	100
No Response	34	

Of those that offered the training, most (31.0%) trained between one and five officers. Almost 28 percent trained between six and ten officers, five percent trained between 11 and 15 officers, eight percent trained between 16 and 20 officers, and almost 28 percent trained 21 or more officers.

Figure 4

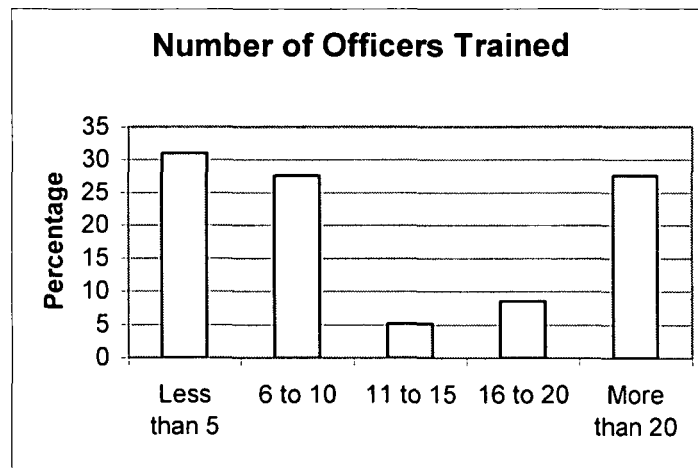


Table 4

Secondary Trainings: Number of Officers Trained

Number of Officers	N	Valid Percent
1-5	18	31.0
6-10	16	27.6
11-15	3	5.2
16-20	5	8.6
21+	16	27.6
Total	58	100.0
Missing	10	

Of the officers who attended the training, but had not offered secondary trainings, 38 percent stated they planned to offer a secondary training at some point in the future. Fifty nine percent of these participants do not plan to offer secondary trainings, and two percent were unsure if they would offer a secondary training.

Figure 5

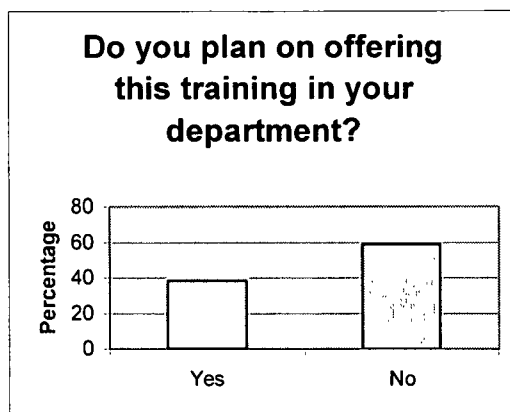


Table 5a

Do you plan on offering this training in your department?

	N	Percentage
Yes	34	38.6
No	52	59.1
Don't Know	2	2.3
Total	88	100
No Response	11	
Total	99	

Reasons for not offer a secondary training varied, but most commonly, (36.2%, n=21) participants who responded indicated that training was not their job or that they were not in a position to make training decisions for the department. Other reasons cited were as follows:

Table 5b

Reasons Cited for Not Offering Secondary Training Programs

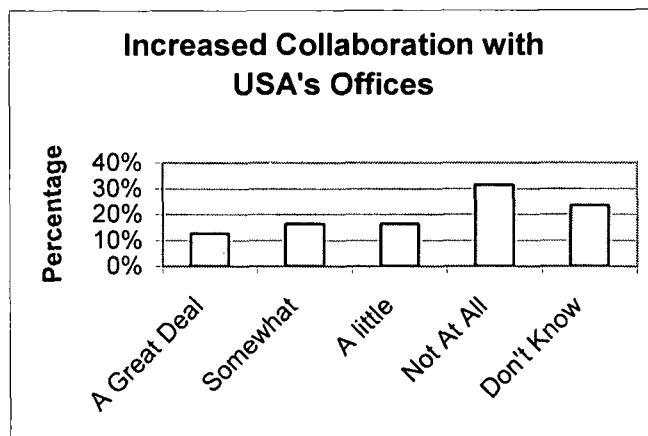
Reason	N	Valid Percent
Training is not my job/decision	21	36.2
Lack of time/resources	5	8.6
No interest/not a training priority	5	8.6
Small dept/I am the only person who traces guns	5	8.6
Changed jobs/Left the department	5	8.6
No formal training, but info shared	4	6.9
Tracing is not mandatory	1	1.7
Maybe in future	1	1.7
State traces all of our guns	1	1.7
Other/Not Applicable	10	17.2
Total	58	100.0

Impacts of the Training on the Agency

The participant evaluation also gauged the impacts of the training on individual departments.

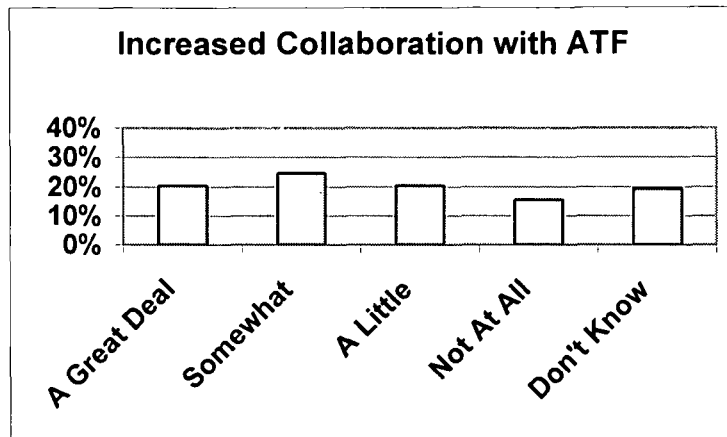
First, participants were asked their opinion on how much impact the training had on collaboration with the U.S. Attorney's Office to prosecute gun cases federally. Forty five percent of the respondents felt the training had some impact on collaboration: Approximately 13 percent felt the training had "a great deal" of impact on collaboration, and 33 percent felt the training had "somewhat" or "a little" impact on collaboration. Slightly over 31 percent of participant respondents did not believe the training impacted their department's collaboration with the U.S. Attorney's Office. Almost 24 percent did not know what impact the training had on the department's collaboration with the U.S. Attorney's Office. Only about 13 percent of respondents felt the training had "a great deal" of impact on collaboration. (See table 1 for responses).

Figure 6



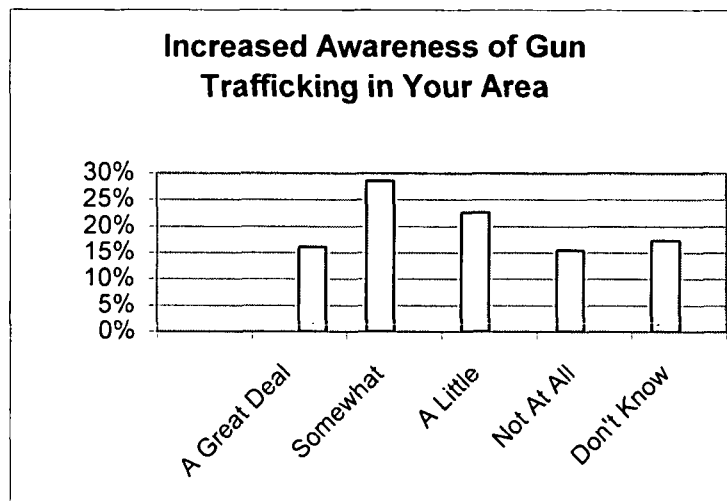
As the training sought to increase federal, state and local law enforcement collaboration to identify and investigate firearms trafficking cases and crime guns, participants were questioned as to how much impact the training had on future collaboration with the ATF. Over 65 percent of the respondents felt the training had some impact on their department's collaboration with the ATF. Twenty percent believed the training had "a great deal" of impact on department and ATF collaboration. Only about 15 percent believed there was no impact and almost 20 percent did not know the impact of the training (See table 7 for responses.)

Figure 7a



Increased awareness of gun trafficking in the area was another major goal of the Guns First training program. Sixty seven percent of respondents believed the training had some impact on department awareness of local and regional firearms trafficking patterns. Only 15 percent of respondents believed there was no impact on the department's awareness of gun trafficking. (See Table 7 for responses.)

Figure 7b



Finally, this evaluation sought the training's impact on firearms tracing in participant departments. Again, 67 percent felt the training had an impact on firearms tracing in the department. Almost 30 percent felt the GF training had "a great deal" of impact on firearms tracing. Twenty percent felt the training had "somewhat" of an impact, and 18 percent felt the training had "a little" impact on tracing. Only 14 percent did not think the training had an impact on department firearms tracing, and 17 percent did not know the impact.

Figure 7c

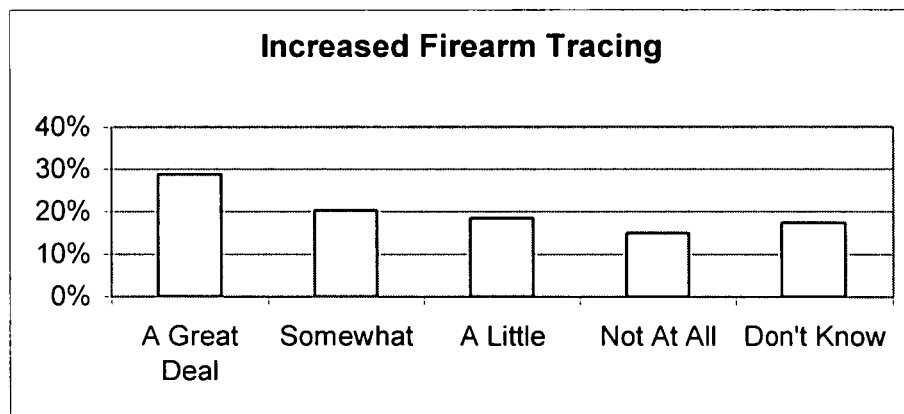


Table 7

Impacts of the GF Training on Participant Departments

Impact	A Great Deal	Somewhat	A Little	Not At All	Don't Know	Total Responses
Increased collaboration with USA's offices	(21) 12.7%	(27) 16.3%	(27) 16.3%	(52) 31.3%	(39) 23.5%	166
Increased collaboration with the ATF	(34) 20.4%	(41) 24.6%	(34) 20.4%	(26) 15.6%	(32) 19.2%	167
Increased awareness of gun trafficking in your area?	(27) 16.1%	(48) 28.6%	(38) 22.6%	(26) 15.5%	(29) 17.3%	168
Increased firearm tracing?	(48) 28.7%	(34) 20.4%	(31) 18.6%	(25) 15.0%	(29) 17.4%	167

Impacts of the Training on Department Policies and/or Procedures

Generally, this training did not appear to have a large impact on department policies and procedures regarding firearms trafficking investigations or gun tracing. Only about 20 percent of respondents indicated their department implemented new policies and/or procedures as a result of this training. Sixty-three percent of respondents' departments did not implement new policies and/or procedures, and almost 16 percent did not know if new policies or procedures were implemented as a result of the training.

Figure 8

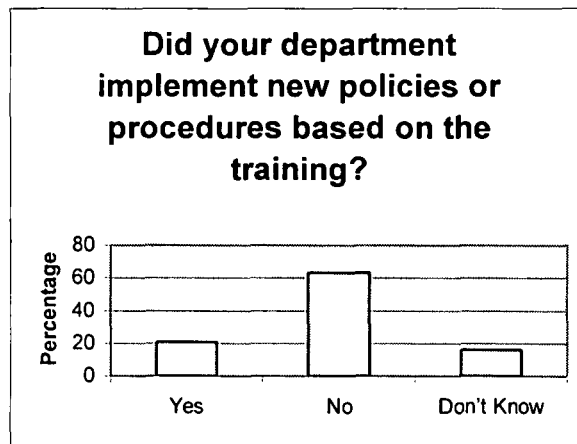


Table 8

Did your Department Implemented New Policies or Procedures Resulting From this Training?

Response	N	Valid Percent
Yes	35	20.7
No	107	63.3
Don't Know	27	16.0
Total	169	100.00
No Response	32	

Figure 9

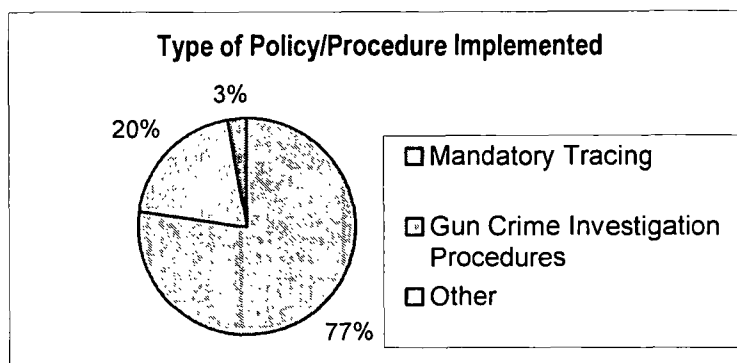


Table 9

What types of policies or procedures were implemented?

Type	N	Percent
Mandatory Tracing	27	77.1
Gun Crime Investigation Procedures	7	20
Other	1	2.9
Total	35	100
No Response	0	0
Total	35	100

Effectiveness of the Training Program

In general, almost 96 percent of participants rated the Guns First and National Guns First training program as effective. Twenty seven percent rated the program as “very effective,” 45 percent rated the program as “effective,” and 23 percent rated the program as “somewhat effective.”

Only less than 4 percent rated the program as “ineffective,” with less than one percent indicating the training was “very ineffective.”

Figure 10

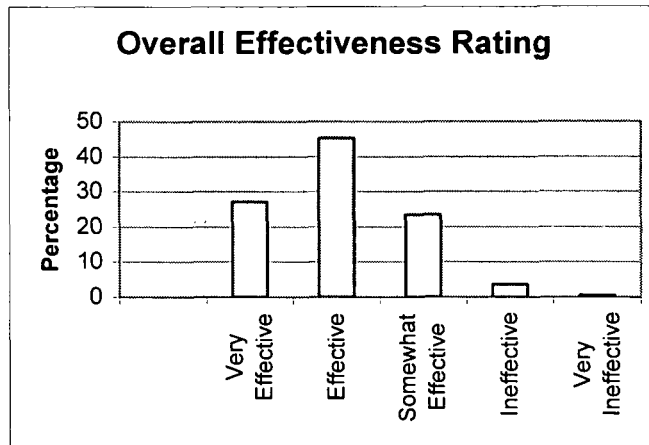


Table 10

Overall Effectiveness Rating of the Training

Rating	N	Valid Percent	Cumulative Percent
Very Effective	45	27.1	27.1
Effective	75	45.2	72.3
Somewhat Effective	39	23.5	95.8
Ineffective	6	3.6	99.4
Very Ineffective	1	.6	100.0
Total	166	100.0	
No Response	35		
Total	201		

Interest in Future Training

Over 89 percent of respondents were interested in attending this type of training in the futures. Only slightly more than 10 percent indicated they would not attend this training again. When queried about the type of additional training related to firearms their department needed, respondents indicated their departments needed additional training in firearms identification (51.4%), officer testimony or training officers to better articulate their cases in court (43.2%), suspect interrogation/interrogation techniques (46.0%), firearm investigation techniques (44.6%), and firearms tracing procedures (43.2%).

Figure 11

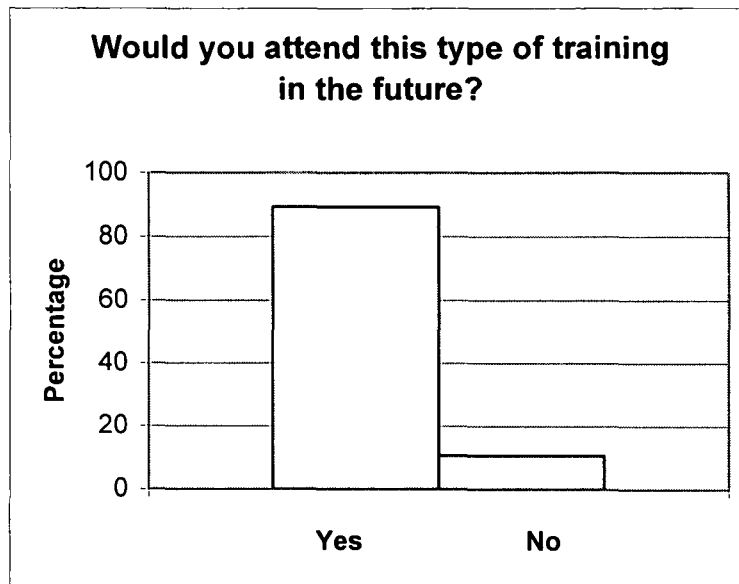


Table 11

Would you attend this type of training in the future?

Response	N	Valid Percent
Yes	150	89.3
No	18	10.7
Total	168	100.00
No Response	33	
Total	201	

Figure 12

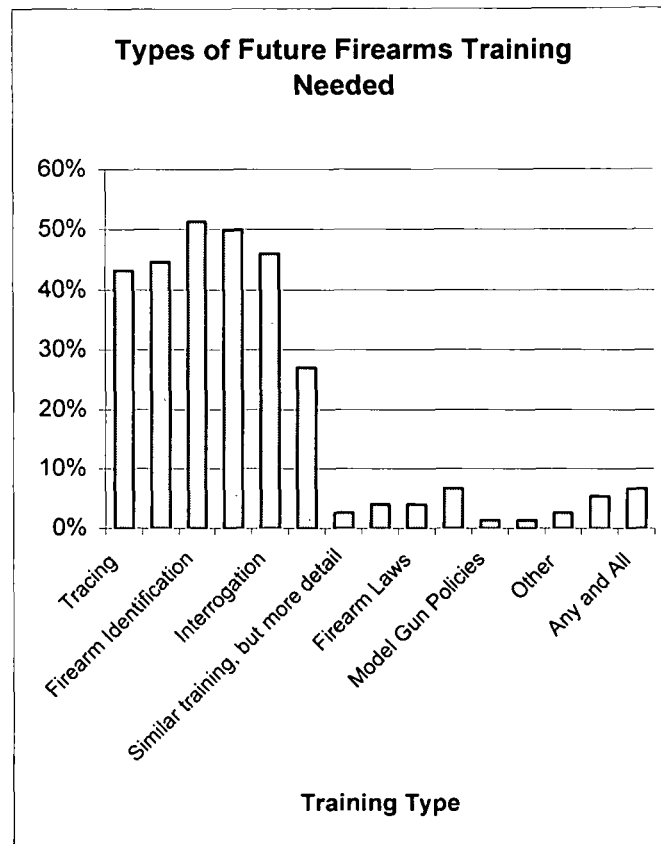


Table 12

Types of Future Firearms Training Needed

Type of Training	N	Percent
Tracing	32	43.2%
Firearm Investigations	33	44.6%
Firearm Identification	38	51.4%
Officer Testimony	37	50.0%
Interrogation	34	46.0%
Working with USA's/DA's	2	2.71%
Similar training, but more detail	2	2.71%
Update of the GF training	3	4.05%
Firearm Laws	3	4.05%
State/Federal/Local Collaboration	5	6.76%
Model Gun Policies	1	1.35%
None	1	1.35%
Other	2	2.71%
Don't Know	4	5.41%
Any and All	5	6.76%
Total Responses	74	

Summary

This phase of the project finds the program's train-the-trainer format was more successful in disseminating program information than initial findings indicated. Forty percent of program participants reported offering secondary trainings and another 38 percent of participants stated they planned to offer the training in their department. This is compared to reports of LECCs that indicated only approximately 20 percent knew of secondary trainings conducted in participant departments.

In general, the program was most successful in improving officer awareness of firearms trafficking patterns in the area and increasing the number of crime guns traced by departments. Twenty percent of departments actually reported implementing new policies, predominately regarding firearms tracing or investigation procedures, as a result of the training. Additionally, some impact was noted by increased collaboration with federal law enforcement, specifically the ATF, and with the U.S. Attorney's Office. Notably, the participants reported the program had more impact on federal, state, and local collaboration and firearms tracing than LECCs in general, with the exception of collaboration with the U.S. Attorney's Office. In this case, LECCs reported more impact resulting from the training. This slight difference may be due to the close working proximity of LECCs with U.S. Attorneys and local law enforcement officers that are currently working with the federal prosecutors on cases.

Conclusions

Recommendations and Lessons Learned

The success of the program's format is an important factor in determining the overall success of the Guns First program initiative. While the train-the-trainer format was considered appropriate for this type of training, LECCs relayed sentiments that the format was actually not a very effective method of disseminating the training material. Participant responses indicated that the format was more successful than the LECCs reported, but less than half of the responding participants reported holding a secondary training. A major reason cited for format ineffectiveness was that initial training participants were not responsible for department training. Future training programs may consider more stringent regulations over who may attend the training from state and local law enforcement agencies. Although this may increase the percentage of secondary trainings offered, the number of officers trained initially may decrease substantially.

Another option is to offer the training programs through another means, such as state and regional continuing education and training agencies, or to work with training academies to incorporate these materials into their existing curricula. This effort would be more time consuming as each state has different training regulations and different agencies are in charge of law enforcement training, but this method may result in more widespread dissemination of program materials. Offering the program in web-based format that could be downloaded and evaluated by state training officials or law enforcement agencies and incorporated into existing curricula may also be an option for future training programs.

Appendix

GUNS FIRST PROJECT GOALS

(1994 Proposal to BJA)

GOAL: Disseminate Training

- *Disseminate training* on firearms tracing, trafficking investigation, and state and federal firearm laws to reduce gun violence through achieving the following sub-goals.

SUB-GOAL 1: Firearm Tracing

- Increase *tracing* to identify illegal gun traffickers and interdict illegal firearms shipments.
- Increase local law enforcement's *understanding of the firearm problem* in the surrounding area in order to:
 - 1) *provide adequate response*, and
 - 2) offer *proactive community policing approaches* to prevent gun trafficking, illegal possession, and gun violence.

SUB-GOAL 2: State and Federal Laws

Although Tracing is important, tracing is under utilized to a lack of information about the full potential of tracing a firearm. Therefore, we need to increase *awareness* of federal and state laws: demonstrated through

- Increased vigilance in:
 - 1) *Investigating*,
 - 2) *enforcing* state and federal firearms violations, and;
 - 3) *prosecuting* criminal misuse of firearms in both state and federal courts.

Program Goals

Agency Response

1) Disseminate Training

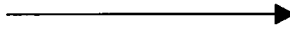


Question:

Did your agency offer this training after attending the program?

If not: what prevented you from offering this training?

2) Increase Tracing



Question:

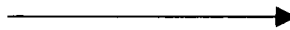
Has your agency increased firearm tracing or implemented any department policies on firearm tracing?

If so, what are the policies or how did this increase firearm tracing?

If not, what has inhibited you from tracing all firearms? (time, resources, ATF relations, etc.)

3) Increase the understanding of local firearm problems in order to:

- a. provide adequate responses
- b. implement proactive or prevention approaches



Question:

How has firearm tracing and trafficking investigations impacted your agency's response to firearm violations?

Have you implemented any new protocols or changed your response to firearm violations? If so, explain (or provide fixed alternatives)

Have you implemented any new, proactive approaches to preventing illegal dissemination of firearms? If so, what are the approaches.

- 4) Increase vigilance in:
- a. investigating firearms violations
 - b. enforcing state and federal laws
 - c. prosecuting firearms offenses

—————→ *Question:*

Have you changed or implemented protocols for investigating firearm offenses? If so, what have you done?

Have you increased the enforcement of state and federal firearms laws? How?

Have you worked with local and federal prosecutors to implement any policies in regard to prosecuting and firearm offenders? If so, what have you done?

NAME:
SITE:
PHONE:
INTERVIEW DATE:

1. The train-the-trainers model is based on the notion that trainers who attended our course will take the materials they obtained back to their jurisdictions and train their own officers. Are you aware of any subsequent training sessions that occurred in your state?

Y: Yes
N: No

If yes, how many?

1=1, 2=2, etc.

2. PERF and BJA determined that train-the-trainers format would be the most effective way to disseminate the program's information. Do you feel that the train-the-trainers format was an appropriate and effective method for disseminating this information?

Y: Yes
N: No

3. Why?
 1. Too many people to train individually
 2. No one offered the training
 3. Too much work for the training officers
 4. Materials were not adequate for repeat trainings
 5. Other

4. Do you think the information presented in the training was helpful to law enforcement in your state in their efforts to reduce firearms trafficking?

Y: Yes
N: No

5. Were the course instructors well prepared?

Y: Yes
N: No

6. Why not?

7. Was the *Guns First* binder sufficient to guide and prepare the law enforcement trainers for training other officers?

Y: Yes

N: No

8. No: why not? What should have been included?

9. Are you aware of any of the following changes in firearms investigations that may have resulted from the *Guns First* training?

(10.) • increases in federal gun cases

Y: Yes

N: No

(11). • increases in firearms tracing (local and state level)

Y: Yes

N: No

(12) increase in collaboration between local police and ATF

Y: Yes

N: No

13. Is there anyone else that you feel that we should talk to? (ex. U.S. Attorney, ATF field agents, etc?)

14. Are there any other aspects of this training that you feel are important to discuss, but that we have not addressed in this evaluation?

Guns First Evaluation

LECC Survey Codebook

1. The train-the trainers model is based on the notion that trainers who attended our course will take the materials they obtained back to their jurisdictions and train their own officers. Are you aware of any subsequent training sessions that occurred in your state?

y=yes n=no trainings offered d=don't know

2. If yes, how many?

1=1, 2=2, etc.

3. PERF and BJA determined that the train-the-trainers format would be the most effective way to disseminate the program's information. Do you feel that the train-the-trainers format was an appropriate and effective method for disseminating this information?

y=yes n=no

4. If no, why was this format inappropriate?

1= no one subsequently offered the training.

2= it was too much work for the officer trainers

3= the materials were not adequate for repeat trainings

4= trainers were not prepared after their initial training

5= some police departments do not have designated trainers

6= other

5. Do you think the information presented in the training was helpful to law enforcement in your state in their efforts to reduce firearms trafficking?

y=yes n=no d=don't know

6. If no, why was it not helpful?

1= material was too simplistic

2= there is not a gun trafficking problem

3= our department already conducts thorough trafficking investigations and traces all firearms

4= the material was not specific to area needs

5= other

7. Were the course instructors well prepared?

y=yes n=no d=don't know

8. If no, why?

- 1= materials were not adequate
- 2= instructors did not have enough time to prepare
- 3= they were not familiar with the topic
- 4= topic was not important to them
- 5= instructors were not qualified to train others in the area
- 6= poor presentation/public speaking skills
- 7= other

9. Was the Guns First binder sufficient to guide and prepare the trainers?

y=yes n=no d=don't know

10. If no, why not?

Not defined yet.

Are you aware of any of the following?

11. Increase in federal gun cases

y=yes n=no d=don't know

12. Increase in firearms tracing (local and state level)

y=yes n=no d=don't know

13. Increase in ATF and local/state police collaboration

y=yes n=no d=don't know

14. Is there anyone else that we should speak to (ex. US Attorney, ATF field agents, etc.)

15. Are there any aspects of this training that you feel are important to discuss, but that we have not addressed in this evaluation?

Not defined yet

1. Did you attend the **Guns First** training in your state? The training was offered by the LECC of your state, the Bureau of Justice Assistance (BJA), the Bureau of Alcohol, Tobacco and Firearms (ATF) and the Police Executive Research Forum (PERF).

Yes *If you answered **yes**, please continue with the survey.*

No *If you answered **no**, please return this survey to PERF,*

Attention: Drea Morrozoff

2. The **Guns First** training program was designed to enable you to train other officers. Have you offered this training in your department?

Yes *If **yes**, how many officers were trained? _____*

No *If **no**, do you plan to offer this training? Yes No*

3. If you do not plan to offer this training, why not?

4. As a result of the **Guns First** training, how much has your department...

...increased collaboration with the U.S. Attorney's Office to prosecute your gun cases federally?

A great deal Somewhat A little Not at all Don't know

...increased collaboration with the local ATF ?

A great deal Somewhat A little Not at all Don't know

...increased awareness of gun trafficking or theft patterns in your area?

A great deal Somewhat A little Not at all Don't know

...increased firearm tracing through the ATF's National Tracing Center?

A great deal Somewhat A little Not at all Don't know

5. Has your department instituted any new policies or procedures since you received the **Guns First** training (trace all firearms, etc.)

Yes *If **yes**, what new policies or procedures have been implemented? _____*

No

Don't know

6. In general, how effective was the Guns First program and its materials in providing important information on firearm trafficking?

Very effective Effective Somewhat effective Ineffective Very ineffective

7. Would you attend this type of training in the future?

Yes

No

8. What types of additional training and materials related to firearms would you or your department need in the future? For example, tracing, firearm identification, trafficking, interrogation, officer testimony.

Thank you. Please fax the completed survey to PERF: Attention Drea Morrozoff at 202-466-7826
Or mail to: 1120 Connecticut Ave., NW Suite 930, Washington, DC 20036

Guns First Evaluation
Guns First Trainee Survey Codebook

1. Did you attend the Bureau of Justice Assistance, Bureau of Alcohol, Tobacco and Firearms and Police Executive Research Forum's ***Guns First*** training in your state?

y=yes

n=no

If you answered ***no***, please return this survey via fax to PERF at 202-466-7826.

If you answered ***yes***, please continue with the survey.

2. Guns First training program was based on a train-the-trainers format, in that you would return to your department and train other officers. Did you offer this training in your department?

y=yes

n=no

3. If yes, how many officers did you train?

1=1, 2=2, etc.

4. If no, do you plan to offer this training?

y=yes

n=no

5. If no, why not?

O/E

Has this training resulted in any of the following:

6. Increased collaboration with the U.S. Attorney's Office to prosecute your gun cases federally?

y=yes

n=no

d=don't know

7. Increased collaboration with the local ATF?

y=yes

n=no
d=don't know

8. Increased awareness of gun trafficking or theft patterns in your area?

y=yes
n=no
d=don't know

9. Increased firearm tracing through the ATF's National Tracing Center?

y=yes
n=no
d=don't know

10. Has your department instituted any new procedures or policies since you offered the Guns First Training (ex. trace all firearms)

y=yes
n=no
d=don't know

11. If yes, what new policies or procedures have been implemented?

O/E

12. Do you feel that, overall, the program and its materials were effective in providing important information on firearm trafficking?

y=yes
n=no

13. Would you attend this type of training in the future?

y=yes
n=no

14. What types of additional training related to firearms would you or your department need in the future? For example, tracing, firearm identification, trafficking, interrogation, officer testimony?

O/E

Thank you. Please fax to PERF: Attention Drea Morrozoff, 202-466-7826

Law Enforcement Guide to Investigating Illegal Firearms Trafficking

Update and Supplement to the National Guns First
Training Program

This publication is funded by the

BJA **Bureau of Justice Assistance**
Office of Justice Programs ■ U.S. Department of Justice



August 2003

Police Executive Research Forum
1120 Connecticut Avenue, NW Suite 930, Washington, DC 20036



Law Enforcement Guide to Investigating Illegal Firearms Trafficking

Update and Supplement to the National Guns First Training Program

August 2003

**Police Executive Research Forum
1120 Connecticut Ave., NW Suite 930, Washington, DC 20036**

This project was supported by Grant No. 95-DD-BX-0042 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the agency.

Acknowledgements

The Police Executive Research Forum (PERF) wishes to acknowledge the important contributions of many agencies and individuals who assisted on preparing this document and the earlier versions of the Guns First training curriculum. The project team received tremendous guidance and information from members of the Bureau of Alcohol, Tobacco and Firearms over the years. We thank them for their time and expertise.

PERF also would like to acknowledge Andrea Morrozoff Luna for her thoughtful and thorough update to the Guns First trainer's guide, presented here. PERF is also grateful for the support of the Bureau of Justice Assistance (BJA), U.S. Department of Justice, which awarded PERF the grant to prepare the curriculum and coordinate its delivery.

Contents

Background and Introduction	1
Chapter 1	
Overview	2
Chapter 2	
Role of Law Enforcement in Preventing Firearms Violence.....	4
Chapter 3	
An Introduction to Firearms Trafficking	5
Chapter 4	
State Law	10
Chapter 5	
Federal Law	13
Chapter 6	
Firearms Trafficking and Illegal Markets.....	19
Chapter 7	
Firearms Trafficking Investigations.....	24
Chapter 8	
National Tracing Center.....	29
Chapter 9	
Guide for Police Executives.....	35
Chapter 10	
Resources and Additional ATF Trainings and Services	40
References	
Appendices	
FBI Gun Violence Statistics (2000)	
Proposed Gun Legislation (2001, 2002)	
Federal Law Violations: Case Examples	
Examples of Firearms Trafficking and Investigative Tips	

Background and Introduction

The Bureau of Justice Assistance (BJA) of the U.S. Department of Justice awarded the Police Executive Research Forum (PERF) a grant to develop and deliver a national training program for law enforcement. The “National Guns First” training program, coordinated through United States Attorney’s Offices and with the Bureau of Alcohol, Tobacco and Firearms (ATF) informs and educates state and local police officers about federal and state firearms statutes and provides information to improve police investigation of firearms offenses. The training encourages officers to trace all crime guns and sensitizes police to the value of gathering and sharing information that will assist in the interdiction of illicit firearms. By using a train-the-trainer format, PERF offers the programs to law enforcement trainers and supervisors. Those trainers and supervisors then have materials to tailor and deliver the training to officers in their own agencies. PERF has now offered more than 70 trainings in locations throughout the nation and in almost all fifty states.

State legislation regarding firearm violations and the field of firearms trafficking investigations and tracing is rapidly changing. New research has led to advances in firearm policies, prosecution measures, and investigation techniques. Likewise, there has been a surge in the technology and capacity of the ATF’s National Tracing Center (NTC) to trace firearms and identify trafficking patterns across the nation.

This document will update and supplement the National Guns First Training Manual by providing a general review of the field’s innovations as related to each module (Introduction, State Law, Federal Law, Investigations, and Tracing). This update will also provide additional information such as a review of common state laws, updated tracing procedures, new versions of the trace forms, and other resources useful to law enforcement officers—both those that have previously attended the Guns First training program and those just learning the material.

CHAPTER 1—Overview

This section serves as an update on the prevalence of gun-related violence, including both gun-related crimes and the involvement of firearms in other types of crimes. The relationship of guns to other types of crimes of violence, including homicide and youth violence is discussed.

The Problem of Gun Violence

Gun violence is a significant problem in the United States. More people are killed in the United States by guns in *one week* than are killed in all of Western Europe in one year, and guns kill more people in *one day* than in one year in Japan (Wouters, 1998). In 1998 alone, there were 30,708 firearm injury related deaths in the United States, 56.7 percent and 39.4 percent of which were accounted for by suicide and homicide¹ respectively (Murphy, 2000).

Further, guns and gun-related violence are often involved in many crimes that both law enforcement professionals and citizens face on a day-to-day basis. For example, firearms play a large role in violent crimes. In 1999, there were 1,424,289 total violent crime incidents (including homicide) in the United States. Of these incidents, 347,324 were firearm-related (Maguire & Pastore, 2000). In 1999, approximately 40 percent of all robberies, and 18 percent of all aggravated assaults reported to the police involved the use of a firearm by the offender² [Federal Bureau of Investigation (FBI), 2000a].

Gun violence is also closely related to the nation's homicide rate. While the number of homicides involving the use of knives, blunt objects and other items have remained relatively stable over the years, the use of firearms, predominately handguns, to commit homicides began to increase dramatically in the early 1990s. Although the overall homicide rate has decreased since the mid-'90s, firearms still account for approximately 65 percent of homicides annually. In other words, firearms are used in nearly seven out of 10 homicides (8,259 out of 12,658). (FBI, 2000a, Fox & Zawitz, 2001).

Homicides committed by firearms account for:

- 68 percent occurring in the commission of a felony,
- 61 percent resulting from arguments,
- 92 percent resulting from gang-related activities, and;
- 60 percent resulting from domestic violence (Fox & Zawitz, 2001).

Assessment of the firearm types used in these homicides finds handguns were used in 51 percent (n=6,498) of homicides, rifles 3.1 percent (n=387), shotguns 39.7 percent (n=503), other guns 1 percent (n=90), and other firearms 6 percent (n=781) of homicides (FBI, 2000a).

¹ As of July 2002, these are the most recent CDC statistics on firearm-related injuries and death.

² The most recent statistics for which comprehensive analysis has been conducted on firearms and firearm-related violence are for 1999. See Appendix one for the available 2000 statistics and emerging trends.

Youth Violence

Increases in gun-related homicide during the past two decades are largely attributable to the increase in gun-related violence by juveniles. In 1999, 70 percent of homicides committed by juveniles ages 14 to 17 years were gun-related. In the same year, children and teens (ages 19 and under) were the victims of 59 percent of all firearm-related homicides, and 32 percent of firearm-related suicides (Fox & Zawitz, 2001). Though every U.S. state prohibits minors from purchasing firearms, they are still easily acquired by school-aged children. The Centers for Disease Control's Youth Risk Behavior Survey (1999), a school-based survey distributed biannually to high schools students, found that 4.9 percent of students had carried a firearm within the 30 days preceding the survey, and 6.9 percent of students had carried a firearm to school (Kann, Kinchen, Williams, Ross, Lowry, Grunbaum, & Kolbe 2000). Youth most often obtain guns through "straw purchasers," or intermediaries who legally purchase guns to sell or trade to individuals who would not pass the background checks (ATF, 2000a). A notable example of this problem resulted in the April 20, 1999 Columbine High School Shooting. One assault weapon used in the massacre, a TEC DC-9, was purchased and subsequently sold to the juvenile suspects by an acquaintance who fulfilled the age and background check requirements.

Gun and Drug Relationship

Drug-related crime is one of the main factors leading to the total number of all homicides [Office of National Drug Control Policy (ONDCP), 2000]. Guns are extremely prevalent among those offenders engaged in the illegal drug market. In 1999, 27 percent of crime guns seized in 1999 were recovered from suspected drug offenders (Buckles, 2000) and 4.5 percent of the 12,658 homicides with known circumstances were narcotics-related (FBI, 2000a). A survey of firearm use by offenders revealed that 8.1 percent of state-incarcerated drug offenders and 8.7 percent of federally incarcerated drug offenders had possessed a firearm while committing the main drug offenses for which they were sentenced (Harlow, 2001).

Not only do drug traffickers use guns to protect their "merchandise," "territory," and profits, but firearms frequently become the currency of drug transactions. Firearms traffickers often barter firearms for drugs, which drug dealers and traffickers consider "tools of the trade." In fact, it was the expanded drug trade of the 1980s, specifically caused by the use of crack cocaine, which gave rise to the significant increase in firearms related violence, the increase in demand for firearms for illegal use, and the trafficking that made these firearms readily available. As a result of the continued involvement of guns in the illegal drug market, firearms dramatically increase the level of violence associated with drug crime and the threat to public safety posed by illegal drug activities.

Guns and Gang Activity

Gang-related gun violence is another significant problem identified by law enforcement. Gang-related gun crimes fall in many classification categories including homicides, assaults, robberies, drive-by shootings, carjackings and drug trafficking (Buckles, 2002). Firearms presence in gang activity has also had a significant impact on the number of gang-related homicides in the last three decades. In 1976, firearms were used in 66 percent of gang homicides; and as previously noted—by 1999, 92 percent of gang homicides were committed with firearms (Fox & Zawitz, 2001).

CHAPTER 2—Role of Law Enforcement in Preventing Firearm Violence

Clearly illustrated by the crime data, gun-related violence is a serious law enforcement issue. Looking for, seizing, and investigating weapons is important to law enforcement officers, particularly patrol officers, as they respond to calls of violent incidents, confront armed offenders, and deal with the victims of these crimes. Firearms trafficking is one of the ways criminals get guns to commit violent crimes, including assaults on police officers. Enforcing firearms trafficking laws is critical to disarming violent criminals and preventing the violent—often fatal—misuse of firearms.

Reducing Violent Crime and Increasing Officer Safety

Officers and citizens safety is the single most important reason for law enforcement to have a heightened awareness of firearms violations and trafficking patterns in their area. In fact, guns are the number one cause of non-accidental death of on-duty officers.

According to the National Law Enforcement Memorial Fund and FBI:

- In 2000, 51 officers were feloniously killed in the line of duty. Of these officers, 47 (92%) were killed with firearms (FBI, 2001a).
- Ninety-three percent of law enforcement officers killed between 1991 through 2000 were shot by criminals with firearms (FBI, 2001a).
- Firearm-related assaults against law enforcement officers have increased steadily during the past decade. For example, in 1984, there were 2,654 firearm assaults against officers, compared with 4,002 in 1993—a 51 percent increase (Fox & Zawitz, 2001).

The greatest number of officers killed by firearms are those assigned to vehicle patrol (FBI, 2001a). Each year, the number of police officers killed by firearms while conducting traffic and pedestrian stops and investigating other crimes increases. Drug and firearms traffickers have guns, and even elementary school age children have guns. Guns symbolize power, especially in criminal networks. When officers are on patrol or are involved in an on-scene investigation, they must ensure the safety of the officers and citizens involved. In every situation this means looking for weapons that can cause harm to the officers, or others, before looking for evidence of other crimes.

Ensuring the public's safety and your own safety requires you to become familiar with known violent offenders in your area and firearms trafficking patterns around and *through* your jurisdiction. Even if your community does not have a significant gun violence problem, that does not mean that firearms traffickers are not passing through your community. Those patrolling main thoroughfares should be particularly aware of signs of firearms trafficking, including the direction of trafficking patterns. When you are aware of these signs and patterns you are not merely remaining knowledgeable about crime, you are working to stop the source of illegal guns into your community and others. This awareness may prevent guns from being used in violent crimes and homicides—including your own.

CHAPTER 3—An Introduction to Firearms Trafficking

Identifying firearms trafficking patterns and investigating these crimes requires knowledge of firearms trafficking terminology and effective methods for interdicting firearms traffickers. This chapter will define firearms trafficking terminology and discuss interdiction, enforcement, and prosecution programs. Federal, state, and local efforts to reduce gun violence and the effectiveness of the program are discussed. Finally, a brief review of the National Guns First program and its impact is provided.

Terminology

Illegal Firearms Trafficking: The acquisition of firearms for the purpose of unlawful resale to criminals or people in areas where state and local laws limit firearms availability, with monetary profit being the traffickers' main motive.

Source Areas: Those areas where large numbers of firearms are easily acquired from various sources and transported to other jurisdictions for sale to criminals or those who cannot legally purchase firearms.

Market Areas: Those areas where firearms, acquired in a source area, are then marketed unlawfully and transferred to the criminal element/prohibited persons/juveniles.

Time to Crime: The amount of time between acquisition of a firearm and its recovery during use in a crime.

Time to Sale: The amount of time between an FFL's acquisition of a firearm and the sale/transfer of the firearm.

Straw Purchase(r): A purchase of a firearm by an individual (the straw purchaser) who purchases the firearm for another person, with the purpose of concealing the second person's identity.

Suspect Firearm: An unrecovered firearm(s) that is suspected to have been illegally trafficked or diverted for the purpose of committing a crime(s) (i.e. firearms reported stolen from a gun dealer).

Firearms Trace: The tracking of a recovered firearm from its source (manufacturer/importer) to the wholesaler/retailer to the purchaser.

Firearms Trafficking Corridor: A common path by which illegal firearms traffickers transport firearms from a source area to a market area. Includes: interstate highways, buslines, railways or air routes.

Firearms Trafficking Gateway: a border, port of entry, airport, busport or train station that illegal firearms traffickers pass through during the transportation of firearms from a source state to a market state.

Illegal Firearms Diversion: The transfer of a firearm(s) from a legal to an illegal marketplace, through illegal methods or for illegal purposes.

Crime Gun: Any firearm that is illegally possessed, used in a crime or suspected to have been used in a crime. This can include guns that were found if it is suspected they were used in a crime or illegally possessed.

Federal Firearms Licensee: An FFL is a person, partnership or business entity holding a valid license issued by ATF under the authority of Title 18 U.S.C. chapter 44, that allows them to “engage in the business” of dealing firearms. By law, all FFLs must keep records of their firearms transactions.

Whether you are aware of it or not, firearms trafficking occurs in and through your community and state. Every officer should be familiar with the above-listed terms, know the signs of firearms trafficking, and be capable of conducting a firearms trafficking investigation, as well as be able to utilize the resources available through other state and federal agencies.

Additionally, the more you participate in investigating firearms cases and trace recovered crime guns, the clearer picture you will have of these patterns in your area. Recent trends toward multi-agency partnerships between local law enforcement and other state and federal justice agencies have demonstrated that *awareness* of firearms trafficking and related violent crime issues, combined with stringent *investigation*, *tracing*, and *prosecution* efforts are effective in reducing the availability of firearms to criminals and decreasing violent crime.

Firearms Interdiction and Prosecution Programs

Common firearm interdiction and prosecution programs involve federal–state–local agency collaborative efforts related to firearm trafficking (diversion to illegal markets) and gun crime prevention.

Youth Crime Gun Interdiction Initiative (YCGII) An example of a national collaborative effort initiated in 1996 is the Youth Crime Gun Interdiction Initiative (YCGII). Through this program, selected cities receive funding, training, and assistance in data analysis and investigations from the ATF by agreeing to trace all crime guns associated with persons 24 years of age or younger. Nationwide, law enforcement recovers the largest amount of illegal guns from juveniles and young adults, up to age 24 (ATF, 2000b). This partnership equips both national and local law enforcement officials with better information on the avenues through which violent juveniles and youths obtain guns. The ATF also provides training to the participating departments and assists state and local police agencies investigating gun-related crimes. Each year, the ATF’s National Tracing Center (NTC) compiles data from participating police departments to produce comprehensive reports of the city’s firearm-related violence, including locations of violence and trafficking patterns. In 1999 alone, ATF conducted 64,637 crime gun traces just from the 32 cities participating in YCGII program (ATF, 2000b). In 2000, the ATF published Crime Gun Trace Reports (1999): National Report, which summarizes individual state information and combines

tracing data to provide a national perspective of crime gun trafficking and use. Each state's report includes the following information:

- the distribution of crime gun possessors by age,
- the original sources of illegally diverted crime guns,
- average times-to-crime for traced firearms,
- the most frequently traced crime guns, and
- geographic trafficking sources.

Because of the program's success, legislation was introduced in the U.S. Senate that will expand the YCGII study to include 75 cities or counties by October 1, 2002, to 150 cities or counties by October 1, 2004, and to 250 counties or cities by October 1, 2005* (S. 16, 2001).

Project Exile. Another similar initiative is *Project Exile*. This program originated in the Eastern District of Virginia in 1997 as a response to the increasing homicide rate in Richmond and the surrounding area. This program involves a collaborative effort among the U.S. Attorney's Office, Richmond Commonwealth Attorney's Office, Richmond Police Department, the ATF, FBI, and Virginia State Police (VSP). Through this initiative, previously convicted felons or armed offenders involved in drug-related or violent crimes are targeted for federal prosecution. This program ensures cases are quick to trial and federal prosecutions result in long mandatory prison sentences for offenders. This effort has helped Richmond decrease their homicide rate by 40 percent since November 1997. Other results have included removing 245 armed offenders from the streets, dismantling at least one violent gang, and decreasing the number of individuals that routinely carry guns by nearly 50 percent (Fahey, Corney, Miller, Schiller, Heaps, and McKeel, 1998).

In 1999, new legislation based on Project Exile was passed to intensify penalties in Virginia law for possession or illegal use of firearms (VSP, 2001). This program, "Virginia Exile," promises a mandatory sentence of five years to anyone convicted of possessing a firearm who: has a prior conviction for a violent felony, uses a gun in drug trafficking, or carries the firearm on school property. Since its incorporation, 160 offenders have been convicted under the new Virginia Exile law (VSP, 2001).

Richmond has received national acclaim for its success with Project Exile and other departments have been adopting similar programs. Jurisdictions are rapidly adopting these programs because of the proven success of using firearm trace information to investigate and solve firearm-related crimes and violence, and the benefits of prosecuting gun traffickers and other offenders at the federal level.

* Note: The Crime Gun Trace Reports (1999) is available from the National Criminal Justice Reference Service (NCJRS) and can be accessed at www.ncjrs.org.

Boston Gun Project's Operation Ceasefire. In response to a sharp rise in Boston-area youth homicides in the late 1980s and early 1990s, the National Institute of Justice (NIJ) sponsored the Boston Gun Project, an interagency initiative utilizing problem-oriented policing skills to address youth violence. The working group of line-level law enforcement and other professionals in the community developed *Operation Ceasefire*, an intervention program that used two methods to reduce firearm access among Boston youth: increasing law enforcement response to illicit firearm trafficking and communicating with local gangs to deter firearm-related gang violence. The first response element involved trafficking investigations that specifically targeted firearm types favored by gang members, and focused on traffickers suspected of providing crime guns to gang members. In the second component of the project, law enforcement arranged formal meetings with gang members through gang outreach workers, probation officers, and juvenile detention centers to convey law enforcement's zero-tolerance gang violence policy.

Within a year of the program's implementation, Boston experienced a 63 percent decrease in youth homicides per month; a 32 percent decrease in calls involving shots-fired incidents; and a 44 percent decrease in the number of youth gun assaults in the highest risk Boston neighborhood (Braga, Kennedy, Piehl, & Waring, 2001). A study of the *Ceasefire* program suggested that the deterrent effect was a result more of the formal meetings with gang members than concentrated investigations of specific traffickers or firearm types (Braga, et al, 2001). This result is a reminder that programs deterring firearm use by targeting specific, known offenders are a necessary supplement of anti-trafficking initiatives.

Project Safe Neighborhoods. In 2001, President George Bush and U.S. Attorney General John Ashcroft announced Project Safe Neighborhoods (PSN), an approach to gun violence reduction that hopes to draw from the experiences of these programs. This program is requesting to dedicate \$558.8 million over two years to further disseminate these types of prevention and enforcement strategies throughout the nation. Through this effort, U.S. Attorneys will increase efforts to investigate and prosecute firearm-related offenses in federal courts. While federal law enforcement will aid in these efforts, local and state police agencies will play a large role in helping identify firearm offenders and collaboratively investigating these crimes. As later sections will demonstrate, thorough enforcement of state and federal laws, and using federal prosecution sentence enhancements for felons and others, will provide you with the tools to remove the most violent and problematic offenders from your communities and ensure they receive the most severe sentence possible for their crimes.

National Guns First Training Program

The above-described programs represent the most well-known and effective gun violence reduction programs. There are many other similar programs initiated by other federal law enforcement agencies, such as the Safe Street Violent Crime Initiative (SSVCI) offered by the FBI, and programs initiated by states and communities nationwide, including Texas Exile operating in Texas, and the Youth Firearms Violence Initiative operating in cities such as Seattle, Birmingham, and Milwaukee.³ While each of these programs are slightly different, key elements of each successful program are the same.

³ See OJJDP's Report: Promising Strategies to Reduce Gun Violence (NCJ 173950) for a more comprehensive discussion of these programs and other federal, state, and local initiatives.

Each successful gun violence prevention and reduction program facilitates:

- national, state, and local criminal justice and law enforcement communication,
- comprehensive firearms tracing and through investigation procedures,
- enhanced prosecution efforts, and
- strategic use of trace information for future enforcement and investigative initiatives.

The National Guns First training program teaches these basic principles of preventing gun-related violence by identifying firearms trafficking patterns. This program presents these principles in a one- to two-day session covering the five curriculum modules. These modules include: 1) Introduction to Firearms Trafficking, 2) State Law (varying depending on the state where the training is held), 3) Federal Law, 4) Investigations, and 5) Firearms Tracing. This program is a train-the-trainers course, in that the materials and instruction provided prepares the participants to return to their agency and train other officers on the information.

Findings from the program's national evaluation suggest the training program was most successful in improving participant awareness of firearms trafficking patterns in the area and increasing the number of crime guns traced by departments. Participants noted some increases in collaboration with federal law enforcement (specifically the ATF) and with the U.S. Attorney's Office after the training was held in their state. While the program evaluation indicated success in most areas, only about 20 percent of departments actually reported implementing new "mandatory tracing," gun-crime investigation procedures, or other officer training policies.

Participant recommendations from this evaluation will be used to supplement the following chapters based on the training program's modules. New chapters and sections of this guide will also address policy implementation, including model firearms policies for your department and a guide for implementing these policies and procedures in your department, as well as discussing firearms trafficking characteristics and patterns as identified by comprehensive firearms tracing and investigations based on partnerships between local law enforcement and the ATF.

CHAPTER 4—State Law

State firearms laws and local ordinances vary and these regulations can be more restrictive than federal firearms laws. In this chapter, a brief comparison of state firearms laws is provided. By examining these laws and comparing the differences between states, it is possible to discern trends in firearms interdiction and whether new laws are actually improving state and local law enforcement's ability to build successful cases against difficult offenders. The following laws do not include federal law observance, but are the statutory bases for prohibiting purchase and possession of firearms.

Prohibited Persons:

Felons: All states, with the exception of Vermont, prohibit the possession of a firearm by any person convicted on a felony (defined as a crime punishable by incarceration for more than one year) (Adams & Frandsen, 2001).

Misdemeanor offenders: State laws regarding misdemeanor offenses vary widely. Several have enacted legislation that prohibits anyone who has been convicted of a misdemeanor domestic violence offense from possessing a firearm (Adams & Frandsen, 2001).

Minors: Though the federal government has established the age limits for possession and purchase of firearms, some states have set more restrictive age limits. For example, the following varying age requirements for unrestricted purchase and possession of a firearm have been established: age 21 in 13 states, age 19 in 1 state, age 18 in 30 states, age 16 in 4 states, and age 14 in 1 state (Adams & Frandsen, 2001).

Adjudicated people with mental illnesses: Thirty-two states have established additional laws to prevent firearm purchase and possession by persons who are determined by a court to suffer from a mental disorder or who were involuntarily admitted to mental healthcare facilities (Adams & Frandsen, 2001).

Subjects of restraining orders: Eighteen states have passed laws to prevent people who are the subjects to court-issued restraining orders, generally involving domestic violence-related crimes (Adams & Frandsen, 2001).

Preemptive laws: States may pass these laws to prevent cities and counties from developing their own gun laws. Massachusetts and Hawaii enacted state laws allowing local municipalities to adapt their own firearm regulations (Adams & Frandsen, 2001).

Safe Storage Laws: These are laws requiring that guns be stored with a trigger lock, cable lock, or in a locked container so they cannot be fired. Massachusetts has the only state law that requires guns to be stored in a safe or with a locking device. Hawaii, California, and Connecticut require safe storage for handgun owners only (Adams & Frandsen, 2001).

Purchase Permits: Twelve states require a permit to purchase a firearm, which generally limits the quantity or type of firearms purchased, and the duration of time that the permit allows an individual to purchase a firearm. Only four states require a permit to

purchase both a handgun and a long gun: Hawaii, Illinois, Massachusetts, and New Jersey, and only seven states limit the quantity of firearms to one per permit tenure (Adams & Frandsen, 2001).

Carry Permits: Two different types of carry permits are used by states: “shall issue” or “discretionary.” Shall issue permits are released to individuals who do not fall into any “prohibited persons” category, and discretionary permits allow law enforcement personnel to consider applicant characteristics and decide whether a permit will be issued (Adams & Frandsen, 2001).

Waiting periods: Twelve states require waiting periods (ranging from 2 to 14 days) for handgun purchases, while only five states (California, Connecticut, Hawaii, Illinois, and Rhode Island) require waiting periods for long gun purchasers (Adams & Frandsen, 2001).

One-Gun-a-Month: Four states have implemented this program, in which buyers are limited to purchasing one firearm per 30-day period (Adams & Frandsen, 2001).

Gun Shows: Each year, more states are enacting legislation to provide stricter guidelines for the sale and purchase of firearms at gun shows. California, one of the first states to enact such legislation, requires gun show organizers to obtain a permit with the Department of Justice and to provide gun show seller lists to local law enforcement. In Maryland, unlicensed sellers are required to comply with the same transfer regulations that govern licensed dealers. In 1999, Connecticut and New York developed regulations to require background checks on all firearms purchased at gun shows. In the same year, Virginia decided that all gun show sellers must submit to a background check and obtain a registration number with the Virginia State Police. In November 2000, Colorado and Oregon voters supported legislature that would close the gun show loophole and require background checks by unlicensed firearm sellers (Adams & Frandsen, 2001).

Impacts of State Laws

It is important for law enforcement officers to recognize that the laws of each state can have an impact on crime within the state as well as that in neighboring states. Whether a state has more or less restrictive laws determines whether it will be a market or source state. For example, when Virginia adopted its “one gun a month law,” there was a rash of gun shop burglaries within the state. Also, because the law only referred to handguns, shotguns became the gun of choice to traffic. Additionally, if a neighboring state has less restrictive laws than your state (or vice versa), you can expect trafficking activity on major highways connecting these two areas. Understanding the laws in your state and in others and the reciprocal impacts of these laws can help you anticipate the types of gun violence and trafficking problems you might encounter in your daily work.

Ways for Officers to Improve Case Preparation

Developing good working relationships with your state and city or county’s criminal prosecutor is key to successful prosecution of your gun cases. In general, the best way to assist prosecutors in trying cases is to understand the law and its elements, and to understand that the prosecutor must prove each element in the law to obtain a conviction. Law enforcement

officers should ask local and state prosecutors for pointers on improving case preparation and should always be thinking about what evidence they can collect for each one of the elements to best assist prosecutors in proving that element in court.



CHAPTER 5—Federal Law

Violent crimes committed with firearms are typically prosecuted in federal court under such categories as bank robbery, carjacking, murder, and kidnapping, to name a few (Buckles, 2001). Frequently, the use of a firearm in connection with these crimes, other federal crimes, and drug trafficking offenses can be the basis for a separate firearms charge in addition to the original violent crime offense, or serve as an enhancement for prosecuting and sentencing offenders.

In recent years, the federal government has taken an increased interest in prosecuting federal firearms violations as the primary charge against an individual. In 2001, awareness of the role firearms play in facilitating violent crime resulted in the U.S. Attorney General directing federal prosecutors to devote more resources to these cases. Furthermore, interest in federal prosecution of firearms violations and cases investigated on the state and local levels has also increased significantly. More than 90 percent of the cases the ATF recommends for federal prosecution involved state and local law enforcement investigations, and many of these cases are initiated by these local and state agencies (Buckles, 2000). Developing partnerships with your district's federal prosecutor can greatly increase the prosecution of local firearms offenders, and in some cases, these offenders can be incarcerated up to 20 years, thus greatly reducing gun violence in your community.

Title 18, Sections 921 through 930, of the United States Code contains all firearm-related federal laws. Specifically, Section 922, also known as the Gun Control Act of 1968, governs firearm commerce and prohibited possessors. According to this section, interstate and intrastate commerce of firearms must be channeled through federally licensed dealers, who must follow federal and state commerce laws, and who may not sell (or "transfer") a handgun to anyone under 21 or a long gun to a person under 18. Regulations included in Section 922 that local and state law enforcement should become familiar with are outlined below*.

Lying on an ATF Form/to an FFL

Title 18, United States Code, Section 922(a)(6)

It is unlawful for any person

- 1) in connection with the purchase/acquisition, or
- 2) attempted purchase/acquisition

of a firearm to make false oral or written statements or to provide false, fictitious identification, which is likely to mislead, to an FFL as to a fact effecting the lawfulness of the sale (e.g. lying on an ATF Form 4473—Gun Transfer Record.)

Penalty: Up to 10 years imprisonment and/or a \$250,000 fine per offense.

* Note: Comprehensive listing of all federal firearms violations can be found in the United States Code, or outlined in the ATF's Federal Firearms Reference Guide [ATF P5300.4 (01-00)] available through your local ATF office.

Burglary or Robbery of an FFL

Title 18 United States Code, Section 922(u)

It is unlawful for any person to

- 1) steal, or
- 2) unlawfully take away from an FFL/FFL's place of business

any firearm in the FFL's business inventory.

Penalty: Fined or imprisoned not more than five years per offense.

Prohibited Persons

Title 18, United States Code, Section 922(g)

It is unlawful for the following people to possess any type of firearm or ammunition that has traveled in interstate commerce (across state lines):

- convicted felons,
- fugitives,
- persons pending indictment for a crime punishable by more than one year imprisonment,
- persons adjudicated mentally ill,
- certain misdemeanor domestic violence offenders,
- subjects of restraining orders,
- dishonorably discharged members of the armed forces,
- illegal aliens, and;
- unlawful users of controlled substances

(Note: Most guns and ammunition have, at some point, traveled in interstate commerce. Meeting the criteria for interstate commerce can include transportation of the weapon across state lines by the possessor, or travel across state lines of the firearm, frame or receiver during or subsequent to its manufacture.)

Penalty: Up to 10 years imprisonment and/or a \$250,000 fine per offense.

Mandatory Minimum for Career Criminals

Title 18, United States Code, Section 924(e)(1)

Mandatory imprisonment of not less than 15 years for anyone

- 1) who violates Section 922(g) (prohibited persons), and
- 2) who has three prior state or federal convictions for violent felonies or serious drug offenses including extortion, burglary or arson, or an offense involving the use of explosives.

Penalty: This statute does not allow for parole, probation, or early release. In addition, the statute provides for a discretionary fine of \$250,000.

Using a Firearm in the Commission of a Felony
Title 18, United States Code, Section 924(c)

Whoever,

- 1) during and in relation to any crime of violence or drug trafficking crime,
 - 2) for which he may be prosecuted in a court of the United States,
 - 3) uses or carries a firearm or who, in furtherance of any such crime, possesses a firearm,
- is subject to the following penalties:

Penalties: The offender, in addition to the punishment provided for the crime of violence or drug trafficking crime, shall be sentenced to a consecutive term of not less than five years imprisonment:

If the firearm is *brandished*, a consecutive term of imprisonment of *not less than 7 years*;

If the firearm is *discharged*, a consecutive term of imprisonment of *not less than 10 years*;

If the firearm is *a short-barreled shotgun or rifle or semiautomatic assault weapon*, a consecutive term of imprisonment of *not less than 10 years*;

If the firearm is *a machine gun, destructive device, or equipped with a silencer*, a consecutive sentence of imprisonment of *not less than 30 years*.

Stolen Firearms
Title 18, United States Code, Section 922(j)

It is unlawful for any person to knowingly

- 1) receive,
- 2) possess,
- 3) conceal,
- 4) store,
- 5) barter,
- 6) sell, or
- 7) otherwise dispose of

any stolen firearms or ammunition that are shipped or transported across state lines either before or after being stolen.

Penalty: a fine or imprisonment not greater than 10 years.

Regulatory Enforcement

Regulatory enforcement efforts are of paramount importance in reducing the flow of firearms to criminals. Firearms come from a legitimate stream of commerce. If the legitimacy of that commerce is maintained through enforcement of the rules that regulate it, illegal purchases and transfers should decrease. Enforcement of regulations may have an even stronger impact on

reducing trafficking than investigations, thus local law enforcement should get to know FFLs in their community and seek their cooperation in preventing the diversion of firearms into illegal markets. (For a further discussion of working with firearms dealers, see Chapter 6 Firearms Trafficking and Illegal Markets.)

The Crime Act of 1994 legislated that gun dealers must be in compliance with state and local regulations, in addition to federal regulations. This means that if a dealer is not in compliance with state and local regulations, the license can be taken away and the dealer put out of business. This allows officers to focus on a smaller number of FFLs.

One of the most important regulatory requirements for FFLs was addressed in the Brady Act. The Brady Handgun Violence Prevention Act of 1993 amended the Gun Control Act of 1968 to require federally licensed dealers (FFLs) to perform background checks on prospective handgun purchasers to ensure that the firearm transfer would not violate federal or state law. In 1998, the Brady Act required the creation of the National Instant Criminal Background Check System (NICS). This system allows FFLs to obtain information over the phone or the Internet as to whether the sale of a firearm to a particular individual would violate either state or federal law [18 U.S.C. § 922(g) or (n)]. Within 30 seconds, the NICS checks all available records on persons who are disqualified from receiving firearms and returns an answer to the FFL's query—determining whether a potential buyer may legally purchase a firearm.

The Brady Act

Title 18, United States Code, Section 922(t)

Federally licensed firearm importers, manufactures or dealers may not transfer a firearm to any person

- 1) before contacting the National Instant Criminal Background Check system,
- 2) receiving notice that the person is not in violation of 922(g) or 922(n)
 - a. or three business days have elapsed since initiation of the background check,
- 3) and verifying the identify of the transferee by examining a valid identification document containing a photograph of the transferee.

“The Gun Show Loophole.” However, many firearms are sold second-hand, not by licensed dealers, and large majority of these transfers take place at gun shows. Gun show vendors are often private sellers of second-hand firearms, thus not mandated to conduct background checks or identify prohibited buyers (The gun show market will be discussed further in Chapter 6).

This absence of background checks at gun shows is known as the “gun show loophole” and provides prohibited buyers easy access to firearms. Since the implementation of the NICS, a review of gun show investigations by the ATF revealed that 46 percent of these investigations involved felons buying or selling firearms (ATF, 1999). Many bills have been proposed to close this loophole in the Brady Act. Most recently, H.R.2377 and S.890, the “Gun Show Loophole Closing and Law Enforcement Act of 2001,” which, as it states, would require criminal background checks of all purchasers of firearms in all venues (S. 890, 2001). (See Appendix 2 for a summary of 2001 and 2002 proposed gun bills.)

Importance of Federal Firearms Laws

While state and local law enforcement officers are well versed in state firearms laws, they may not be as familiar with federal firearms laws because they are not responsible for enforcing them. Federal law is one tool law enforcement officers can use to curb the flow of firearms to criminals, because it specifically addresses the interstate aspect of firearms trafficking. In addition, under federal sentencing guidelines, offenders in some circumstances will be subject to greater penalties. For example, while carrying a concealed weapon might only be a misdemeanor violation under state law, federal law could carry a 15-year mandatory sentence under 924(e). Federal case prosecution, and the stiffer penalties associated with federal law violations, are an effective way to remove violent offenders from your community for longer periods of time and to demonstrate law enforcement's intolerance for gun-related violence. It is also important to be aware of these laws, so if you become privy to information that may be relevant to a federal investigation, you can assist the ATF or other federal law enforcement agency. As a general rule, if you suspect a federal firearms law has been violated, contact your local ATF.

Interaction of Federal, State, and Local Laws

State and local laws cannot be in conflict with the federal law, yet there may be an overlap in state and federal laws such that they prohibit the same activity. In this case, concurrent jurisdiction exists and either authority can bring charges against the suspect.

Interaction of State and Local Laws

Localities may also enact ordinances that further regulate firearms within their jurisdiction, unless preempted by the state's law. State law may or may not preempt local authorities from enacting regulations on firearms, or may just preempt the locality from enacting specific types of regulations. If a locality is not preempted, the only requirement is that the ordinance not conflict with the state law. This means that the ordinance can only be more restrictive. For example, a state might prohibit anyone under the age of 18 from purchasing a handgun. A local ordinance of a city in that state might prohibit anyone under the age of 21 from purchasing a handgun.

In recent years, there has been a trend for states to institute a complete preemption of firearms laws. When this occurs, the existing local ordinances are often "grandfathered." This means any existing ordinances in effect prior to preemption by the state will remain valid.

Working with the United States Attorney's Office

The success of many gun violence reduction programs during the past five years has been attributed to the collaboration between local law enforcement and U.S. Attorney's Offices (USAO) enabling enhanced sentencing of violent offenders who violate both federal and state firearm laws. While some states don't have as many firearms laws as others, working with the USAO can ensure the prosecution of offenders who continually violate firearms laws. Targeting and prosecuting the most violent, or repeat criminals makes an example of their behavior and demonstrates the high price of carrying or using a gun to other potential offenders. Federally prosecuting these criminals can ensure maximum punishment for these persons, removing them from the state for five years at the minimum. Through Project Exile and similar programs, violent offenders who violate firearms laws are prosecuted swiftly, narrowing the time gap from arrest to sentencing. Quickly prosecuting these offenders

increases the impact of the sentence on others in the community who may consider violating federal firearms laws.

Finally, as with working with local and state prosecutors, developing a close working relationship will inform law enforcement officers of the federal law violations to look for, offering more tools to enforce the law, and help officers in preparing the evidence in a case. Working with federal prosecutors familiarizes officers with the elements of a violation and level of proof required for prosecution, thus avoiding the frustration that can result when cases are rejected for federal prosecution.

Determining who will Prosecute

Determining which authority will prosecute a gun crime is an important issue for law enforcement. The violation, types of evidence, and the criminal history of the offender are considered in determining who will prosecute the case. The decision will ultimately be based on several factors, including: politics, available resources, and the penalties required by each level for the violation. A state or local jurisdiction may conduct an independent or joint investigation with the federal government, ultimately turning the case over to the federal level for prosecution because the penalties are higher. States and localities participating in programs such as Project Exile turn over all cases that meet a certain criteria to their U.S. Attorney's Office for prosecution. Developing good working relationships with your federal, state and local prosecutors, and developing an understanding of the types of cases each authority is best suited to handle will ultimately help in determining who should prosecute the case.

CHAPTER 6—Firearms Trafficking and Illegal Markets

The importance of investigating firearms trafficking as way to reduce overall gun-related crime cannot be overstated. Firearms trafficking poses a significant threat to public safety and by understanding and working to stop illegal firearms trafficking, law enforcement can help prevent the use of the interdicted firearms in other crimes. This chapter will present patterns of behavior characteristic of firearms traffickers and the mechanisms of firearms trafficking. This information is useful in conducting investigations of these operations. New research on illegal gun markets, such as Internet gun trafficking, and recent investigation systems innovations such as the National Instant Check System (NICS) and the National Integrated Ballistics Information Network (NIBIN), and the analysis capabilities of the NTC are included.

Identifying Firearms Trafficking Patterns

Firearms trafficking is broadly defined as “the acquisition of firearms for the principle purpose of making firearms available to criminals, juveniles, and/or people where state and local laws limit the availability of firearms” (ATF, 1997). The continued presence of illegal markets and those willing to divert firearms from legal markets, or “firearms traffickers,” ensures firearms will continue to be diverted from legal markets.

The Firearms Trafficker

In general, two main factors influence firearms traffickers: basic human nature and economic theory. Basic human nature tells us people will follow the path of least resistance and attempt to avoid risk wherever possible. Economic theory predicts that if state and local laws create a dry zone—low supply but high demand—enterprising individuals will seize the opportunity to supply that demand. Therefore, guns originate in source areas and are trafficked to market areas. A source area may be characterized by some or all of the following:

- 1) a high number of FFLs,
- 2) lenient state or local gun laws,
- 3) proximity to urban centers, states or local areas with strict gun laws, or other places with a high demand for guns, and
- 4) areas with little enforcement of gun laws and regulations.

The principal markets for these source areas are often large urban areas with restrictive gun laws and/or areas with high existing crime rates, especially crime rates reflecting a high-level of drug-related crime.

Trafficking Patterns

Trafficking corridors are paths that connect locations with an abundant supply of firearms (source areas) to areas with a high demand (market areas). For example, Interstate 95 is a well-known trafficking corridor involving many East Coast states. This corridor connects rural areas in states with relatively lax gun laws to urban areas and large cities, including Richmond, Washington, DC, Baltimore, Philadelphia, and New York City. When law enforcement officers stop vehicles on these trafficking corridors, there is a much higher risk of encountering an armed and dangerous firearms trafficker. If officers are aware of these corridors, and the flow of firearms from source areas to market areas, they can be more alert to trafficking and

better prepared to protect themselves. This awareness also leads to better enforcement, apprehension, and suppression of firearms trafficking.

Once trafficked guns reach their destination, they are illegally sold or traded to criminals, gang members or others. The critical influence of firearms traffickers is the ability to supply weapons to a large number of people who have criminal, violent intent, or who might not have ready access to them, including felons, children, or illegal drug users.

Methods of Transportation

Trafficked firearms are transported from source to market areas in many ways including:

- by automobile, sometimes concealed in areas of the vehicle that have been specially altered or modified to hide firearms, such as armrests, spare tires, seat backs, etc. Traffickers may be armed or have immediate access to the weapons, making this mode of transport especially dangerous for officers;
- by train, where there are virtually none of the security measures found in airports;
- by airplane, concealed in checked baggage;
- by boat;
- by bus, carried by the straw purchaser or unsuspecting associate of the trafficker; and
- by U.S. Mail, Federal Express, UPS, and other shippers/carriers.

Theory of Trafficking

Mark Kraft, ATF Special Agent and Director of the Project Safe Neighborhoods Program, uses the “barbecue theory” to explain trafficking patterns. If a person wants to build a barbecue and the bricks needed are in the neighbor’s backyard, that person will likely carry one or two bricks at a time and make numerous trips. If, however the bricks are a few miles away, the person will likely use a truck and make a single trip.

Likewise in trafficking, people will transport only one, two, or three guns at a time, if the market area is close to the source area. There is less risk of attracting attention if they get caught, and they stand to lose only a few guns, or a little money, and face smaller penalties if they get caught. If the market is nearby, the trafficker can always return to purchase more firearms. If, however, the trafficker needs to travel farther for the guns, they are more likely to take more weapons on each trip, risking more, but for a greater benefit.

This theory suggests that when law enforcement officers encounter trafficking suspects traveling greater distances, they will be more likely to find large quantities of guns. For example, when searching a vehicle on I-95 in New Jersey, that is occupied by New York residents, one of whom has a Maryland identification card, as well as a New York driver’s license, the officer may be looking for five, 10 or 20 guns, not just one or two. If the traffickers have taken the time and risk to travel that far, they are likely to have a significant number of weapons.

On the other hand, when the market area is close to the source area, traffickers will be seen with only one or two weapons at a time. Although this case may not seem as important as a case involving larger quantities of guns, this type of trafficking is more common and as a result contributes to the largest proportion of weapons to criminals. Law enforcement officers

should not overlook cases involving small numbers of firearms if they hope to have a significant impact on trafficking. Further, a small seizure can lead to the identification of a major trafficker.

It is also true that trafficking of firearms in any number, small or large, poses a significant threat to officer safety. A single firearm can cause significant harm, injury or fatality. Officer safety, again, is the most important reason to exercise caution while investigating these cases.

How Traffickers Obtain Firearms: Illegal Gun Markets & Purchases

Though almost all guns originate in legal markets, the vast majority of crime guns are diverted to illegal markets prior to crime involvement. Firearms are diverted to illegal markets several ways, most commonly by theft, straw purchases, illegal activities of legitimate firearms dealers, and through secondary markets. Secondary markets can include personal transactions through advertisements on the Internet and in newspapers, and other activities such as trading guns for money or guns for drugs. These activities are often determined by the types of firearm laws in the area and the presence of other types of criminal activities such as drug dealing and gang-related violence.

Federal Firearms Licensees (FFLs)

One of the avenues through which trafficking occurs is Federal Firearms Licensees (FFLs). FFLs, or licensed gun sellers, include retail firearms vendors, pawnbrokers and residential dealers. These individuals have access to large numbers of firearms, and are frequently the original legitimate sources for firearms subsequently diverted to the illegal market via thefts, straw purchasers, and unlicensed gun show sellers. FFLs or employees of licensed establishments participate in diverting firearms to illegal markets by theft, selling to straw purchasers, or selling “off the books,” and by not filling out ATF forms or records properly or at all. FFLs may also fail to record received firearms as inventory, or remove firearms from inventory and deliberately report them “stolen.”

The cooperation of even a few corrupt FFLs or their employees can significantly increase the amount of illegally trafficked firearms. While studies show most firearms dealers are legitimate, the small number of corrupt dealers enabled large numbers of firearms to be diverted to illegal markets. The ATF reports FFLs are involved in fewer than 10 percent its trafficking investigations, yet the corrupt dealers who were involved in investigations were associated with nearly 40,000 illegally diverted firearms tracked in a two-year period. These dealers also yielded the highest average number of guns per investigation—350 guns (Buckles, 2000).

Firearm Theft. Thousands of guns are stolen from citizens, firearms manufacturers, FFLs and interstate shipments annually. Theft occurs from homes, businesses, and vehicles. Burglary of gun stores and other location licensed to sell firearms often occurs in the form of “smash and grabs,” where burglars smash the front window of the store and take as many guns as possible before law enforcement can respond to store alarms. As of December 2001, the National Crime Information Center (NCIC) database contained records on 2,397,377 stolen firearms (FBI Criminal Justice Information Services Division, 2002). Stolen and illegally obtained

firearms are recovered from violent crime scenes, drug traffickers, and even children at schools.

Straw Purchases. As previously defined, straw purchases involve the a firearm purchase by an individual (the straw purchaser) who purchases the firearm for another person, with the purpose of concealing the second person's identity. Straw purchases are a common method of directly diverting firearms into the hands of prohibited persons. As the majority of recovered crime guns have a very short "time-to-crime" (time it is sold by the dealer to recovery by law enforcement), it may be inferred that many of these guns were obtained in straw purchases. Straw purchasers very often are family members or significant others of the prohibited individual, though some straw purchasers may just be a stranger seeking to make quick money, often for the purchase of alcohol or drugs.

Gun Shows. Gun shows provide a method for prohibited persons to acquire a large amount of firearms and ammunition without being subject to a background check. Unless the guns show dealer is a licensed FFL, there are no requirements for the dealer to check the prohibited purchase status of their customers. State and local laws may regulate gun shows, but to date, there is no federal regulation of this market. Many new proposed bills demonstrate the concern that many gun violence prevention specialists and activists have regarding the lack of regulation in this market.

Newspaper Transactions. Newspaper transactions are also largely unregulated by law. In most jurisdictions, any person can list an ad to sell a firearm. Like at a gun show, prohibited persons can purchase a firearm without being subject to a background check. As many sellers are private citizens, they may even be unaware of the types of individuals prohibited from purchasing a firearm. In some cases, undercover law enforcement officers respond to these ads to determine whether the individual may, in fact, be selling firearms illegally. Persons selling firearms illegally through newspaper advertisements (and other unregulated markets) may include a dealer selling of the books, an individual selling a large quantity of firearms or stolen firearms, or a person knowingly selling firearms to prohibited persons.

The Internet—The New Gun Market. With the recent boom in technological innovation has come a new market for illegal firearms transactions: the Internet. This forum, essentially unregulated and anonymous, provides the perfect environment for firearms trafficking. Here, individuals can meet and conduct business discreetly, under assumed names, and in a manner that avoids most federal regulation. Such conditions, unfortunately, make it extremely difficult for the ATF to track or trace sales of firearms over the Internet. Law enforcement must keep the possibility of an Internet transaction open when conducting investigations and generally be aware of the threat this forum poses as an open playing field for firearms trafficking.

The Internet Trafficking Act of 1999 was a bill introduced in both houses of Congress to create a new regulatory framework that would ban anyone other than FFLs from conducting sales of firearms over the Internet. If a FFL arranged a non-inventory sale, a transaction between two other parties that did not involve their own merchandise, there would be a very extensive and complicated set of procedures to follow. Furthermore, the Treasury Department would have full regulation-making abilities to request information from the FFLs that they

would then have to provide. Clearly intended to discourage rather than ban firearms sales over the Internet, the Internet Trafficking Act of 1999 was never passed and has not been reintroduced. To date, there are no plans for similar legislation in the near future. Thus, the Internet remains a wide-open and unregulated market for illegal firearms transactions.

Mail Order Firearms. Prohibited persons may also obtain firearms legitimately through the mail, by ordering parts of a gun and assembling it upon receipt. The availability of mail order firearms or firearm parts is enhanced by increased use of the Internet as a marketing tool.

Other Unlicensed Sellers. Other unlicensed sellers (legal or illegal) refer to any person, other than an FFL, that sells firearms.

CHAPTER 7—Firearms Trafficking Investigations

Federal law states a person can transport a firearm from any place or state where a weapon is legally possessed to another place or state where it may also be legally possessed. Thus, driving from Georgia to Massachusetts with a truckload of secured, unloaded weapons is not, in and of itself, a crime. A more detailed investigation will be needed to uncover evidence that firearms trafficking is occurring. This section explains the role of state and local law enforcement in firearms trafficking investigations and identifying signs indicative of trafficking operations, explains what information is useful in these investigations, and provides ways to proactively obtain information from suspected traffickers.

Role of State and Local Law Enforcement in Investigations

Although many believe firearms trafficking is solely a federal issue, state and local law enforcement officers play an important role in these investigations. State and local officers are so important because they are often the first contact with the person in possession of the firearm. This places them in a unique position to gather information essential to case investigations. When this information is shared with other local, state, or federal investigators, law enforcement also acts as a collaborator on other cases. Their information may start a new case process or fit into an ongoing investigation. Last, because the majority of trafficked weapons are recovered in local crimes by state and local law enforcement agencies, they can initiate the process of obtaining additional information about firearms, such as tracing them through the National Tracing Center to generate information vital in eliminating trafficking operations.

Important Information in Trafficking Investigations

As stated above, state and local law enforcement gather critical information just by performing their duties. In patrol cars, out walking the beat, and during neighborhood group meetings, law enforcement officers often acquire information about citizens' concerns or things citizens have witnessed or overheard related to firearms. Although officers may not have enough information to proceed with an investigation, the information they hear may raise a red flag.

There is a wide variety of information that is useful in uncovering trafficking investigations. This information is often encountered as part of a routine investigations—the officer may just need to know what to look for and what it means. The following lists the types of situations state and local law enforcement may encounter and what information they can yield in terms of firearms trafficking.

- ***Felons/Youth with Firearms:*** When encountering felons or youth with a firearm, officers should ask where he or she obtained the weapon, as well as initiate a firearm trace. It is likely the person obtained the firearm illegally, presumably through a firearms trafficking operation. Because felons are prohibited from purchasing weapons, the individual must have obtained the weapon through a straw purchaser, theft, unlicensed gun dealer or by using false identification.

- ***Straw Purchaser:*** When a law enforcement officer encounters a person who has purchased many weapons in a short amount of time and knows nothing about them, purchased weapons and no ammunition, or reported firearms stolen shortly after purchasing them, this person may be a straw purchaser. Ask what happened to the guns and where the individual who has the guns can be located.
- ***Pattern in Recovered Firearms:*** If a law enforcement officer or investigator notices a certain type of weapon is being recovered in crimes more often, or a large number of recovered weapons have obliterated serial numbers, this indicates those weapons may be illegal trafficked. Large numbers of the same type of weapons, particularly if it is one of the most frequently trafficked, can indicate an illegal source of firearms is operating in your area. Weapons with obliterated serial numbers are a clear trafficking indication, as obliteration is done specifically to eliminate the possibility that the weapon's origin can be traced. Always attempt to have the serial number resorted and trace the firearm through the NTC. If you seize the firearm from a person, try to find out where the gun was obtained. As it is federally prohibited to knowingly carry a firearm with an obliterated serial number, ask the person whether they obliterated the serial number on the gun. Both a "yes" and "no" answer indicate they knew the serial number had been obliterated.
- ***Unconventional Means of Selling Firearms:*** When an officer is told about individuals selling weapons from their homes or other unconventional locations (such as out of their car trunk), this is an indication that these individuals may be selling weapons illegally, without the proper licenses or paperwork procedures. Selling from unconventional locations (and without a license) is not a violation in itself, unless profit from the sell of firearms makes up a significant portion of the persons income.
- ***Firearms and Ballistics:*** When investigated thoroughly, firearms and ballistic evidence recovered at a crime scene can be important in identifying trafficking operations. This evidence can be linked to traffickers through fingerprints and/or similarities with firearms or ballistics recovered in other crimes. Always trace firearms and submit cartridge cases and recovered bullets to the National Integrated Ballistics System for analysis.
- ***Materials from Gun Shops:*** When encountering receipts from gun shops along with gun lists, gun purchasing forms containing false names with nonexistent address, or empty gun boxes, officers should be aware these materials are consistent with firearms purchases made for the purpose of trafficking.
- ***Identification Irregularities:*** When encountering a vehicle whose occupants are from an out-of-state market area and who either possess newly issued driver's licenses, non-driving identification cards, or have multiple state information, officers should be aware that these identification irregularities are

used for the purpose of purchasing weapons in a state where the purchaser is not a resident—a clear violation of federal statutes.

The situations and pieces of evidence listed above may indicate firearms trafficking operations and may often be overlooked by law enforcement officers untrained in their significance to firearms trafficking. While these pieces of information alone may not indicate trafficking, in combination with each other this information may be helpful in identifying illegal firearms purchases.

Additionally, this information may not always come to the attention of state or local law enforcement. There are several proactive means to acquire this information and build upon it.

Proactive Investigative Techniques

There are several ways officers can actively obtain information that reveals possible trafficking violations:

- Identify and check the criminal status of people in possession of a firearm.
- Request a consent search of the vehicle, premises or person (have consent forms on hand).
- If guns have been found, specifically cheaper firearms such as Lorcins or Brycos, collect as much information as you can on them and their origin (serial number, paper trail of receipts, gun shop bags, gun boxes, business cards, etc.) so their origin can be traced or stolen status checked.
- If guns are found, ask the people in possession of the firearm where the gun came from. Additionally get all names of the people, including the possessor. If there is no one “possessing” the gun, list all persons as “associates” and submit this information on the trace form. Should any of these individuals be involved with another crime gun, the previous incident will also be known to whoever is investigating the crime.

Treat all recovered firearms and ballistic evidence as you would any other piece of physical evidence—fingerprint recovery is possible. Also, attempt to raise obliterated serial numbers or send the weapon to an outside facility where this technique is available.

- Inspect the location and condition of the gun to see if statute violations have occurred (e.g., are guns concealed, being carried loaded, unsecured, etc.).
- Interview suspects and witnesses in cases involving guns, including those involved in narcotics cases. The intent of these interviews is to learn as much as possible about the weapon, such as where the person purchased the weapon, from who, and how long ago. Another tip is to ask about current drug use. Many times individuals will admit to current drug use without realizing drug use prohibits them from owning a gun. This

information could be used as leverage to uncover additional information about the gun and where it was purchased.

- Trace all recovered guns through the National Tracing Center. List as much information as possible on the trace form, including location the gun was recovered, type of crime it is associated with and all possessors or associates of the gun.
- Investigate firearms theft reports made by individuals or dealers. In some cases a straw purchase may have occurred or the guns may have been sold “off the books.” For example, interview the individual who reports the gun as stolen to discover if they know the make, caliber and serial number, and how much the gun cost. This inquiry may aid in determining if the person reporting the gun stolen is really a straw purchaser trying to hide their affiliation with a trafficker.

These investigative techniques are designed to provide the officer with probable cause for arrest and/or confiscation of the firearms. At the very least, when encountering situations suspected of involving firearms trafficking, the officer should exercise extreme caution, because firearms may be nearby and involved people may feel nervous or threatened. If the officer does have probable cause to suspect a statute has been violated, the suspect may be arrested and the evidence seized. Proper evidence collection procedures should be used to preserve any possible fingerprint evidence. Even if there is no probable cause to arrest, the information collected may still be vital to future investigations, to the ATF, and to help stop firearms trafficking.

Working With Dealers to Develop Investigative Leads

Several states have joined forces with ATF to increase compliance with federal and local regulations in an effort to weed out those dealers who may be trying to get a license for unlawful purposes. One way this is accomplished is for a team of local law enforcement and the ATF to contact all new and renewal applicants for FFLs to explain the nature of compliance with licensing. In New York City, as a result of this type of effort, more than half of new FFL applicants decide not to apply. This process is one way to weed out those dealers who are not in compliance with FFL requirements and who may be most likely to work outside of the legitimate stream of commerce, engaging in illegal activity.

Another approach available to law enforcement is to work directly with dealers to help them avoid attracting individuals with criminal intent, such as straw purchasers and thieves. This can be done in the following ways:

1. **Straw Purchases:** Educate dealers about typical activities and actions of straw purchasers to encourage a proactive deterrence approach. Dealers can make it clear they will not tolerate straw purchases by displaying prominent store notices and signs.
2. **Thefts:** To reduce “smash and grabs” and gang thefts, dealers can install security measures that make the store harder to break into, such as pull down metal doors or bars over windows.

Dealers may be concerned this approach will place undue burdens on them. One way to elicit their cooperation is to inform them that illegal purchasers often leave behind a string of problems for dealers, including bad checks, bad credit cards, stolen merchandise, lost time spent working with law enforcement investigations and unwanted scrutiny from those investigators.

Additionally, supplying the illegal market with firearms will ultimately harm legitimate business. In this way, officers can work with dealers and appeal to their business sense. Because it is always in the best interest of the gun dealer not to have one of their guns show up in a crime, many will work with authorities. Increasing the number of legitimate, cooperative, and law-abiding dealers can reduce the overall problem of firearms trafficking. Dealer information resulting from a cooperative relationship can even help you to identify and arrest traffickers.

Should an officer begin to suspect a gun dealer in their area is working outside of the law and the business is licensed under state law, there are state regulatory boards to enforce those licensing requirements. Officers should make the appropriate authority aware of the information, so that further investigation can occur. The answer to the problem may be largely regulatory, which is often cheaper than legal solutions.

Sharing Information

The best way for officers to put collected information to use is to share it with a department investigator, regional task force or an agent in the regional ATF office. To them, the information may be the missing link in a complex investigation, and therefore be vastly more important than it first appears.

When contacting ATF, it is also important for state and local law enforcement officers to know ATF considers their contributions to be valuable. Because pieces of information from widely varying sources can often fit together to form a complete picture, agents welcome all information. In addition, working with a federal agency is good exposure for the officer and allow his or her work to have a wider impact.

Collaboration with the ATF

Collaborations with ATF can provide many benefits to the state or local agency as well. ATF maintains sophisticated laboratory capabilities that can be accessed by law enforcement in case investigations. For example, their laboratories provide forensic analyses not always available in smaller agencies, such as handwriting or document analysis. Further, ATF field offices provide access to eLEAD data, which can help identify trafficking problems in specific jurisdictions. The next chapter will discuss ATF and the NTC's investigative capabilities and technologies in more detail.

CHAPTER 8—National Tracing Center (NTC)

Firearms tracing is the process of tracking the source of a gun recovered in crimes, from the manufacturer to dealer, to the original purchaser. Comprehensive firearms tracing can identify firearms trafficking patterns and sources of large numbers of firearms in your area. Thus, tracing enables officers to view the firearm as an informant. Once recovered, the gun has a story to tell about where it has been and how it reached a crime scene. When every firearm is traced law enforcement gain an understanding of firearms traffickers and the trafficking patterns in their jurisdiction.

Nationally, tracing results in an important database of crime gun intelligence. Searches of this database result in identifying related crimes and can produce investigation leads. This chapter provides a general description of the tracing process, ATF's National Tracing Center, and new innovations, services and programs in the field of firearms tracing. There is also a discussion of the data produced by gun tracing to illustrate important patterns such as "time to crime" and national gun trafficking routes.

The National Tracing Center was established by the ATF as the sole agency responsible for tracing the origin and ownership of crime guns, both those actually used in the commission of a crime and those found at a crime scene. The mission of the National Tracing Center (NTC) is to trace firearms recovered in crimes and to provide around-the-clock assistance to federal, state, local and foreign law enforcement in their criminal investigations. The NTC provides for law enforcement the most proficient and effective tracing methods for researching the movement of firearms. As such, systematic firearms tracking from the manufacturer through the dealer to the purchaser provides investigators with valuable leads in identifying potential violations and suspects.

NTC Services and Resources

The NTC maintains a reference library to identify firearms, firearms manufacturers and importers. Through the tracing process, the NTC contacts manufacturers (foreign and domestic) and/or importers, wholesale and retail dealers for the disposition of the firearm and relays this information to the trace requester. The NTC utilizes this information to identify trends and trafficking patterns that provide investigative leads to the field.

The NTC has a variety of services available to law enforcement officers around the world. NTC databases house trace information from crime guns traced from across the country. This system can provide information about the number of crime guns traced back to a dealer; the number of crime guns traced back to your state; the types of guns being traced by your state; the number of traces to an individual; multiple sales information; and stolen gun information. Below is a description of the NTC's databases.

EEL/Interstate Theft Database—contains information from dealers about stolen firearms and information about firearms stolen in transit. The database also tracks the recovery of stolen firearms. This database is useful for identifying trends and links between recovered firearms and a reported theft.

Multiple Sales Database—stores data on multiple sales of handguns from the same dealer within five business days. A helpful tool to link individuals with guns recovered in crimes and is helpful in identifying straw purchasers and firearms traffickers. ATF has determined that individuals, who have made multiple purchases of cheap guns and have had two or more firearms traced back to them, may be trafficking firearms. Therefore, if a traced firearm is part of a multiple sale, further investigation is needed.

Suspect Gun Database—contains descriptions on firearms related to trafficking investigations. The information is stored in this database so investigators are alerted if their suspect guns are recovered and traced. For example, if there is an FFL theft in your area, you can obtain gun descriptions from the dealer and enter the descriptions into the suspect gun database. When or if the guns are recovered and traced, you will be notified and will be able to contact the officer/agent who initiated the trace. This information will tell you where your guns are recovered, what crimes were committed and who is involved—which may lead you to the thief.

Note: You must first contact ATF to enter a gun into this database because NTC needs an investigation number for verification.

- **Suspect Names**—Stores information on individuals who are under investigation in order to detect if guns are traced to them in the future or if the suspect makes future multiple sales purchases.
- **FTS Queries**—NTC can initiate a query on FFLs or individuals to determine how many firearms have been traced back to them, the types of crimes committed and suppliers of the firearms.

A successful gun trace can help law enforcement solve a crime, for example, by establishing a link between the crime weapon and a specific suspect. Recently, state and local law enforcement agencies have also begun to use tracing to develop information about the illegal gun markets. Such data is collected by compiling the information from numerous crime gun traces, analyzing them, and identifying patterns. This analysis is conducted by the Crime Gun Analysis Branch (CGAB) of the NTC, and provided to state and local law enforcement. Armed with this information, law enforcement can facilitate investigations of corrupt FFLs, straw purchasers, and other traffickers.

Annually, the CGAB compiles all this information for YCGII sites, and for other law enforcement agencies upon request. The CGAB has been increasingly active in responding to requests from law enforcement agencies for assistance in their investigations, regulatory inspections, and in developing strategic overviews of their local crime gun problems. For example, in 1999, the CGAB responded to 30 crime gun mapping requests, 130 requests involving traced crime guns, 650 requests concerning individuals, and 600 requests concerning FFLs. CGAB also provided 230 productive leads to investigators on alleged illegal firearms traffickers and performed 20 presentations on crime gun trace analysis to selected YCGII sites. ATF, 2000b).

National Tracing Center Programs

eLEAD. Project LEAD (now known as eLead), is an automated illegal firearms trafficking information system that links information gathered by the ATF's NTC. This system was developed by the ATF in 1991 to assist law enforcement in targeting illegal firearms traffickers. By January of 1996 Project LEAD was fully deployed in all of the ATF's field divisions. This program assembles information gathered from crime gun traces, multiple purchase information, and other associated databases compiled by the NTC. Law enforcement agencies can use Project LEAD to find recurring patterns that point to potential illegal firearms traffickers, including dealers, interstate and intrastate traffickers, and straw purchasers. Such patterns, known as firearm trafficking indicators, give investigators clues as to prolific trafficking individuals and areas. These investigative leads help law enforcement to identify and focus on areas where they can have the most impact on illegal firearms trafficking and armed violent crime. Continuously being improved and updated, Project LEAD is a key investigative tool and the cornerstone for a new federal, state, and local enforcement strategy against illegal gun trafficking.

One of the most significant recent additions to the Project LEAD system is the implementation of a web-based version of the program. Using eLEAD, all ATF locations have instant access to nationwide crime gun information. Furthermore, all traces conducted are added to the database within 24 hours of the trace's completion. Available only through the ATF's field division offices, law enforcement officers can call their local ATF and request a search using eLEAD. In some areas, with permission, an officer can do the search themselves at the ATF field division.

eLEAD offers investigators quick access to all of the NTC's databases and there are many potential uses of this investigative tool. eLEAD allows an investigator to submit queries about suspected crime guns, the number of multiple gun sales over the past two years, or to identify the number of guns traced back to a specific FFL, to name a few. Investigators may also query eLEAD by the name or address of individuals suspected of owning or being affiliated with firearms. This type of query is especially helpful to officers before serving a warrant. Officers may look up the address to see whether firearms have been seized at or near the residence, or whether the person is affiliated with crime guns or multiple sales in the past. In general, the more recovered firearms traced through the NTC, the more complete and clear the local firearms trafficking picture will be for law enforcement officers.

National Integrated Ballistic Identification Network (NIBIN). The National Integrated Ballistic Identification Network (NIBIN) represents a huge innovation in the field of firearms-related crime solving due to its unprecedented ability to automatically search a database for potential matches between recovered firearms and thousands of pieces of evidence, bullets and cartridges, found at crime scenes. NIBIN digitally captures the images of bullets and cartridge cases, stores them in a database, performs automatic computer-based comparisons of the images, and then ranks them according to the likelihood of a match. When a crime gun is recovered, the officers in possession of the weapon can fire it and place the imaging data from the fired bullets and cartridges into the NIBIN system to determine if that same firearm was used in the commission of any other crimes. Similarly, for crimes where only bullets or cartridges are recovered and not the firearm itself, data can be entered so that when the gun is

eventually recovered it can be linked back to the original unsolved crime. The NIBIN system is useful for investigating firearms trafficking because it goes above and beyond the capabilities of normal tracing routes, which can only return information on individuals who sold or possessed the gun, and fills in the gaps of what happened to the firearm between its original sale to its recovery at a crime scene.

Another new ATF project is the restoration of Obliterated Serial Numbers. Working with police departments and law enforcement laboratories, the ATF works to restore obliterated serial numbers on crime guns to expedite the investigation process. To supplement this program, the ATF has developed a three-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.

Also, the ATF has recently implemented eZ Check, an online Federal Firearms License authenticator website that FFL dealers can use to confirm that they are in fact shipping firearms only to other FFLs, in compliance with federal law (U.S.C. 18, § 923). Since some individuals may try to alter copies of a license to acquire firearms illegally, eZ Check is a quick and simple way for FFLs to verify the legitimacy of the license of the person they are conducting business with before the shipment of any firearms. With this program, when a licensed dealer is running a check through the website to verify the purchaser's license information, if the provided license does not match the information returned by the eZ Check system, the program will instruct the FFL to abort the sale and contact the NTC. The same system is available for those FFLs without Internet access by calling the NTC to verify a license.

RCGCs. The ATF has also recently established Regional Crime Gun Centers (RCGCs). The RCGCs were created by the ATF to channel strategic information through cutting-edge technology for expert analysis by federal, state, and local law enforcement officials. These centers operate 24 hours-a-day, record and transfer daily firearms data to the National Tracing Center, conduct daily analysis of trace data to identify gun traffickers, and disseminate investigative leads to law enforcement agencies. RCGCs also coordinate with the High Density Drug Trafficking Area (HIDTA) to identify armed drug traffickers and their sources of crime guns. Representatives of the RCGC will also respond to crime scenes to help investigate and gather information for processing. Law enforcement agencies can contact their local RCGC for answers to questions about crime guns such as the following:

- What kind of firearm was used?
- Where did it come from?
- How was it obtained?
- How did it make its way to the crime scene?
- Has it been involved in a shooting before?

Furthermore, RCGCs have direct access to numerous databases and intelligence resources such as the following:

- eLEAD

- Firearms Tracing System
- Treasury Enforcement Communication System (TECS)
- National Instant Check System (NICS)
- Suspect Gun Database
- ORACLE Discoverer
- Firearms Mapping

The New York/New Jersey Regional Crime Gun Center, established in 1999, was the first center in the nation to open. The Chicago Division RCGC, which opened its doors in 2001 in response to the overwhelming amount of illegal firearms trafficking affecting the Midwest United States, was soon to follow.

As more Regional Crime Gun Centers are opened in areas with high rates of illegal gun trafficking and recovered crime guns, federal, state, and local law enforcement will have a valuable resource to coordinate with. The RCGCs have an abundant amount of resources and with the up-to-date information technology these institutions possess, law enforcement agencies will be able to decrease the time of their investigations, identify local trafficking trends and apprehend offenders more quickly and efficiently through the use of these centers. RCGCs will be at the forefront in identifying, preventing, and prosecuting firearms traffickers and firearms related offenders.

Tracing and Emerging Trafficking Patterns

As more and more information has been collected through conducting crime gun traces and compiled into massive databases that are then put through intense analysis, several patterns of gun trafficking have become apparent. The first type of major pattern involves the movement of illegal firearms through the nation. In general, such firearms travel along two main south-to-north trafficking routes. One of these routes typically follows I-95 along the United States East Coast, with guns coming from rural areas in southern states such as Virginia and South Carolina to major cities including Washington, DC, Baltimore, Philadelphia and New York City. The other main route moves from those same rural southern areas to major cities in the central part of the United States: Memphis, St. Louis and Chicago. Though these major trafficking routes do exist, the vast majority of illegal guns remain close to their point of origin. In fact, law enforcement officials recovered approximately 62 percent of all traced crime guns in the state where they were originally purchased from a FFL (ATF, 2000b).

Another significant pattern in firearms trafficking is a concept known as “time to crime.” This measurement, the length of time that passes between a firearm’s first retail sell by a FFL to its recovery as a crime gun by law enforcement, can be a significant clue utilized to identify potential traffickers. Fifteen percent of the crime guns recovered in 1999 had a “time to crime” of 12 months or less; half of the recovered firearms had a “time to crime” of 5.7 years or less (ATF, 2000b). When compared to the average self-reported ownership length of a firearm of 13 years, these time periods are relatively short (ATF, 2000b). “Time to crime,” then, can be a useful piece of information for investigators. Extremely short “time to crime” periods, generally those that fall within the first 12 month category mentioned above, imply that the gun was obtained, probably fraudulently, specifically for the purpose of committing a

crime. Investigators should key in to such clues, and examine cases such as these for possible traffickers. See below for additional firearms trafficking facts that have emerged from the analysis of trace data.

Fast Trafficking Facts*

*Semiautomatic pistols are used more frequently in crimes than any other types of firearms and account for half of all traced guns.

*Newer guns, those manufactured in the United States between 1993 and 1999, account for more than half of all guns traced in YCGII.

*Approximately 43 percent of all crime guns traced were recovered from individuals under 25 years old, 9 percent of which were recovered from juveniles (ages 17 and under) and 34 percent from youth (ages 18 to 24).

*Only about 11 percent of traced guns were recovered from the original possessors who had purchased their firearms from FFLs. Thus, nearly 89 percent of traced crime guns had traded hands at least once between the original purchase and the commission of the crime.

*(Bureau of Alcohol, Tobacco, and Firearms, 2000b.)

Summary

As demonstrated in this section, analysis of trace reports provides investigators with an abundance of useful information both for their own safety and in the investigation of gun crimes. To begin to use this information, officers and their departments must first begin to trace firearms. Following sections will walk you through the firearms tracing process and discuss how to implement mandatory trace policies in a department.

CHAPTER 9—Tracing Firearms

Departments are helping establish an accurate database to inform national investigations. Tracing can take you to the source of the weapon (the purchaser) and puts you into contact with other agencies in other areas that might share a similar trafficking problem. This section provides information on the importance of tracing all firearms through ATF's National Tracing Center (NTC), the steps involved in collecting information for and submitting trace requests, and how to use the trace information to identify patterns and trends in trafficking.

Whether law enforcement officers seize and confiscate firearms in day-to-day patrol, trafficking investigations, crime scene investigations, drug raids or gun buy-back programs, information on the origin of these weapons can help uncover firearms trafficking operations. These four steps should be followed to track the ownership history of confiscated weapons:

Step 1: Conduct an NCIC check to discover if the firearm was stolen.

Step 2: Many states maintain databases that allow the officer to determine to whom the firearm is licensed, the information contained in these databases differs for each state. Investigators may be able to check the databases in other nearby or suspected states, if the gun is not registered in their own state's database.

Step 3: If steps one and two indicate the person possessing the weapon is not the licensed owner, or are inconclusive, law enforcement officers should investigate how the person obtained the firearm. For example: Was the firearm stolen? Obtained through a straw purchaser? Purchased at a flea market? Or purchased through a corrupt dealer?

To do this, officers must conduct debriefing interviews of all people found illegally possessing guns. These individuals should be asked about where they obtained the gun, what they know about illegal gun sales in the area, etc. In addition, these people may want to provide information. Their information may be used as part of a plea bargain agreement. The intelligence they provide may be more valuable to law enforcement than the misdemeanor arrest is. Completed traces (see step 4 below) of the weapons will help to validate the information received.

This investigation will often reveal information that is important to a firearms trafficking investigation and should be shared with investigators, local task force personnel and the regional ATF office.

Step 4: In all cases, the officer should initiate an NTC trace through ATF of the weapon to provide further information for the investigation.

You will need to submit the following information to NTC:

- Possessor Details;
- Recovery Location;
- Associates;
- Firearms Information; and

- Officer Information.

You could expect to receive the following trace results:

- Where the gun came from;
- If it is a suspect gun, a multiple sale, an FFL/Interstate Theft;
- If there is additional information available such as:
 - How many traces in which the FFL has been involved,
 - If the individual has been involved with other traces, and
 - How many traces the possessor, associate, recovery location, have been involved in, etc.

It is important to conduct NTC traces on all guns, even those that appear in individual state gun registration databases. By tracing these guns, departments are helping establish an accurate database to inform national investigations. Tracing can take you to the weapon's source (the purchaser) and puts you into contact with agencies in other areas that may share a similar trafficking problem.

Case Example: Benefits of Tracing

A firearm was recovered at the crime scene of an officer shooting and you initiate an urgent trace with the National Tracing Center (NTC). The NTC traces the gun to an FFL in Colorado who indicates that the gun was sold to his son. The dealer's son matches the description of your suspect. If the officer had not traced the firearm would he have captured the killer? This was a true case.

Firearms Trace Process

When NTC receives a trace request, the trace is entered into the Firearms Tracing System (FTS) and the databases listed above are searched for any hits. If the firearm is not located in any of the databases a formal trace is initiated. Once the trace is processed the results are sent to the requester.

Obliterated Serial Numbers

If you recover guns with obliterated serial numbers, the NTC encourages you to have the serial number raised and to submit a trace. Ten percent of firearms recovered have obliterated serial numbers, which ATF considers an absolute "intent to traffic."

If you do not have the resources to raise serial numbers but if you know the possessor/associate/recovery location, submit a trace. This information can link individuals to other obliterated serial number information that may help your case.

eLEAD: Putting Your Trace Data to Work

eLEAD performs analysis on crime guns to provide information about individuals and dealers in your area. This information can be used to identify firearms trafficking trends, patterns and develop leads for firearms trafficking investigations. Use this system as you would an informant. Ask it questions, review and verify the information, and develop leads.

eLEAD Data

eLEAD contains the following categories of information:

1. firearms recovered and traced by the NTC, including the purchaser's name;
2. multiple sales of firearms reported by FFLs;
3. names of individuals in possession of a firearm;
4. names of individuals associated with recovery of a firearm, (e.g., if a firearm is recovered from a vehicle, all of the individuals in the vehicle at the time of the recovery are then associated with that firearm);
5. recovery locations of firearms; and
6. suspect guns, or firearms purchased by an individual who is a suspected firearms trafficker or straw purchaser, or firearms being sold illegally by an FFL.

Completing a Trace Request Form

Because it would be impossible for the NTC to physically examine each weapon that requires tracing, a form has been prepared to transmit the relevant information to them. This section provides information on how to complete this form.

- **Select the Trace Priority** (routine or urgent). Urgent traces are requested when the firearm was involved in certain violent crimes (homicide, high-profile incident, etc.) and/or when the trace information is essential to apprehending or holding a suspect. You **MUST** state a reason for the urgency in the "Remarks" section of the form. Routine traces involve all other crimes such as carrying a firearm without a permit, burglary and firearms trafficking.
- **Enter Requester Information.** Provide information about the individual or organization requesting the trace.
- **Describe Firearm.** Provide a description of the firearm you want traced. You must enter complete and accurate information in this section. It may not always be clear which numbers or markings on the firearm constitute the serial number or model number. If this is unclear, note additional numbers or markings in the "other marks" section. *Always* indicate the importer name if the firearm is made by a foreign manufacturer. Because foreign-made firearms are often brought into the United States by several different importers, the specific importer must be specified for an accurate trace. If there is a question about the firearm, (e.g., where do I look for markings, is a model needed, etc.) contact the NTC *before* submitting the trace to ensure accuracy of the information.
- **Enter Crime Code.** The NTC will enter only one NCIC crime code. You must select the code that is most appropriate to your situation.
- **Enter Possessor Information.** Provide information on the individual in possession of the firearm when it was recovered. For the NTC to process the trace, the possessor information section should be completed. If this information is not available, the form must contain a completed recovery section.

- **Enter Associate Information.** Provide information on any individuals present or involved in the recovery scene.

- **Enter Recovery Location.** Provide information on the recovery location and vehicle. This data is valuable for analysis on where guns are recovered and where to concentrate resources.

- **Important Tips.** Always have the gun in hand while completing the trace form, rather than an investigative report or a description of the weapon by someone else.

****If the information you provide is incomplete or incorrect, the form will be returned for corrections, or the information returned to you will be incorrect. There have been cases where incorrect or incomplete information has led to the identification of the wrong owner, causing further delays.

Submitting a Trace Request

After you have completed the trace form, you should fax it to the NTC at 1-800-578-7223. Urgent trace requests should be faxed to the NTC, and followed with a phone call for confirmation. In general, the best way to submit a trace is by using the Electronic Trace Submission System (ETSS), especially if the department submits a large volume of firearms trace requests. The ETSS program is available on CD-ROM from ATF field offices. This database enables law enforcement agencies to enter all trace requests and then submit the trace requests electronically to the NTC.

There are several benefits to using ETSS:

- Ensures that all firearms entered into your current database will be traced;
- Eliminates manually filling out the trace request forms;
- Ability to submit more traces in less time;
- Reduces the turnaround time to complete the trace requests;
- Provides requester with confirmation of receipt; and
- Provides for better accuracy in trace submissions.

Interpreting the Trace Results: Report Contents

The trace results report is sent to you by mail and contains important information for your investigation.

- Information about who sold the gun is provided in the "Dealer Information" section.
- Information about who owns the firearm is provided in the "Purchaser Information" section.
- If there is additional information available about the purchaser, dealer, or on the possessor/associates/recovery location, the trace will indicate that you should contact the local ATF field office to obtain the information.

If you have any questions about the trace report or the results of the trace, contact the NTC.

Using Trace Information

Information received from the National Tracing Center can assist state and local law enforcement officers to identify the nature and extent of trafficking in their area. Officers should take special notice if the trace informs you there is additional information available. The local ATF office or the NTC may have the following information:

- A significant number of firearms are being traced back to a particular dealer or individual;
- The “time to crime” statistic—the time it takes for a purchased firearm to end up as a traced crime gun—is shorter than the average of five years; and/or
- A purchaser resides in a high-crime area.

Law enforcement officers should work with ATF to interpret results and initiate investigations, because ATF might already have information on the problem dealer or trafficker you identified. An officer might spend hours attempting to identify a source dealer or composite profile when one call to ATF could reveal that the offender/dealer is dead or imprisoned.

Learning from Successful and Unsuccessful Traces

While some traces are successful and reveal information about the firearms origin, others are not. If your department only examines successful traces, you may be skewing the understanding of the nature and extent of trafficking in your state. It is therefore important to obtain additional information about all traces (successful and unsuccessful) and analyze them both. Staff at the NTC (1-800-788-7133, ext. 200) can often let you know why certain traces did not succeed (e.g., gun was too old, out-of-business dealer, etc.) to help in this analysis.

Strategic Enforcement Efforts Based on Trace Information

A review of the unsuccessful traces reveals that they are largely due to old guns, which means that these firearms are most likely coming into the criminals’ possession via burglaries or purchases from individuals. On the other hand, analysis of the successful traces indicates a short time-to-crime statistic, which may indicate that firearms involved in crimes are most likely being purchased through straw purchasers.

Summary

This module emphasized the importance of investigating firearms and tracing them through the NTC to eliminate firearms trafficking. The key to ATF’s ability to investigate and reduce trafficking is a complete database of crime guns recovered in the United States. Through eLEAD’s reporting capabilities, searches of this database will enable federal, state and local law enforcement agencies to identify potential trafficking operations and eliminate them. To produce a complete database, it is important for law enforcement to trace all recovered firearms and to submit accurate trace request forms.

CHAPTER 10—Guide for Law Enforcement Executives

Firearms tracing is a tool that will enhance any investigation involving a firearm in a crime or found in the hands of an illegal possessor. Like other forensic evidence, a traced firearm can help solve the crime or at least be able to tell a story about how the firearm arrived in the hands of the offender. Information from a firearms trace will often help in other criminal investigations, and sometimes even assist in criminal investigations in other jurisdictions or states.

For the police executive, comprehensive firearms tracing will show specific trends of where seized firearms are originating from, the movement of firearms in and out of the area, and when and where these firearms are being seized. Identifying these patterns and the original firearm purchasers involved in violent crimes in your jurisdiction provides insight into criminal activity and aids violence prevention programs and enforcement planning. These data can be used for strategic planning groups that are targeting the criminals access to guns, tracking illegal gun dealers, and provide a basis for evaluating the effects of targeted enforcement efforts in high-crime areas. They can also be used to evaluate the effectiveness of local and state gun control laws. Information from these evaluations may justify the need for additional resources from elected representatives (Cook and Braga, 2001).

Once the police executive has decided to enact mandatory tracing, there are several ways to implement these policies, all of which are not labor or resource intensive in comparison to the benefits that will be reaped. Depending on the department, implementing mandatory tracing may be as informal as sending a interagency memorandum to all personnel stating the new policy and procedures—ensuring trace information will be followed up on or routed to the appropriate investigator or other law enforcement agency, if necessary. To determine the procedures for implementing these policies, the following considerations should be addressed.

The procedures for tracing firearms largely depend on the size and type of jurisdiction served, the law enforcement agency's size, and number of firearms seized annually. Often these factors are interrelated and the decisions on how to proceed can be made relatively easy. The size and type of jurisdiction served will often reflect the department's size, and whether the area is a source or market area. A jurisdiction's crime rate, sometimes regardless of its size, will determine the number of firearms seized annually. Also, the most common crime in the area will determine the amount of firearms that are seized and whether these firearms are legally or illegally owned. Departments serving large or small rural areas in source states might seize very few firearms, and those that are seized might be legally owned firearms taken from domestic violence incidents. These departments may choose to have an evidence technician—if available—or the officer on the scene run the firearms trace. Few follow-up procedures for information sharing may be necessary. More urban jurisdictions in market areas, or those areas with high drug- and gang-related violence might seize a large volume of illegal firearms requiring investigators or evidence technicians to conduct the firearm trace. Procedures for sharing trace result information may require weekly or monthly meetings with others within and outside of the department. Those involved might include the crime analysis

unit to map or identify trends in the data and other law enforcement departments, such as the sheriff's department, county law enforcement, police agencies in surrounding jurisdictions, state police, or the ATF. These meetings can help officers use trace data to conduct a more in-depth analysis on trafficking patterns, develop targeted enforcement efforts, and determine if the trace information is related to other solved or unsolved crimes known to enforcement personnel in other departments.

Analyzing Your Department's to Determine Tracing Procedures

In general, the characteristics of the area served, including crime rate and status as a source or market area, and the number and type of support personnel or various investigative units will determine trace procedures. Answering the following questions will help you determine the appropriate procedures for your department and ensure the information from trace results is used effectively:

- Is your area a source or market area for firearms?
- What type of firearm-related crimes do you most encounter?
- How many firearms do you seize annually?
- Will you trace firearms individually, by faxing or mailing in a trace form, or will you enter all trace information into a database and e-mail the information to the NTC on a monthly basis?
- Will patrol officers or investigators be responsible for submitting traces for firearms they seize and following up on the trace information? Does their caseload allow for this effort?
- If a large volume of firearms is seized, do you have support personnel that could assist in entering or submitting trace information and routing returned traces to the appropriate persons?
- If your department is relatively small, or you seize only a few firearms annually, will only one person be responsible for compiling the data, completing the forms and acting on the information that is received from the NTC. Who will be this contact?
- Will you trace firearms that are currently in your evidence vault? Who will review this information and review cold cases for potential leads?
- Will you involve your crime analysis unit in mapping the trace information, or will you request an annual trace report from the NTC? How will annual trace reports be compiled and how will these reports be used?
- Who will be notified of the trace results?

- Will there be a single point of contact or several personnel who will act as liaisons with ATF and other law enforcement agencies?
- How will the information be used for solving crimes or strategic enforcement planning?
- Who will conduct follow up interrogations with illegal gun possessors once the trace data has been received?
- Will the information be used to justify requests for additional resources for the department? Who will compile these reports?

Carefully answering these questions will provide you with direction for outlining your department's firearm tracing procedures. Your local ATF office will help your department and jurisdiction analysis and decision-making processes. Should you have a large volume of untraced firearms in your vault, your local ATF can assist you in tracing these firearms and help guide you through the tracing process. If you seize a large volume of firearms and decide to use a database to e-mail the information directly to the NTC monthly, the database is available on disk from your local ATF office. This disk is free and will work on computers that run versions of Windows 95 and newer (See the Appendix for contact information for your local ATF division).

Conclusion

The flow of weapons to criminals only can be stopped when the weapons' sources are identified. Investigating seized firearms through the suggested investigative techniques in Chapter 7, and utilizing the NTC services to trace these crime guns is a win-win situation. Many of the leads that help the ATF identify major firearms traffickers come from local law enforcement investigations. Working collaboratively with other federal, state, and local law enforcement by sharing information improves the investigative ability of all department officers, and enhances officer safety as they are aware of locations where there is a high probability of encountering armed offenders. For the police executive, firearms tracing can dramatically impact your crime rate, improving the quality of life in your community and others. Comprehensive tracing will arm you with the information you need to target enforcement efforts to effectively prevent violent crime, and may even help you request additional resources for your department.

CHAPTER 11—Resources and Additional ATF Trainings and Services

Firearm Investigation Skills Training

Project Safe Neighborhoods Enforcement Training, Bureau of Alcohol, Tobacco and Firearms (ATF)

This training improves the level of crime gun interdiction and prosecution through promoting a multidisciplinary approach that involves Assistant U.S. Attorneys; state and local prosecutors; state and local police officers and sheriffs; and ATF special agents. Based on ATF's Firearms Trafficking Techniques Course, the course incorporates elements from the IACP Firearms Investigation and Interdiction Technical Assistance Program and focuses on initiating and prosecuting cases involving firearms traffickers and armed violent offenders. The course is specifically designed to support Project Safe Neighborhoods and is intended for maximum impact in a single city or community.

Contact: Special Agents Mark Kraft or Kevin Simpson (Project Safe Neighborhoods Training Program Managers) at (202) 927-3130 or Special Agent Bill King (Chief, ATF State and Local Training Branch) at (202) 927-3138.

Resources and Helpful Websites

Bureau of Alcohol, Tobacco, and Firearms (ATF)

The Bureau of Alcohol, Tobacco and Firearms (ATF) is a law enforcement agency within the U.S. Department of the Treasury, which enforces the Federal laws and regulations relating to alcohol, tobacco products, firearms, explosives, and arson.

Office of Liaison and Public Information

650 Massachusetts Avenue, NW.

Room 8290

Washington, DC 20226

202-927-8500

<http://www.atf.gov/>

For information on ATF programs, contact:

The ATF Communications Center

Phone: 202-927-8050

Fax: 202-927-8531

For information on tracing, contact:

The National Tracing Center

1-800-788-7133

For information on Project LEAD, contact:

The NTC Project LEAD Help Desk

1-800-788-7133, x286

Federal Bureau of Investigation (FBI)

The FBI is the principal investigative arm of the United States Department of Justice and is authorized to investigate all federal criminal violations that have not been specifically assigned by Congress to another federal agency. It also provides other law enforcement agencies with technical assistance services, such as laboratory examinations and fingerprint identification.

J. Edgar Hoover Building
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535-0001
(202) 324-3000
<http://www.fbi.gov/>

High Density Drug Trafficking Area (HIDTA): Washington/Baltimore HIDTA The Washington/Baltimore High Intensity Drug Trafficking Area (W/B HIDTA) was created in 1994 to promote cooperation between law enforcement agencies in the Washington/Baltimore area and involves these agencies in developing strategies to address the area's drug-related crime issues.

9001 Edmonston Road, Suite 300
Greenbelt, Maryland 20770
Phone: (301) 489-1700
Fax: (301) 489-1660
<http://www.hidta.org/>

National Criminal Justice Reference Service (NCJRS) NCJRS is a federally sponsored information clearinghouse that provides services to policymakers, criminal and juvenile justice practitioners, educators, community leaders, and the general public. Through the NCJRS website, these professionals have access to an extensive publications and abstracts database, information on upcoming conferences, and easy subscription to a bimonthly newsletter.

P.O. Box 6000
Rockville, MD 20849-6000
800-851-3420
301-519-5500
<http://www.ncjrs.org/>

Chicago Regional Crime Gun Center (RCGC) The Chicago RCGC is operated within the Chicago Field Division of the ATF, and, like the New York RCGC, the Chicago Center traces crime guns and analyzes related data to provide law enforcement agencies with information to locate illegal firearm traffickers and identify crime gun trends.

Bureau of Alcohol, Tobacco and Firearms
Chicago Field Division
300 South Riverside Plaza
Suite 350
Chicago, Illinois 60606
(312) 353-6935
Fax: (312) 353-7668
<http://www.atf.gov/field/chicago/>

New York/New Jersey Regional Crime Gun Center (RCGC)

The Regional Crime Gun Center is a project implemented by the Bureau of Alcohol, Tobacco and Firearms New York Field Division. The Center's numerous services include providing law enforcement agencies with direct access to numerous databases and intelligence resources, such as firearms mapping, NCIC, and Online LEAD.

Bureau of Alcohol, Tobacco and Firearms New York Field Division

300 Coffey Street Brooklyn,

New York 11231

Phone: (718) 254-7864

Fax: (718) 254-7870

<http://www.atf.gov/field/newyork/rcgc/>

Violence Policy Center (VPC) The Violence Policy Center is a national non-profit educational organization, which conducts research on firearm violence and promotes gun control through providing information to policymakers, public health professionals and citizens.

1140 19th Street, NW

Suite 600

Washington, DC 20036

<http://www.vpc.org/>

References

21st Century Law Enforcement, Crime Prevention, and Victims Assistance Act, S. 16, 107th Cong., 1st Sess. 2001.

Adams, D.B. & Frandsen, R.J. (2001, May). Survey of State Procedures Related to Firearm Sales, Midyear 2000. Regional Justice Information Service. Washington, DC: US Department of Justice, Bureau of Justice Statistics.

Anti-Gunrunning Act of 2001, H.R. 225, 107th Cong., 1st Sess. (2001).

Braga, A. A., Kennedy, D. M., Piehl, A. M., Waring, E. J. (2001.) Reducing Gun Violence: The Boston Gun Project's Operation Ceasefire. National Institute of Justice, US Department of Justice.

Bureau of Alcohol, Tobacco, and Firearms (ATF). (1997, October). Guide to Investigating Illegal Firearms Trafficking. Washington, DC: U.S. Department of the Treasury.

Bureau of Alcohol, Tobacco, and Firearms (ATF). (1999.) Gun Shows: Brady Checks and Crime Gun Traces. Washington, DC: Bureau of Alcohol, Tobacco, and Firearms, US Department of Justice, and US Department of the Treasury.

Bureau of Alcohol, Tobacco, and Firearms (ATF). (2000a.) Commerce in Firearms in the United States (February 2000). Washington, DC: Department of the Treasury.

Bureau of Alcohol, Tobacco, and Firearms (ATF). (2000b.) The Youth Crime Interdiction Initiative.

Bureau of Alcohol, Tobacco, and Firearms (ATF). (2000, November). *Crime Gun Trace Reports (1999): National Report*. Washington, DC: Department of the Treasury and Bureau of Alcohol, Tobacco and Firearms.

Buckles, Bradley A. (2000, June). *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*. Washington, DC: Department of the Treasury and Bureau of Alcohol, Tobacco and Firearms.

Cook, P.J. & Braga, A.A. (2001, February). Comprehensive Firearms Tracing: Strategic and Investigative Uses of New Data on Firearms Markets. Duke, North Carolina: Terry Sanford Institute on Public Policy.

Federal Bureau of Investigation (FBI). (2000a). Crime in the United States, 1999. Washington, DC: U.S. Department of Justice.

Federal Bureau of Investigation (FBI). (2001a). Crime in the United States, 2000. Washington, DC: U.S. Department of Justice.

Federal Bureau of Investigation (FBI). (2001b). Law Enforcement Officers Killed and Assaulted, 2000. Washington, DC: Department of Justice.

Fox, J. A. & Zawitz, M. W. (2001, January). Homicide Trends in the United States. Washington, DC: U.S. Department of Justice.

Gun Parts Trafficking Act of 2001, S. 609, 107th Cong., 1st Sess. 2001.

Gun Sale Anti-Fraud and Privacy Protection Act, S. 1253, 107th Cong., 1st Sess. (2001).

Gun Show Loophole Closing and Gun Law Enforcement Act of 2001, S. 890, 107th Cong., 1st Sess. (2001).

Harlow, C.W. (2001). Firearm Use by Offenders: 1997 Survey of Inmates in State and Federal Correctional Facilities. Washington, DC: Bureau of Justice Statistics.

Hawaii Revised Statute § 46-1.5(13) (2001).

Home Rule Amendment, Mass. Gen. Laws ch. 43B, § 13 (2000).

Kann, L., Kinchen, S.A., Williams, B.I., Ross, J.G., Lowry, R., Grunbaum, J.A., & Kolbe, L.J. (2000). Youth Risk Behavior Surveillance: United States, 1999. *Morbidity and Mortality Weekly Report*, 49(SS05),1-96. Atlanta, GA: Centers for Disease Control and Prevention, United States Department of Health and Human Services.

Maguire, K. & Pastore, A.L. (eds). (1999). Sourcebook of Criminal Justice Statistics 1998. (NCJ No. 176356). Washington, DC: Bureau of Justice Statistics.

Murphy, S. L. (2000, July). Deaths: Final Data for 1998. National Vital Statistics Report, 48 (11). Hyattsville, MD: National Center for Health Statistics.

Office of National Drug Control Policy. (2000, March). Drug Policy Information Clearinghouse Fact Sheet: Drug-related Crime. Washington, DC: Executive Office of the President.

Open Society Institute (OSI). 2000. "Gun Control in the United States: A Comparative Survey of State Gun Laws." OSI: New York.

Stop Gun Trafficking Act of 2001, S. 406, 107th Cong., 1st Sess. (2001).

Virginia State Police (VSP). (2001). "New Release: Governor Gilmore Announces 21 Percent Drop in Violent Crime." Public Affairs Unit.

Wouters, Jergen. (1998.) "America's Dangerous Liaison with Firearms: The Land of Guns and Death." Online publication. ABCNEWS.com. 18 April, 2001.
<http://abcnews.go.com/sections/us/guns/guns_romance.html>

Additional Resources (uncited)

Brown, J. M. & Langan, P.A. March, 2001. Policing and Homicide 1976-98: Justifiable Homicide by Police, Police Murdered by Felons. (NCJ No. 180987). Washington, DC: Bureau of Justice Statistics.

Bowling, M., Lauver, G., Gifford, S.L., Adams, D.B. (2001, July). Background Checks for Firearms Transfers, 2000. (NCJ 187985). Washington, DC: Bureau of Justice Statistics.

Federal Bureau of Investigation (FBI). 2000b. Safe Street Violent Crime Initiative Report. Department of Justice: Washington, DC.

Firearms Law Center. (2001.) Master List of Firearms Policies. Online
<http://www.firearmslawcenter.org/content/masterlist.asp>

Hite, T. (2000, April). The National Integrated Ballistics Information Network. The Police Chief, 2-3.

Police Executive Research Forum. (2000, July). Reducing Illegal Firearms Trafficking: Promising Practices and Lessons Learned. (NCJ 180752). Washington, DC: Bureau of Justice Assistance.

Appendix 1—FBI Gun Violence Statistics (2000)

Firearm and Violent Crime Statistics

(Source: Federal Bureau of Investigation (FBI). (2001). *Crime in the United States, 2000*. Washington, DC: US Department of Justice.)

There were 12,943 homicides reported in 2000. This represents a 0.5 percent decrease in homicide since 1999 and a 24 percent decrease since 1996. Crime data collected on murder victims, by weapon, in 2000 indicates firearms were involved in 8,493 or almost 66 percent of total homicides. Handguns were involved in more than 78 percent of these murders. While the homicide rate has decreased by 24 percent since 1996, firearm involvement in homicides has decreased very little (from 67.5 percent in 1996 to 66 percent in 2000).

The *most* homicides resulting from the use of firearms in a felony occurred in the commission of a robbery. (In 2000, there were 1,048 homicides that occurred in the commission of a robbery, and 771 (74%) involved the use of a firearm. Handguns were the guns of choice in these crimes (86%). Firearms were most *frequently* used in homicides resulting from violations of narcotic drug laws. Eighty-eight percent of narcotic drug law-related homicides involved a firearm. Eighty-six percent of these homicides were committed with a handgun.

Other murder circumstances that did not involve the commission of a felony most often involve arguments. The *most* homicides where firearms were involved resulted from arguments where the reasons are unknown. Firearms were involved in 2,124 of these 3,475 arguments or 61 percent. Again, handguns were the guns of choice, used almost 80 percent of these homicides. Firearms were most *frequently* used in juvenile gang killings (613 of the total 650 murders or 94% of the total juvenile gang killings), and in 92 percent of other gangland killings (58 of the total 63). Firearms were also involved in 70 percent of brawls resulting from romantic triangles, 60 percent of brawls due to the influence of narcotics, and more than 50 percent of brawls due to the influence of alcohol.

Appendix 2—Proposed Federal Legislation

Gun Bills (2001)

Introduced in the United States Senate in March of 2001, “Project Exile: The Safe Streets and Neighborhoods Act of 2001” (S.619) primarily seeks to establish a grant program that provides incentives for states to enact mandatory minimum sentences for certain firearms offenses such as using or carrying a firearm in any violent crime or serious drug trafficking offense (S. 619, 2001).

The “Anti-Gunrunning Act of 2001” (H.R.225) was introduced in January of 2001 and would amend the Brady Handgun Violence Prevention Act, primarily to prohibit FFLs from providing more than one handgun to any individual within a 30-day period, although there are other loophole-closing provisions in the bill (H.R. 225, 2001). Nearly identical to this bill is the “Stop Gun Trafficking Act of 2001,” H.R.998 and S.406, introduced in March, which also amends the Brady Act to disallow any individual from obtaining two or more handguns within 30 days (S. 406, 2001).

The “Gun Parts Trafficking Act of 2001,” (S.609) introduced in March of 2001, would amend the Federal criminal code chiefly to prohibit the shipment or transportation of firearms’ parts and the manufacture or assembly of such parts by anyone other than a licensed manufacturer (S. 609, 2001).

The “21st Century Law Enforcement, Crime Prevention and Victims Assistance Act,” (S.16) is the most comprehensive federal gun bill that has been proposed this year, extending both Project Exile and the Youth Crime Gun Interdiction Initiative (YCGII) and closing the “gun show loophole” (S. 16, 2001).

In the same vein, but far more specific, is the “Gun Show Loophole Closing and Law Enforcement Act of 2001,” (H.R.2377 and S.890) which, as it states, would require criminal background checks of all purchasers of firearms in all venues (S. 890, 2001).

Most recently, however, a bill was introduced in the Senate to reverse Attorney General John Ashcroft’s proposal to drastically reduce the time records are kept on gun transactions from 90 days to 24 hours (S. 1253, 2001).

Appendix 3—Federal Law Violations: Case Examples

CASE EXAMPLE #1:

In 1981, Barry Wise was convicted of two counts of burglary of a residence. The burglaries took place on two separate nights and count as “separate criminal acts.” Because Congress specifically cited burglary as a violent crime in this statute, this counts as two separate felony offenses.

In 1989, Wise was the subject of a major drug investigation. A warrant was executed at his residence. During the entry phase, Wise took a shot at one of the officers. He was arrested and cocaine was recovered. Wise was convicted of possession with intent to distribute and assault with intent to kill. These offenses took place as part of the same criminal act and count as one prior conviction. Wise now has three felony convictions.

In 1995, Wise was arrested for possession of stolen property. Recovered from his waistband was a Taurus 9mm pistol. This is a violation of what statute?

Answer:

While the 1995 charge is not a serious felony, the three prior violent felonies in conjunction with possession of a firearm subject him to the much stiffer penalty under statute 924(e)(1).

ATF, with the assistance of state and local law enforcement agencies, has had tremendous success in gaining significant prison sentences through aggressive enforcement of this statute.

CASE EXAMPLE #2:

A convicted felon uses an alias to obtain a false state driver’s license and uses it to buy a handgun at a federally licensed gun dealer. On the 4473 (Application to Purchase a Firearm), he answers, “No,” in response to the question, “Have you ever been convicted of a crime for which the maximum penalty exceeds one year?” This is a violation of what statute?

Answer:

A violation of statute 922(a)(6) occurred when the purchaser lied/misrepresented to the dealer that he had not been convicted of a felony. Note, however, that *any* false statement to a dealer is a violation of Federal law and subjects the offender to the relevant penalties.

CASE EXAMPLE #3:

In 1989, Matt Hastings was convicted of armed robbery and sentenced to five years in jail. He actually served three months.

In 1995, Hastings was stopped by the police for speeding. As the officer approached the vehicle, he observed the butt of a gun sticking up from the space between the driver’s seat and the armrest. Hastings was the only occupant of the car and the vehicle was registered to him. This is a violation of what statute?

Answer:

Even though Hastings served only three months of his five-year sentence, he has violated statute 922(g) because he is a convicted felon and in possession of a firearm.

CASE EXAMPLE #4:

A market state resident travels to a source state and pays a source state resident \$100 to buy him two Glock 9mm pistols. By posing as the actual purchaser and using his source state driver's license and signing the 4473, the source state resident is making a false written statement (i.e., that he, a resident of the source state, is buying the guns), which causes the federal firearms licensee (FFL) to complete an illegal transfer. If the market state resident had come in with a market state identification, he would have been denied the purchase. This is a violation of what statute?

Answer:

A statute 922(a)(6) violation has occurred because the gun was not purchased for use by the source state resident, but instead was purchased for use by the market state resident. The source state resident has presented false or misleading information by acting as the intended owner/user of the weapon and can be subject to full penalty under this section. The market resident could be charged with aiding and abetting.

CASE EXAMPLE #5:

In 1996, Dan White, a convicted felon, jumped out of an apartment window during a drug raid. He was pursued by a uniformed officer acting as outside cover. After a short chase, the officer apprehended White. In his coat pocket was a magazine from a 9mm Smith and Wesson pistol, containing ammunition. No gun or drugs were recovered. This is a violation of what statute?

Answer:

White would be subject to prosecution under statute 922(a) because he is a convicted felon and he was caught with a magazine containing ammunition.

NOTE: White does not need to have a firearm to be prosecuted under this statute; possession of ammunition is sufficient.

CASE EXAMPLE #6:

Brad and Bob Campbell, brothers, show up to a cocaine deal with five ounces of crack. Bob does most of the talking. Unknown to them, the man to whom they are planning to sell the crack is an undercover narcotics officer. During the deal, Bob says "If this is a rip or you're a cop, Brad is gonna kill you." As Bob says this, Brad pulls back his jacket to reveal a Colt .357 revolver. Both men can be charged with a violation of what statute? (Hint: Brad possessed, carried and brandished the firearm and Bob used it.)

Answer:

In this example, Brad carried, possessed and brandished a firearm in furtherance of the drug crime and is therefore subject to the penalties imposed by statute 924(c). Bob is also punishable under this statute because, while he did not possess or carry the weapon on his person, his reference to the weapon and the threat made to the officer constitute *use* of the weapon during the drug crime. Bob would be subject to a minimum five-year consecutive term in prison in addition to the sentence he receives for the drug charge. Brad would be subject to a minimum seven-year consecutive term in prison in addition to the sentence he receives for the drug charge.

CASE EXAMPLE #7:

Jeff Thomas and Paul Foster break into the home of an avid sportsman and gun collector and steal 10 handguns and seven rifles. They later transport the weapons to a neighboring state and sell them on the Street. This is a violation of what statute?

Answer:

Jeff and Paul would be subject to penalty under statute 922(1) because they knowingly received stolen firearms and then transported them across state lines.

CASE EXAMPLE #8:

Based on an informant's information, officers implement a tactical operation to raid an apartment where crack is being cooked. A guard at the door has a "sawed-off" shotgun with a 12-inch barrel. One-quarter kilo of powder cocaine and one-quarter kilo of crack are recovered. This is a violation of what statute?

Answer:

The guard in this example is subject to penalty under 924(c) because the "sawed-off" shotgun is being *possessed* in furtherance of the drug crime. Because the weapon is a "sawed-off" shotgun, the guard would be subject to a consecutive term of not less than 10 years in addition to his sentence for the drug crime.

Appendix 4—Examples of Firearms Trafficking and Investigative Tips

CASE EXAMPLE #1

(Purchase Firearms Using False Identification)

A person from Washington, DC (market area) obtains a false identification card, such as a state identification or non-driver's identification card, using a false address, or address of a relative or someone they know in a source area. The falsified identification is used to buy guns, which is a criminal violation of 922(a)(6) of Title 18 U.S.C.

CASE EXAMPLE #2

(Purchase Through Straw Purchaser)

A person gets a straw purchaser, someone who is a resident of Virginia (source state), to buy the guns for him or her. Actually, the straw purchaser is just satisfying the paperwork requirements. The person from New York (market area) supplies the money (usually cash), selects the guns and even goes so far as to give the straw purchaser a list of guns to buy. This is a criminal violation of 922(a)(6) and 924(a)(1) A of Title 18 U.S.C.

CASE EXAMPLE #3

(Guns for Drugs Operation):

A person buys weapons in Washington and transports them by train or bus to a California and sells them at a profit. While there, this person uses these newly acquired funds to purchase drugs, which are readily available in large quantities, or may simply trade the guns for drugs. The person then transports the drugs back to the original location, which is a market for drugs. This is a violation of 924(c) of Title 18 U.S.C.

Potential Trafficking Case Scenarios

SCENARIO #1

("Routine" Traffic Stop)

You stop a car going north on a major interstate highway for a routine traffic stop. You discover the vehicle is rented from a neighboring state. You see empty bags from a New Jersey gun dealer on the floor of the back seat and find receipts from a gun shop. When you identify the occupants of the car, you find that all four have New York driver's licenses and one also has a newly issued New Jersey state identification card.

Discussion

Although there is no apparent violation, this situation has many of the earmarks of a gun trafficking case, because of the empty bags from the gun shop in New Jersey, a newly issued identification card and a car stopped on the way to a market state. There is potential for danger to the officer making the stop if the occupants of the car get scared and react violently. The officer could also potentially initiate a trafficking investigation, either alone or jointly with ATF, if he or she thoroughly investigates the situation and collects the requisite information.

Listed below are the recommended officer responses to this situation:

- Identify occupants and check criminal status.
- Interview participants.
 - Split people up to talk to them.
 - Ask the standard five: what, why, when, where, who.
 - Look for inconsistencies among the parties.
 - Look for lack of important information you would expect the person to have (e.g., what type of guns did you buy? where are you going?).
- Request a consent search.
- Check for violations in state statute.
- Collect information on guns (receipts, gun shop bags, gun boxes, business cards).
- Take care to preserve fingerprints.

SCENARIO #2

(Domestic Violence Call)

You respond to a domestic violence call. During course of the interview the victim mentions that her boyfriend threatened her with a gun. She also mentions that her boyfriend has been in “trouble with the law” before.

Discussion

The case indicates there is a felon in possession of a firearm. During this call, the victim mentions a firearm during the interview. When responding to any type of call, officers should always inquire if firearms are involved. If so, then guns should be treated as any drug investigation—working from the bottom to the top—learning as much as possible about the weapon. When interviewing the victims, you will want to probe further to gather details about the firearm and how the individual obtained it. Listed below are recommended steps for proceeding in this type of situation.

- Collect information about the prior felony convictions of the boyfriend.
- Identify where the gun is located. Is it located in the residence? Is the boyfriend in possession of it? Or has it been pawned?
- Ask where the weapon was obtained and collect contact information if possible.
- Seize the firearm, if possible.
- Collect paperwork related to the firearm.
- Dust for fingerprints.
- Check pawnshop records if it has been pawned.
- If the gun is recovered, trace the weapon.
- Share information with investigators, local firearms task forces and the local ATF—your information could be helpful in an ongoing investigation.

Trafficking Scenarios and Investigative Tips

These different scenarios will clearly result in different law enforcement approaches, one targeting household burglaries and the other targeting the identification of straw purchasers. For this department to select the most appropriate and effective approach, it must know that both scenarios are at work in their community and that burglaries may be more of a problem than straw purchases. If the department does not explore the reasons for the unsuccessful traces in addition to the successful ones, their enforcement efforts might be skewed in the wrong direction and not have the largest impact on gun crimes.

1. A firearm is left at a robbery scene. After tracing the firearm, the NTC trace report informs you that the firearms dealer stated the purchaser periodically comes into his store twice a month but does not purchase multiple firearms. The NTC tells you that this purchaser has been involved with four other traces. What could this indicate and what additional information could the NTC provide?

This could indicate that the purchaser is trying to circumvent the multiple sales form and may be purchasing firearms from other dealers in the area. The appropriate steps should be taken:

- Contact the FFL who sold the firearms and obtain the other firearms information.
- Have the NTC determine if firearms have ever been traced and if so, by who and where? Contact the requester.
- Request copies of the four other NTC traces and contact the requesters to identify trafficking patterns. Ask them about the circumstances of the gun recovery—where and under what circumstances.
- If the other firearms have not been traced, have them entered into the suspect guns database so you will be contacted if they are ever traced in the future.
- Enter the purchasers name into the suspect names database so you will be aware of future activity.
- Have a project LEAD query run by purchase dates to determine who else was buying firearms on that same day/week with similar names and addresses and date of births to see if it is the same purchaser trying to circumvent the multiple sales form.

2. You confiscate a firearm with an obliterated serial number from an individual who attempted to rob a local convenience store. While waiting for the serial number to be restored, what could you do with the information on the possessor?

- Contact the NTC and request them to run the name of the possessor through their database to see if the individual has prior firearms traced to him/her or made any multiple sales purchases.
- If the other firearms have been traced to the possessor, get copies of the traces and contact the requesters to discover how and why these guns were recovered.
- If multiple sales purchases have been made, obtain gun information from the NTC and enter the firearms into the suspect guns database.

- Enter the possessor's name into the suspect name database so you will be aware of future activity.
- Request NTC to run queries on any dealers that are related to traces or multiple sales.

3. After restoring the serial number on the above-mentioned firearm, you trace it and discover there is additional information on the purchaser and the dealer. You contact the local ATF office and they tell you there have been 10 other traces to the individual and 80 traces to the dealer. What additional information would you ask for from the NTC?

- Request information about the other traces the individual was involved with to uncover patterns in crime gun recovery. This may indicate the person is a straw purchaser or trafficker.
- Request an FTS query on the FFL (such as the guns, the crimes, the individuals involved, multiple sales, recovery locations, etc.)
- Request local ATF to run name information in Project LEAD.
- Look for recovery location and other geographic connections.

4. You have just made an undercover buy from a firearms trafficker. You believe the trafficker is associated with a corrupt FFL. You have information that the FFL may be reporting guns stolen as you have already traced one firearm that resulted in an FFL theft hit. What additional information could the NTC provide you and how could you monitor this FFL?

- Contact the Stolen Firearms Coordinator at the Crime Gun Analysis Branch, NTC and request a copy of the FFL theft report and any background on other thefts reported by the same dealer.
- If the investigation becomes sensitive and you do not want the dealer contacted, inform the Project LEAD group to place this dealer into the "Do Not Contact Dealer Database."

You discover that you overlooked tracing a firearm for a case and you need trace information in five days for court. What do you do?

Do not send in as an urgent trace. Contact NTC and explain your situation.

Appendix 5—Bureau of Alcohol, Tobacco and Firearms: Field Division Offices

Alabama

Birmingham (Group I)
205-731-1111

Birmingham (Group II-Industry
Operations)
205-731-0700

Huntsville (Satellite Office)
256-539-0623

Mobile
334-441-5338

Mobile (Industry Operations)
334-441-6126/6127

Montgomery
334-223-7507

Alaska

Anchorage
907-271-5701

Anchorage (Industry Operations)
907-271-5701

Arizona

Phoenix Field Division
602-640-2840

Phoenix (Group I)
602-640-2027

Phoenix (Group II)
602-640-2972

Phoenix (Group III- Industry Operations)
602-640-2938

Tucson (Group 1)
520-670-4725

Tucson (Group II)
520-670-4882

Tucson (Satellite Office-Industry
Operations)
520-670-4804

Arkansas

Little Rock
501-324-6181

Little Rock (Industry Operations)
501-324-6475

California
Bakersfield (Satellite Office)
805-861-4220

Fresno (Group I)
209-487-5393

Fresno (Group II-Industry Operations)
209-487-5093

Modesto (Industry Operations)
209-522-6925

Los Angeles (Group III--Arson)
213-894-4840

Los Angeles (Group IV- Industry
Operations)
213-894-4815

Los Angeles (Group II)
213-894-6582

Los Angeles (Metro)
213-894-4811

Los Angeles Field Division
213—894-4812

Napa (Industry Operations)
707-224-7801

Oakland (Industry Operations)
510-637-3441

Oakland
510-637-3431

Riverside
909-276-6031

Sacramento (Group I)
916-498-5100

Sacramento (Group II-Industry Operations)
916-498-5095

San Francisco Field Division
415-744-7001

San Francisco (Group I)
415-436-8020

San Francisco (Group II Arson)
415-744-7012

San Francisco (Group III- Industry
Operations)
415-744-9458

San Diego (Group I)
619-557-6046

San Diego (Group II)
619-557-6046

San Diego (Group III -Industry Operations)
619-557-6046

San Jose (Group I)
408-535-5015

San Jose (Group II-Industry Operations)
408-291-7464

Santa Ana (Group I)
714-246-8210

Santa Ana (Group II-Industry Operations)
714-246-8252

Santa Rosa (Industry Operations)
707-576-0184

Van Nuys
818-756-4350

Colorado
Colorado Springs
719-473-0166

Denver (Group I)
303-844-3421

Denver (Group II-Arson)
303-866-1173

Denver (Group III-Industry Operations)
303-843-4144

Connecticut
Hartford (Industry Operations)
860-240-3400

New Haven
203-773-2060

Delaware
Wilmington (Industry Operations)
302-573-6102

District of Columbia
Washington Field Division
202-927-8810

PROPERTY OF
National Criminal Justice Reference Service (NCJRS)
Box 6000
Rockville, MD 20849-6000

