Part III.

Firearms Origins

FIREARMS ORIGINS

1. ABOUT FIREARMS TRACING

The passage of the Gun Control Act of 1968 (GCA) set in motion the eventual establishment of ATF's National Tracing Center (NTC). The GCA required that all firearms manufactured in this country be marked with the manufacturer's name, the model and a unique serial number. Imported firearms had to be marked with the importer's name and address, as well as with a unique serial number.

Firearms could no longer be made or imported legally without markings, without serial numbers or with duplicated serial numbers, or otherwise lack sufficient information to allow their origins to be determined.

The GCA also required that firearms manufacturers, wholesalers and retailers maintain permanent records of their dispositions of the firearms in their inventories. The name of the purchaser and date of the transaction had to be recorded. In addition, all unlicensed purchasers had to complete a Firearms Transaction Record providing their name and other identifying information. These procedures established a standardized process for firearms sales and a valuable tool in the investigation of firearms related crimes. That tool is firearms tracing.

Firearms tracing began as a regional concept. Following the establishment of the ATF as an independent Bureau in 1972, each of the seven geographical regions in ATF was responsible for conducting its own firearms traces. This procedure resulted in considerable overlap due to the interstate nature of commerce in firearms. It is a fact that firearms are sold and recovered all over the country and a more efficient means of tracing their origins was needed.

Records indicate that some of the most frequently traced firearms in this period were handguns that had earlier been imported and/or from by dealers such as RG Industries, EIG, Galesi, Echasa and Clerke. The period was 1972 and although the importation of many of the traced firearms had ended with the passage of the GCA, these guns were still being recovered in crimes in large numbers.

Because firearms are not readily "used up" or worn out, they continue to exist and function unless a purposeful effort is made to destroy them. They can stay in circulation and active use for years. When found at a crime scene, they can provide valuable leads in the ensuing investigation. Through the links developed from their transaction history, firearms have been used countless times to develop suspects and/or prove guilt and associations in crimes.

Traces associated with highly publicized crimes help to advertise firearms tracing as an investigative tool. An especially successful trace conducted in the 1970s was that of a handgun used to shoot presidential candidate George Wallace in Landover, Maryland. That firearm was traced to a pawnshop in Milwaukee, Wisconsin.

Firearms are also mobile. Until firearms are recovered in crimes and traced, they may have traveled thousands of miles along disparate routes and through many hands. It has been shown that the longer the time from the last retail sale of a firearms to its recovery by law enforcement, the more difficult it is to identify the true owner.

This time span from retail sale to recovery is referred to as "street age" or "time to crime." The higher the street age, the more difficult it is to find a nexus between the crime in which the firearm was recovered and the last retail purchaser of record. Experience has shown that many firearms change

hands quickly and the link from the current possessor to the original retail purchaser can rapidly disappear. For that reason, law enforcement is alerted to firearms that when traced reflect a recent retail sale, or short "time to crime."

From 1972 to 1973, ATF's firearms tracing operations were centralized in Washington, DC to ease the burden on firearms licensees. During that period ATF traced almost 26,000 crime guns. Many of the firearms manufacturers and dealers who went out of business during first years after passage of the GCA never brought their records into compliance with the new requirements, complicating the trace process. Today, as in those early years, mismanagement of transaction records can make the job of successfully completing a firearms trace more difficult.

In the 1970s, the tracing staff often numbered fewer than ten. As demand for firearms tracing increased, so did the tracing staff. Modern technology was needed to help manage the tracing process and to automate the increasing number of out of business dealer records that the NTC was receiving. For example, the discontinuance of firearms sales by three major chain stores, Sears, Montgomery Wards, and J.C. Penney, flooded the NTC with transaction records.

The NTC now located in Falling Waters, West Virginia, is the repository of more than one hundred million transaction records from out of business licensed firearms dealers. The NTC now routinely conducts more than 200,000 firearms traces annually for law enforcement agencies in the U.S. and around the world. Aided by advanced technology, the NTC can often complete a firearms trace in just a few minutes.

For these firearm traces to be successful as much information about the firearm as possible must be known or identified. In the initial phase of a firearms trace, completing the trace request form, as much information about that firearm's markings and description as can be obtained must be recorded on the trace request form. The firearm tracer has the best chance for success if the firearm is fully identified. This is because individual firearms must be distinguished from the hundreds of millions of other firearms that have been manufactured and/or imported.

Important information such as the firearm's serial number, manufacturer and/or importer, model name and/or number are integral to identifying a single firearm to the exclusion of all others. Additional information regarding such features as the design, finish and cartridge capacity are often needed to make a final clear distinction between one firearm and all others.

When tracing a firearm, the requestor of a trace for an individual firearm has a greater opportunity to scrutinize that firearm for the required information than does the requestor of traces on 2,912 firearms, as in this study. Simply taking down the descriptions of that many firearms place them into a chain of custody required a significant commitment of man-hours. Properly completing individual trace request forms for each firearm added a comparable commitment of time required for the process to take place. In addition, it is common in trace studies of this magnitude for scattered pieces of information to be inadvertently omitted and/or recorded incorrectly. The process of reconciling that information can put even the best systems to the test.

Because the processing of the guns from the 1999 Gun Buy-Back program was done in addition to the MPD's normal workload, it required almost two months to complete. That in fact was fairly expeditious and was benefited by several factors. Among them was the many years of experience possessed by the men and women of the MPD's Firearms Identification Unit (FIU). Having examined thousands of firearms over the years, there was experienced staff to handle the inventorying process.

In addition, the cooperative environment in place from the preceding approximately 20 years that the FIU and the ATF Washington Field Division have worked together further streamlined the process and made reconciling firearms information for tracing a more efficient undertaking.

2. HOW TO INTERPRET THE TRACE RESULTS

When a firearm is submitted to the National Tracing Center for tracing it must have been recovered in or associated with a crime. The firearms in this report were all a part of the MPD's amnesty for illegal firearms possession and were therefore presumed to be involved in possession violations. Because the possessors of the firearms are anonymous, which precluded the inclusion of a possessor name in the database, these firearms were given a special crime code by the NTC so that they could be studied as a separate entity. As part of a study, the identifying information on all of the guns recovered was provided to the NTC.

Because of the limited time available to complete this report, the analysis of the firearms traces for the firearms recovered under the 1999 Gun Buy-Back Program had to be stopped before all the trace results had been received. As a result, trace results for 356 firearms had not been received from the NTC at the time this report was prepared. Based upon the rate of successful traces for the guns of the buy-back program at this point, approximately 17%, the remaining trace results would not skew the analysis.

The low rate of successful traces can be attributed in part to the 1,497 firearms *(more than half of all recovered firearms, 53.5%)* that were manufacturered before the passage of the Gun-Control Act. Without transactions records and complete identification they could not be traced. The age of many of the recovered firearms was an added factor, increasing the number of dealers from whom trace information could not be obtained.

3. NUMBER OF FIREARMS TRACED

The descriptions of all 2,912 guns recovered under the buy-back program were submitted to the NTC as part of this study. Of the 116 guns which were not classified as firearms in the study, 98 received the trace closure code "NOT A FIREARM." The remaining 18 were entered into the formal tracing process because they were made by manufacturers who also make firearms.

4. THE TRACE RESULTS

Based upon trace results that had been received at the time of this study *(2,556)*, the 746 firearms for which the retail dealer could be identified, the percentage of successfully completed traces was approximately 29%. Of these 746 trace results, there were 273 firearms for which the dealers' disposition could not be determined. The fully successful rate for traces, when the record of sale to a non-licensed purchaser was obtained, was very low, 423 or approximately 17%.

SOURCE STATES AND STREET AGE

The average approximate street age for the firearms that could be successfully traced back to a retail dealer was almost fifteen and a half years *(15.49)*[1]. These firearms traced back to purchasers in 44 states and Canada. In the case of 8 states and Canada, only a single firearm was traced back to a purchaser. Of these single transactions, the firearm traced back to Rhode Island had the oldest street age of all 25.91 years.

[1] Because many of the 746 dealers' records contained incomplete disposition records, in some instances the date a dealer received the firearm was used as the sale date to compute street age.

Among the oldest average street age were those of the firearms traced back to retail sales in the District of Columbia *(approximately 26.22 years)*.

More than half of the firearms were traced back to the Washington metropolitan area *(the District, Maryland and Virginia)*, totaling 328 *(approximately 44%)*. The average approximate street age for Maryland guns was 14.19 years, 17.79 years for Virginia.

The following chart sets forth the source states and calculated street ages. Because so many firearms were traced back to Maryland and Virginia *(277 or 9.9%)*, a second chart was prepared which sets forth the source counties for those two states. Corresponding maps are also provided. *(See the following pages for Chart D – Source States, Map – Source States, Chart E – Source Counties in Virginia, Chart F - Source Counties in Maryland and Map – Source Counties in Virginia and Maryland)*