

Enforcement Opportunities For Preventing Trafficking In Firearms

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

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

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

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

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

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

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

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

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

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

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