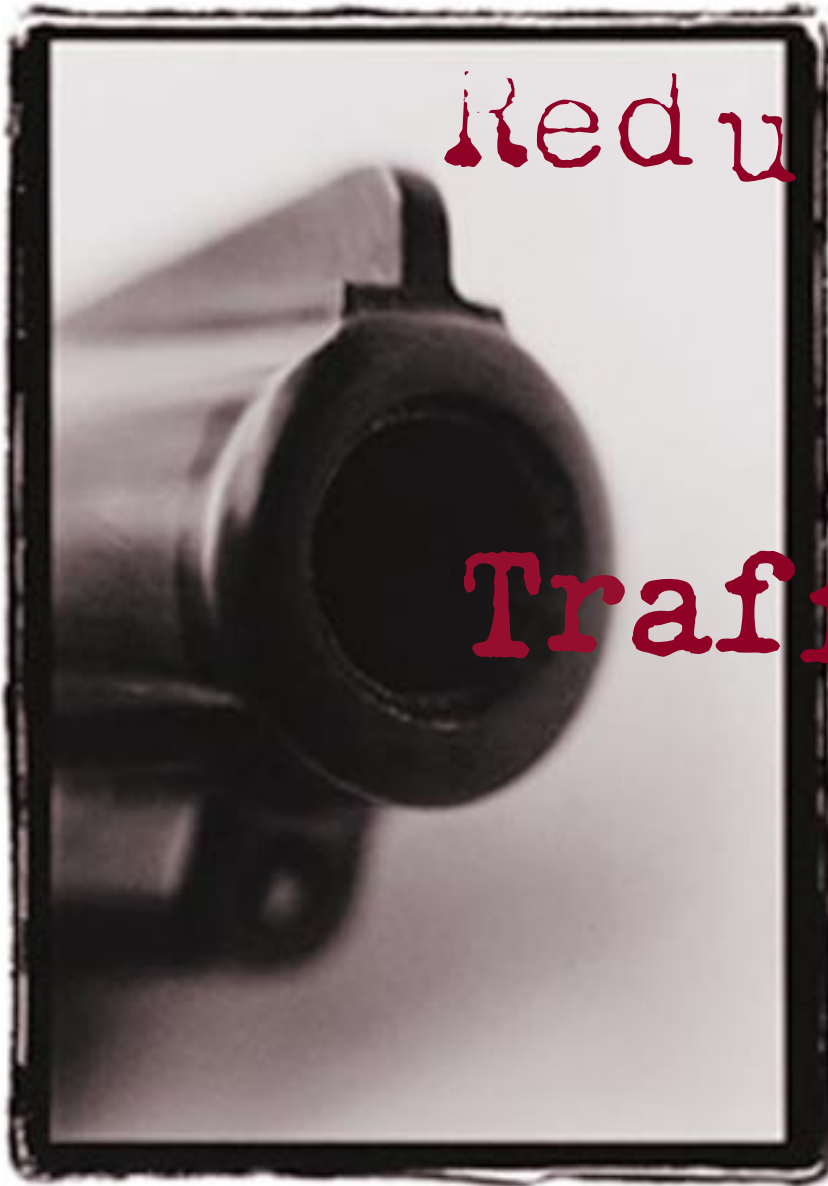




Monograph



Reducing
Illegal
Firearms
Trafficking

Promising
Practices
and Lessons
Learned

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Reducing Illegal Firearms Trafficking

Promising Practices and Lessons Learned

Foreword

Throughout the United States, violence involving firearms remains at an alarmingly high rate. The Federal Bureau of Investigation's 1996 *Uniform Crime Reports* indicates that firearms were used in 29 percent of all murders, robberies, and aggravated assaults in the United States in that year. According to the Centers for Disease Control and Prevention, firearms-related violence is a leading cause of injury-related death, second only to automobile-related fatalities.

To stop the illegal flow of firearms to persons with criminal intent, law enforcement must develop strategies to address problems with gun dealers, stolen weapons, and illegal purchasers and suppliers. Furthermore, law enforcement cannot ignore the role that both nonlicensed and dishonest licensed firearms dealers play in the illegal movement of weapons.

To address the illegal firearms trafficking issue, the Bureau of Justice Assistance created the Firearms Trafficking Program in fiscal year 1993. Three different initiatives were funded under this program: the Firearms Licensee Compliance Program, the Firearms Investigative Task Force Program, and the Innovative Firearms Program. Demonstration sites under each of these three initiatives were visited to identify goals, lessons learned, and promising practices and approaches of each project. The programs implemented at these demonstration sites made a number of significant inroads to reducing firearms-related violence. This monograph details the approaches sites used to achieve their goals, presents the lessons learned in these firearms trafficking reduction programs, and discusses the factors that either helped or hindered the programs' successes.

It is our hope that the results provided here will serve as a valuable resource for all of us striving to reduce illegal firearms trafficking and to prevent violent crime.

Nancy E. Gist
Director

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Executive Summary

The consensus throughout the United States is that violence involving firearms has reached epidemic proportions. The Federal Bureau of Investigation's 1996 *Uniform Crime Reports* indicates that firearms were used in 29 percent of all murders, robberies, and aggravated assaults in the United States (Federal Bureau of Investigation, 1997). To stop the flow of firearms to persons with criminal intent, law enforcement must develop strategies to address problems with unscrupulous gun dealers, stolen weapons, and illegal purchasers and suppliers.

The role that firearms traffickers play in this flow of firearms cannot be underestimated. Some unlicensed firearms sellers purchase firearms in one state, then transport them to their state of residence and sell, trade, or distribute the firearms to criminal associates. Firearms trafficking, however, is not limited to unlicensed sellers—it also is practiced by unscrupulous federal firearms licensees (FFLs) who knowingly sell firearms to prohibited purchasers (such as convicted felons and drug dealers). In addition, there are many “straw purchasers” who buy firearms on behalf of persons who would be blocked by Brady checks from buying guns themselves. There are also those who steal guns and traffick in stolen firearms.

In fiscal year 1993, the Bureau of Justice Assistance created the Firearms Trafficking Program to address the firearms trafficking problem in the United States. The program assists state and local governments in reducing incidents of violent crime by limiting the availability of, and decreasing the trafficking in, illegal firearms. Three different initiatives were funded under this program: the Firearms Licensee Compliance Program, to enhance the ability of state and local law enforcement agencies to conduct comprehensive background investigations on applicants for new or renewal federal firearms licenses; the Firearms Investigative Task Force Program, to identify, target, investigate, and prosecute individuals and dismantle organizations involved in the unlawful use, sale, or acquisition of firearms in violation of federal and/or state firearms laws; and the Innovative Firearms Program, to assist state and local jurisdictions in developing and implementing innovative projects for controlling illegal firearms trafficking.

Demonstration sites were visited to identify goals, lessons learned, and promising practices and approaches of each project. A common element among all projects was a collaborative arrangement between state or local law enforcement agencies and the Bureau of Alcohol, Tobacco and Firearms (ATF) to address each program's goals and objectives. The ATF is the federal law enforcement agency with authority to enforce the nation's federal firearms laws, and it operates the National Tracing Center, which

responds to crime gun trace requests. The initiatives of the Oakland, California, Police Department and the New York City Police Department were funded under the Firearms Licensee Compliance Program; the initiatives of the Indiana Criminal Justice Institute, the North Carolina State Bureau of Investigations, the Virginia Department of State Police, and the West Virginia State Police were funded under the Firearms Investigative Task Force Program; and the city of Santa Ana, California, Police Department and the New Orleans, Louisiana, Police Department initiatives were funded under the Innovative Firearms Program.

These trafficking programs have made a number of significant contributions to reducing firearms-related violence. Their thorough investigations of violent criminals, firearms traffickers, and straw purchasers have resulted in large numbers of arrests and convictions. Further, because of the collaborations between local law enforcement agencies and ATF, federal statutes are applied whenever possible and can result in mandatory and lengthy incarcerations in federal prisons.

Additionally, because the initiatives concentrate on ensuring FFL compliance with state and local requirements, unscrupulous dealers can be identified and put out of business. Thus far, these efforts have resulted in significant reductions in the number of dealers likely to supply firearms to criminals.

These programs have also created unique information resources, improved other sources of information, and made available existing data that state and local law enforcement agencies had not previously used in trafficking investigations. These resources include databases to identify licensed and unlicensed dealers who supply weapons to criminals, multiple purchasers associated with traced crime guns, or those associated with crime guns on a routine basis.

These programs have also fostered collaborative relationships among the many agencies that do not typically cooperate with one another. This situation opens up avenues of significant information exchange.

Obstacles were encountered and important lessons were learned by these task forces and programs about how best to manage these collaborative efforts. Many programs had numerous hurdles to overcome before getting started (such as hiring and training staff, acquiring equipment and funding). Their experiences suggest that other programs should be prepared to spend possibly 6 months to 1 year resolving organizational and administrative issues before beginning operations.

A review of project successes shows that program staff should be in one office, ideally at a location apart from the offices of either participant in the collaboration. Also critical is that the leadership in these programs should be flexible and allow staff to work independently and to take ownership

of their cases. This criterion is especially important for the statewide task forces, where program coordinators and investigation staff are often separated by long distances. Further, the program staff themselves need to be flexible and enjoy working independently on data or paper-based investigations involving frequent long-distance travel.

When developing collaborations between state or local agencies and a federal agency, the sites found it important not to denote any one agency as the lead agency or to impose the policies and procedures of one organization on another. Particularly in terms of personnel issues, such as funding overtime in which ATF employees are compensated differently from local law enforcement agencies, adhering strictly to one policy can be perceived as unfair.

The majority of the programs used procedures formally set out by a memorandum of understanding that clarifies the work relationships and establishes individual responsibilities. An important aspect of these agreements, however, is that they do not add to case paperwork. It seemed most efficient for each agency to do its own paperwork and train the other agency on it.

The final and perhaps most fundamental lesson learned concerns personnel selection and work allocation among staff. All program staff should be assigned to the same type of work, rather than separate tasks by agency. Differences in information access and work styles can benefit these programs; however, uneven distribution of important case investigation work can cause rancor among staff and impede cooperation.

Introduction

Although it is difficult to develop a definition of firearms trafficking that encompasses all possible circumstances, firearms trafficking is broadly defined as the illegal diversion of any quantity of firearms from the legal market or any illegal commerce in firearms.

The consensus throughout the United States that violence involving firearms has reached epidemic proportions is supported by the following alarming statistics:

- ❑ The Federal Bureau of Investigation's 1996 *Uniform Crime Reports* indicates that firearms were used in 29 percent of all murders, robberies, and aggravated assaults committed in the United States that year. Of the 15,848 murders committed in 1996, 10,744 (67.8 percent) involved firearms; 8,594 (54.2 percent) of these involved handguns (Federal Bureau of Investigation, 1997).
- ❑ According to the Centers for Disease Control and Prevention (CDC), firearms-related violence is a leading cause of injury-related death, second only to automobile-related fatalities (Centers for Disease Control and Prevention, 1994). Analysis of injury data in 1992 revealed that three firearms-related injuries occurred for every firearms-related death (Annest et al., 1995).
- ❑ In 1995, the National Center for Health Statistics reported that 35,957 people died as a result of firearms-related injuries (Anderson, Kochanek, and Murphy, 1997). Homicides committed with firearms accounted for 44 percent of these deaths.

Based on national trends, CDC projects that fatalities involving firearms will be the leading cause of injury-related deaths by the year 2003 (Centers for Disease Control and Prevention, 1994). If there is no reduction in firearms violence, CDC further predicts that 3 million shootings, including both fatal and nonfatal incidents, will occur between 1993 and 2000 (Centers for Disease Control and Prevention, 1994).

How can the number of firearms-related incidents be reduced? Data suggest that effective strategies to reduce firearms-related violence must address the problems of unscrupulous gun dealers, stolen weapons, and illegal purchasers and suppliers. Prior to the passing of the Brady law in 1993 and the Violent Crime Control and Law Enforcement Act of 1994, the Violence Policy Center in Washington, D.C., determined that there were more licensed gun dealers in the United States than there were gas stations (Sugarmann and Rand, 1994). Further, the majority of federally licensed dealers operated out of their homes; they legally bought guns at wholesale prices and transported them across state lines (Sugarmann and Rand, 1994). A recent study by Northeastern University that was published by the

Bureau of Alcohol, Tobacco and Firearms (ATF) emphasizes the role of unscrupulous dealers in the trafficking of firearms. The researchers found that a “relative handful of corrupt dealers” (389 out of 104,855) had sold half of all crime guns successfully traced by ATF in 1996 and 1997 (Bureau of Alcohol, Tobacco and Firearms, 2000). Although new laws and strict enforcement of federal, state, and local dealer regulations have led to a 56-percent decrease in the number of federal firearms licensees (FFLs)—from 286,500 dealers in 1993 to 124,286 in 1997 (Bureau of Alcohol, Tobacco and Firearms, 1997a)—ensuring FFL compliance is an ongoing responsibility.

Another source of crime guns are the thousands of firearms stolen annually from private citizens, FFLs, firearms manufacturers, and interstate gun shipments. As of July 1999, the National Crime Information Center database listed 2,341,023 stolen firearms (Federal Bureau of Investigation, 1999). Stolen and illegally obtained firearms are recovered from a wide variety of sources—persons at violent crime scenes, narcotics traffickers, and even children at schools.

Illegal trafficking in firearms has become a profitable venture for individuals willing to assume the risk of criminal prosecution in exchange for monetary or some other reward. The price of a firearm can be as much as five to six times its original value when sold to criminals in major cities. A typical nonlicensed firearms trafficker is an intrastate trafficker. There are also traffickers who purchase firearms in one state, then transport them to their state of residence to sell, trade, or distribute to criminal associates. Firearms trafficking is not limited to unlicensed dealers. It also is practiced by unscrupulous FFLs who knowingly sell firearms to prohibited purchasers (such as convicted felons, drug dealers, straw purchasers, and straw purchasing rings).

Firearms Trafficking Program

In fiscal year 1993, the Bureau of Justice Assistance (BJA), U.S. Department of Justice, created the Firearms Trafficking Program to address the increase in firearms-related violence in the United States. The program assists state and local governments in reducing incidents of violent crime by limiting the availability of and decreasing the illegal trafficking in firearms. The program’s goal is to demonstrate effective strategies to reduce the level of violent crime by controlling and reducing the illegal trafficking of firearms. The program, which originally provided support for two police departments, ultimately funded eight demonstration projects involving numerous law enforcement agencies across the country. The Oakland, California, Police Department and the New York City Police Department received funding from the Firearms Licensee Compliance Program; the Indiana Criminal Justice Institute, the North Carolina State Bureau of Investigations,

the Virginia Department of State Police, and the West Virginia State Police received funding under the Firearms Investigative Task Force Program; and the Santa Ana, California, Police Department and the New Orleans, Louisiana, Police Department received funding under the Innovative Firearms Program.

Program Components and Goals

The Firearms Trafficking Program comprises several components that BJA has found to be effective or promising:

- ❑ **Firearms Licensee Compliance Program.** This program was initiated to enhance the ability of state and local law enforcement agencies to conduct comprehensive background investigations on applicants for new or renewal federal firearms licenses and ensure that individuals who obtain these licenses have a legitimate reason to do so.
- ❑ **Firearms Investigative Task Force Program.** This program was designed to identify, target, investigate, and prosecute individuals and dismantle organizations involved in the unlawful use, sale, or acquisition of firearms in violation of federal and/or state firearms laws.
- ❑ **Innovative Firearms Program.** The goal of this program is to assist state and local jurisdictions in developing and implementing innovative projects for controlling illegal firearms trafficking.

Organization of This Monograph

Chapter 1 described the background, program goals, and program components of the BJA Firearms Trafficking Program.

Chapter 2 details the promising practices and approaches that the demonstration projects used to achieve their goals. Data on program activities and outcomes were collected directly from program participants and official documents. Several aspects of each program are described in detail, including the organization of the program staff, the format of the agreements between cooperating agencies, and the work allocation among staff members.

Chapter 3 presents the lessons learned in these firearms trafficking reduction programs and discusses the influences that helped and hindered their successes.

Following chapter 3 is a glossary of terms. A series of detailed site visit summaries are contained in the appendixes.

Promising Practices in Reducing Illegal Firearms Trafficking

This chapter provides an overview of the three components that make up the Firearms Trafficking Program and the promising practices and achievements of the eight demonstration sites. Detailed documentation of each site's work can be found in site summaries included in the appendixes. The following overview contains the background of each initiative, its goals and objectives, program elements, outcomes, lessons learned, and future directions. With the exception of Virginia, all funded projects were in operation as of late 1998 and were maintained with continuing Bureau of Justice Assistance funds or through other sources.

Firearms Licensee Compliance Program

In 1994, Congress changed the federal firearms licensing law to require ATF to ensure that licensees are in compliance with state and local laws as a condition of receiving a federal firearms license.

The goal of this initiative is to enhance the ability of state and local law enforcement agencies to conduct more comprehensive background investigations on applicants for new or renewal federal firearms licenses. Programs in Oakland, California, and New York City were funded under this initiative, but other sites such as Santa Ana, California, funded under the Innovative Firearms Program, also established this goal. See appendix A for site summaries of the Firearms Licensee Compliance Program.

Oakland and New York developed programs that would reduce the number of federal firearms licensees, largely by bringing them into compliance with local, state, and federal regulations. In these cities, evidence indicated that some licensed dealers were violating the law by selling to prohibited persons, knowingly selling to straw purchasers, or selling guns "off book" out of their homes or the trunks of their cars. In both California and New York, increasingly violent gun crime was a significant issue that compelled these cities to focus on gun dealers.

Underlying the move to bring FFLs into compliance with local and state regulations were the fairly stringent regulations of all three cities. At the time BJA grants were awarded in Oakland and Santa Ana, city ordinances had already been passed to increase the number and severity of local FFL requirements. For example, in Oakland all FFLs have to apply for a local police permit, which involves a complete background check to rule out any prior criminal record, ethical breaches, or history of mental illness. The license fee in Oakland was

increased to \$500 every 2 years, and the licensee is required to maintain a minimum of \$1 million in insurance. In Santa Ana, the license fee also increased, onsite inspections of dealer premises were mandated, and new security measures were required. In New York, while strict local requirements had been in place for some time (see exhibit 1 in appendix A), BJA provided funds for the staff to conduct background checks for possible criminal history, mental health problems, and previous licenses or applications.

Program activities in these sites consist largely of informing new or existing FFLs about local requirements and mandates for compliance. These notifications frequently occur by mail, although police officers in New York sometimes pair with the Bureau of Alcohol, Tobacco and Firearms compliance inspector to make onsite visits. In all three cities, the notification system is effective because it is performed by local and federal representatives; it is particularly effective in New York where it is occasionally done in person. This combined effort by local and federal agencies ensures compliance and reduces the likelihood that applicants would mislead both agencies.

Once FFLs are aware of the city, state, and federal regulations and mandates, those not in compliance often willingly drop out of the licensing process. From 1994 to 1996, compliance work in Oakland reduced the number of firearms licensees from 57 to 6 (2 gun stores and 4 pawnshops). In New York, the program reduced the total number of FFLs from 987 in 1992 to 205 by 1996, a drop of 79 percent. In Santa Ana, compliance inspection resulted in a decrease from 90 FFLs to 13. Program staff in all three cities said they felt that the reduction in the number of licensees eliminated those who did not understand the purpose of the federal license (for example, some FFLs thought they needed a federal license to own a gun). It also eliminated some FFLs with unlawful intent.

Firearms Investigative Task Force Program

Several states (Indiana, North Carolina, Virginia, and West Virginia) formed task forces under this initiative to investigate individuals and dismantle organizations that were involved in the unlawful use, sale, or acquisition of firearms. Investigations of suspected traffickers have also been conducted in Oakland and Santa Ana (which were funded under other initiatives), and these sites followed a less formal task force approach. See appendix B for site summaries of the Firearms Investigative Task Force Program.

The goals of the four formal task forces developed through this program were targeting, investigating, and prosecuting individuals who engaged in firearms trafficking or who used firearms in violent crimes. The four sites followed a variety of approaches, ranging from small single-site task forces that predominantly pursued firearms traffickers to large multisite programs that targeted violent career criminals.

Each program's approach consisted of a series of procedures to accomplish firearms trafficking investigations. These investigations generally included several steps, such as defining target populations, identifying these populations (using databases and local law enforcement contacts), selecting cases to pursue, determining which agency's staff should work on which case, collecting evidence, and preparing cases for prosecution. Each site developed slightly different procedures, which often reflected their different goals and objectives.

Indiana Task Force

In Gary, Indiana, the single-site investigative task force targets multiple purchasers of firearms who are linked to criminal elements. All members of the task force are responsible for identifying targets for further investigation. To identify these crime gun sources, the investigators work with a database that they developed based on trace report information. Staff also search the database for names of individuals who buy firearms in large quantities that police later recover in connection with crimes. The task force also reviews the multiple sales forms, which FFLs send to ATF, to identify targets for investigation. However, receipt of this information is often delayed through dealer inadvertence or active resistance (for example, by sending ATF to the wrong location). The investigators also ask local police departments to alert them when they make arrests involving a seizure of multiple firearms, recover firearms with obliterated serial numbers, or handle cases involving a combination of firearms and drug charges.

In the five most violent areas of city, the Gary task force also identifies and targets individuals who carry or use firearms during the course of violent crimes or while protecting their drug trade. These targets are developed through active investigation, historical data, Project Lead crime gun trace analysis, and confidential informants, as well as through intelligence provided by federal, state, or local authorities.

North Carolina Task Forces

North Carolina maintains a statewide approach with six separate task forces targeting repeat violent offenders. These targets are identified through local law enforcement intelligence, whose cooperation is solicited through direct contacts and through policy department fliers (see exhibit 2 in appendix B) in police stations. Because of their extensive contact within the community, community policing officers and vice and narcotics squads are a tremendous resource for information about firearms-related crime and repeat offenders. Once identified, line-level investigators select targets for further investigation. The targets selected often include people with a history of violent crime, who are currently active in violent crime, and for whom there is a likelihood of successful prosecution under federal statutes.

A core group of task force personnel from the Federal Bureau of Investigation, the U.S. Secret Service, the Immigration and Naturalization Service, (INS), the U.S. Drug Enforcement Administration (DEA), and local investigators participates in each target investigation. Investigators gather intelligence through extensive interviews of informants and surveillance of the subjects and their associates. Task force personnel also use sophisticated audio and video surveillance equipment; have access to special funds to purchase guns, drugs, and information; rely on informants; investigate personal and business assets; and conduct undercover operations. The key to these often lengthy investigations is patience and sufficient resources. Close working relationships with U.S. Attorneys, who provide ongoing input and assist in determining when a case is ready for trial, enhance case preparation. Task force staff also prepared a manual to document their best practices and have assisted other agencies in conducting similar investigations.

Virginia Task Forces

In Virginia the effort was also statewide, with three separate task forces located in each ATF field division. The task forces were in operation from 1993 to 1996. In the first few years of operation, targets for investigations were predominantly identified by the Firearms Transaction Center (FTC), an agency tasked with conducting criminal background checks on all firearms purchasers. FTC notified the task force staff of any purchasers whose background was suspicious or incomplete and made their transaction records available to investigators to identify multiple purchasers and potential straw purchasers. Other investigations were initiated through local police contacts, including one large case that involved a dealer who sold 600 firearms without proper ATF documentation, many of which had obliterated serial numbers and were later recovered in New Jersey and New York.

The Virginia task forces pursued gun traces on all weapons recovered during their investigations and worked cooperatively with the National Tracing Center (NTC) and Project Lead to identify sources of crime guns. They also initiated investigations of FFLs in their jurisdictions who did not possess a state license. In general, the task forces were able to involve dealers as cooperative informants, some of whom even allowed surveillance in their stores. An additional unique source for investigations included members of a nearby hunt club who supplied information about suspicious firearms transactions.

West Virginia Task Force

In another statewide effort, task force personnel in West Virginia conduct trafficking investigations, many of which involve guns-for-drugs operations. These operations are common in West Virginia primarily because the lack of firearms legislation makes the state a source state for firearms and, for a related reason, it is also a drug market state. A typical guns-for-drugs operation involves an individual who purchases weapons in West Virginia, transports them to firearms market states (such as New Jersey or New York),

and sells them illegally at a large profit. The trafficker then purchases drugs in these states, which are source states for drugs, and returns to West Virginia to sell them, also at a huge profit.

Task force staff review firearms arrests and extensively debrief almost everyone who plea bargains out of federal court. These interviews are designed to identify firearms sources and targets for other investigations. In these cases, which are often related to narcotics charges, offenders often reveal gun-source information if asked in a casual way. The investigators also conduct interdiction efforts at bus, airport, and train terminals where they perform consent searches of people suspected of trafficking.

The task force solicits the assistance of other agencies and citizens to identify cases for further investigation. Members have worked with train station employees to alert them of travelers who go to and from source cities in a short timeframe, who buy tickets in cash, and who carry little or no luggage. The task force also trains state troopers on how to conduct field interviews to gain intelligence about firearms and encourages them to bring that evidence to the task force. In some cases, FFLs have also provided intelligence on straw purchasers; one even allowed a camera to be placed in his shop for surveillance.

California Task Forces

Two additional sites, Oakland and Santa Ana, pursue trafficking investigations. In Oakland investigators target multiple firearms purchasers and straw purchasers. To identify targets, investigators use dealer reports of multiple sales, data from a ballistics imaging system, and crime gun tracing information. Law enforcement officials analyze this information to determine if certain individuals are operating as unlicensed dealers or to identify federally licensed dealers who may be making questionable sales. Most often, cases involve people who have purchased 12 or more guns in a 1-week period or who have purchased certain types of firearms that are typical to trafficking (low-cost weapons such as Lorcins and Brycos).

Early on, task force program staff trained Oakland Police Department beat officers and outside agencies on firearms trafficking issues and how to identify straw purchasers. These cooperating agencies now bring approximately 20 to 25 cases per month to each investigator on the task force team. In these cases, a task force investigator interviews the arrestee, initiates a trace of the weapon, performs followup investigative work, and, if appropriate, prepares a case for the district attorney. Two assistant U.S. Attorneys work directly with the task force on case preparation.

In Santa Ana, the Weapons Interdiction Team (WIT) also investigates suspected firearms traffickers, multiple handgun purchasers who may be associated with crime guns or trafficking, and straw purchasers. The team works with county and state agencies in areas where trafficking to or from Santa Ana is known to occur, develops relationships with informants, and analyzes data

on firearms that are used in felony assaults. To support investigations and identify targets, the team transmits trace requests to NTC for all weapons the Santa Ana Police Department seizes on a daily basis and maintains a database of the findings from the trace reports.

The team also screens all pawn slips for weapons to determine which weapons have been stolen and to identify possible felons who may be pawning firearms. Team members develop case investigations using informants, undercover firearms purchases, and surveillance. Undercover contacts are developed through a review of arrest reports from the gang and weapons details and from the county jail booking sheets to identify individuals with gang affiliations or who are selling guns or drugs. One investigator works undercover in the jail and establishes a rapport with inmates for later undercover buys. The investigator attempts to learn as much as possible about where the inmates got the guns, whether they would be able to get more, and how he can be introduced to the sources.

The team identifies multiple gun purchasers (those buying more than five firearms within 5 days) through quarterly reports from California's Department of Justice and conducts background checks on them. These reports, called Multiple Handgun Purchase reports, are taken from the State of California Automated Firearms System, a database of all firearms sold statewide that is based on the dealer's record of sale (DROS).

Investigative Task Force Results

For these varied and numerous task force operations, outcomes are often measured by the numbers of weapons seized and traced, cases initiated, arrests made, and convictions obtained.

As of April 1998, the Gary, Indiana, task force had seized 193 firearms, traced 2,694 firearms, initiated 132 investigations, and made 78 arrests (of which 36 resulted in conviction). The task forces in North Carolina have investigated 1,331 target cases since 1994. Of those, 64 are under review to determine whether they meet the qualifications for serious violent criminals, 214 are under investigation, 43 are pending arrest, 215 are awaiting prosecution, and 516 have been arrested and prosecuted; 279 cases were closed without arrest or prosecution.

From 1993 to 1996, the task forces in Virginia investigated 1,215 firearms violation cases, made 431 arrests, obtained 129 convictions (the remaining cases are pending in federal court), seized 397 firearms, and submitted 333 firearms traces to NTC. In West Virginia, from April 1994 through April 1998, the task force arrested 97 people on 152 firearms-related charges; 73 of the arrestees have been convicted and 55 of those have received punishments including some form of incarceration.

In Oakland, California, the investigative unit completed more than 3,000 firearms traces and developed relationships with informants whose leads have

resulted in the investigation of at least 28 straw purchasers, 5 of whom were arrested and prosecuted. In Santa Ana, WIT made 41 arrests for trafficking (14 of which led to convictions), seized 55 weapons, and covertly purchased 61 weapons and 14 explosive devices.

Broader impacts of violent crime were measured in two sites: North Carolina and Santa Ana, California. Since the task forces began their work in 1992, the rate of violent crime in North Carolina has decreased by 13.8 percent and the murder rate has declined by 18.5 percent. This result is likely due to the combined efforts of several initiatives in the state. In Santa Ana, statistics show a reduction in firearms used in homicides from 93 percent in 1995 to 78 percent in 1997. In addition, gang-related homicides decreased from 48 in 1993 to 16 in 1997.

Innovative Firearms Program

This initiative assists state or local jurisdictions in developing and implementing innovative projects designed to reduce the level of illegal firearms trafficking. Although both New Orleans, Louisiana, and Santa Ana, California, were funded under this initiative, only New Orleans' efforts are discussed in the section; Santa Ana's activities are discussed in previous sections. The project is unique because of its development of and reliance on technology to support law enforcement functions. The project combines the efforts of the New Orleans Police Department (NOPD), ATF, and a team of consultants from the University of New Orleans (UNO) to reduce the availability of crime guns—those used or possessed during the commission of a crime—and reduce the incidence of firearms-related crime in the New Orleans metropolitan area.

Several technologies support the program's activities in New Orleans. The first component is a database that codes the specific geographic location of trace report data on crime guns recovered in the city. The second component is the Integrated Ballistics Identification System (IBIS) that examines bullet and casing characteristics. See appendix C for site summaries of the Innovative Firearms Program.

The database program is designed to model the availability of crime guns in New Orleans and can be used to develop patterns of gun trafficking in the region. To develop this database, task force members asked local jurisdictions to submit trace requests on all firearms they recover at crime scenes or from victims. Trace reports returned with sufficient contact information about purchasers are investigated, which involves interviews and background checks to identify straw purchasers, people who are prohibited from purchasing firearms, and stolen firearms. Particular attention is paid to cases involving guns purchased in high-crime areas or purchases of two or more high-caliber weapons. The staff forward any information to NOPD for further investigation and enter data into the database for analysis of trends and patterns.

IBIS captures a computerized image of bullets and casings that have been test-fired from the firearms recovered by NOPD. These images are stored in a database for comparison of bullets and casings that have been collected in connection with other crimes. On several occasions, IBIS has linked a test-fired bullet or casing with an open investigation, leading to the identification of suspects.

New Orleans also instituted a successful public information campaign to identify sources of illegal guns. A telephone hotline was established to collect tips and other information on firearms and illegal sources, and a community education campaign was developed, which included inserting fliers into utility bills, producing television announcements, and meeting with the school board, neighborhood groups, and youth.

In New Orleans outcomes are measured by cases initiated and patterns identified. By October 1997, the task force had submitted trace requests for 2,850 weapons confiscated by NOPD. Trace report information from NTC was combined with intelligence gathering to support 370 firearms cases. These were turned over to local investigators for followup.

The database containing gun ownership histories of traced crime guns has been analyzed, and several patterns have emerged. For example, trace data developed over the first 2 years of the grant indicate that the majority of firearms confiscated by NOPD in the New Orleans metropolitan area were initially obtained through apparently legitimate means—from FFLs, pawnbrokers, or lawful transfers by unlicensed individuals.

Further investigation revealed that commercial and residential theft was the primary source of crime guns, which is in contrast to initial findings that straw purchases were the primary source. These crime guns are stolen from residences and businesses where firearms are maintained for a variety of reasons. Although in some instances these statistics may be slightly skewed because of errors in reporting, the data still support that stolen firearms are the primary source of crime guns.

Summary and Conclusions

The firearms trafficking programs in the eight demonstration sites have significantly contributed to reducing firearms-related violence. Their investigations of violent criminals, firearms traffickers, and straw purchasers have resulted in large numbers of arrests and convictions. The collaborations between local law enforcement agencies and ATF ensures that federal or state statutes are applied whenever appropriate, resulting in the toughest available sentences. The initiatives concentrate on ensuring FFL compliance with state and local requirements so noncompliant dealers can be identified and their businesses brought into compliance or closed. These efforts have resulted in significant reductions in the number of dealers likely to supply firearms to criminals.

These programs have also created unique information resources, improved other sources of information, and made available existing data that law enforcement previously had not used in trafficking investigations. These resources include information to identify dealers who supply weapons to criminals, multiple purchasers, or those associated with crime guns on a routine basis.

These programs have also fostered collaborative relationships among many agencies that do not typically cooperate with one another. This situation opens up avenues of significant information exchange.

The eight funded sites employed a wide range of investigative techniques to achieve their goal of eliminating illegal sources of firearms to reduce violent crime. Chapter 3 discusses the lessons learned about how best to manage these collaborative efforts.

Lessons Learned in Firearms Trafficking Programs

In the course of establishing cooperative arrangements with the Bureau of Alcohol, Tobacco and Firearms, creating procedures for conducting joint investigations, and developing task force operating structures, many sites encountered difficulties. Their experiences in overcoming these problems may benefit others who are involved in similar endeavors. Often these lessons suggest ways to address common transition issues and prepare others for similar endeavors. These lessons concern the formality of agreements, staffing considerations, the arrangement of the collaboration, participants in investigations, training, costs, and startup delays.

Formality of the Collaboration

No universal agreement has been established to determine how formal the collaboration between local law enforcement agencies and ATF should be. For example, at the outset of the program in Oakland, California, task force personnel said they felt that a memorandum of understanding (MOU) to set out formal rules was not necessary because the program operates on a more casual basis than is often the case in similar programs. Nevertheless, staff report that information is exchanged cooperatively and effectively between the two agencies. By contrast, task force staff in West Virginia found that their MOU, developed through consultation with ATF and the U.S. Attorney in the planning stages, was critical to establishing proper procedures from the project's outset.

What appears to be more important than the formality of an MOU, is how rigid it is. For example, in West Virginia, the MOU is flexible to allow for differences among regions, yet it clearly establishes the procedural foundations of the task force. The MOU stated that ATF case paperwork procedures would be followed, but it did not mandate other federal procedures (supervisory practices, personnel decisions, and salary matters) for the state agency workers. Sample MOUs are contained in appendix D.

Staff Structure

Another area that affected program success was the fair and appropriate dispersal of case investigative work. For example, in Gary, Indiana, task force members were initially arranged into three teams, each headed by an ATF agent to whom cases were assigned. Two additional local police officers supported each team in case investigations. This team structure, however, was not as productive as anticipated. In practice, the police officers said they felt that they were in a subordinate position to ATF agents. These

feelings made for poor working relationships and resulted in a high turnover rate for the officers.

Once these feelings of inequity were realized, the task force structure was reorganized and cases were assigned more evenly to all task force personnel, officers, or agents based on who developed the initial investigation. In addition, mandatory briefings are held both before and after major arrest operations to allow for discussion of procedures and outcomes. During these briefings, everyone is encouraged to voice concerns and suggestions for improvements.

The program structure in New Orleans, Louisiana, is unique. Program staff investigate information that the National Tracing Center provides and forward promising leads about firearms violations to either the New Orleans Police Department or ATF agents for followup. This work structure provides a vital support function to state and local law enforcement, in providing leads in firearms investigations, but the program staff are often unaware of the outcome of their efforts. Many task force personnel are motivated by reports of their success, so departments should consider providing feedback to program staff about how their data are used.

Deployment of staff is also an issue. For example, in Virginia some personnel said they felt that it might have been better to deploy state police personnel based on workload rather than field divisions. Assigning personnel in this manner would have allowed Richmond—the busiest area—to have more than one agent.

Importance of the Right Personnel

In almost every site, staff articulated the importance of selecting and retaining personnel who are well suited to task force work. This means different things at different sites. In North Carolina, staff found that everyone, from management to line-level staff, should be flexible and willing to work together as a team. An example of this flexibility was the willingness of task force managers, who initially thought a common form of reporting paperwork should be used by everyone, to change their reporting requirement when they realized it was too difficult to manage. Ultimately, state and federal agents complete separate paperwork, and prosecutors decide which forms to take to court.

In Virginia, where task force members reported that their success was largely due to the personnel selected for the task forces, staff emphasized the need for street-level investigative experience and familiarity with the crime gun situation in various regions. They also found that personnel with backgrounds in investigating narcotics cases contributed needed skills to the task force because of the tremendous overlap between illegal drugs and firearms.

In West Virginia, the task force had some initial difficulty identifying and retaining personnel suited to the predominantly paper-based structure of the investigations. Action-oriented investigators were unhappy with the analytic approach of the task force. To correct this, managers emphasized the paperwork nature of the work to interested applicants. This step ensured that the task force comprised investigators who perform well in an analytic environment.

Managing the Collaboration

Smooth collaboration between two substantially different agencies may occasionally be difficult to maintain. Partnering agencies can significantly reduce the likelihood of difficulties occurring by attending to two important considerations. The first, identified by North Carolina staff, is not to denote any one agency as the lead agency for the task force—especially when issuing a press release. North Carolina staff reported that positive media coverage is vital to the program’s success and recommended assigning one person to the role of media contact; however, they stressed that everyone should be credited equally in press releases. This recognition of shared efforts may reduce turf battles and improve team spirit.

The second consideration involves addressing issues surrounding the different working styles of police investigators and ATF agents. For example, in Santa Ana, California, ATF agents often are pulled from the unit to work on special assignments, essentially interrupting the flow of an investigation they may be working on. Police investigators also are accustomed to working on several cases at once, whereas federal agents often work on one case at a time. In addition, ATF agents and police officers work with two different radio systems, which can create difficulties in communications among team members. Changing dissimilar working styles may be difficult, but efforts to improve cooperation must be made since cooperation between agencies will speed the progress of investigations. For example, in several sites federal agents reported that they were able to quickly gain valuable case information from local law enforcement partners in the task force. These agents noted that, although federal law is a bigger “hammer,” in that it carries larger penalties, it is also a slower one. They pointed out that local penalties represent a broader range of smaller “hammers” that are quicker and easier to use. To facilitate the use of the federal penalties most of the programs chose to cross-designate their local staff as U.S. marshals so that they could participate in federal arrests.

Physical Arrangements

One issue that emerged from all sites was whether to locate task force personnel in one office (“colocating”) and, if so, how to decide where. An arrangement in which full-time task force members are colocated away from their home agencies appears to be the most effective. This setup reduces

the likelihood that members will get pulled away from task force activities to work on other cases and improves communication among personnel. Both North Carolina and Santa Ana colocate the task force teams.

A Broad Range of Players

Many sites noted the importance of collaborating with agencies outside the immediate ATF and local or state law enforcement partnerships. For example, in West Virginia task force operations are enhanced by a commitment from the U.S. Attorney's Office to help the task force bring federal cases to trial. This is also true in North Carolina and Santa Ana, where the collaboration enhances case preparation for prosecution. In Santa Ana, staff also recommended that programs include a probation officer and/or a parole agent to expand investigation capabilities.

Program staff in California (Oakland), Virginia, and West Virginia reported that working with officers in local and state police agencies greatly aids their case investigations. These officers and deputies identify weapons cases and forward them to the investigations teams; this component is important for alerting task force members to suspicious individuals or evidence that could be significant to ongoing investigations. In Santa Ana, staff target countywide areas rather than specific cities to broaden the investigations.

Importance of Training

Within the context of new structures that cooperative agreements impose, a variety of training needs for program staff and others invariably emerge. For example, early in the program task force personnel in Gary, Indiana, received training on investigation activities that are typical for federal agents. The arrest procedures of local officers are distinctly different from the procedures of federal operations; federal operations involve fewer steps and less advance preparation than local law enforcement procedures. The training allows the local officers to participate in all aspects of the investigations and share equally in the responsibility for cases, enabling both agents and officers to improve their understanding of their new roles.

Training also helps law enforcement officers who do not work directly in the task force program. For example, in West Virginia task force personnel provide inservice and recruit training to the state police to enlist their cooperation in task force investigations. Troopers are asked to obtain intelligence about firearms when conducting field interviews and bring that evidence to the task force for consideration. The task force then includes the referring trooper in any subsequent investigation activities. This training process has been extended to nearby state and other local law enforcement agencies. West Virginia staff also provide training to railroad and bus station employees to enhance their ability to identify traffickers.

Funding and Resource Issues

Many program investigators found that more could have been accomplished if they had had more resources. In Santa Ana, additional resources were needed to increase staff, pay overtime, purchase equipment (such as safety equipment and vests), and buy weapons during undercover operations. In fact, some Santa Ana investigators worried that the safety of officers was in jeopardy because the unit could not raise sufficient funds for covert gun buys. This lack of funds jeopardizes the undercover status and compromises safety. The size of some gun deals had to be limited because undercover investigators could not show sufficient amounts of money to dealers.

In New York, personnel are often required to visit federal firearms license applicants after work hours or on weekends. These extra hours result in significant amounts of staff overtime charges. Frequently, if program staff were not able to receive authorization from the police department for this expense, they were able to use Bureau of Justice Assistance grant funds for some overtime expenses.

Startup Delays

Many programs experienced delays in starting program activities. For some, these delays resulted from difficulties in hiring and training personnel; for others, such as New Orleans, they were from difficulties with technology such as the use of detailed, complicated databases. The New Orleans project lost some data that had to be reentered at significant cost to the program. Other sites experienced delays in obtaining equipment, overcoming communications problems, and establishing appropriate work structures between the agencies.

Summary and Conclusions

What lessons were learned in partnering with other agencies and forming effective task force programs? Initially, many programs had numerous hurdles to overcome before getting started (hiring and training staff, acquiring equipment and funding), which suggests that other sites should be prepared to spend approximately 6 months to 1 year resolving organizational and administrative issues before beginning operations.

Program staff should be located in one office, ideally at a location apart from the offices of both agencies in the collaboration. Leadership in these programs should be flexible to allow staff to work independently and take ownership of their cases. This criterion was especially important for the statewide task forces, in which program coordinators and investigations staff are often separated by long distances. Further, program staff members should be flexible and enjoy working independently on paper-based investigations involving frequent long-distance travel.

When developing collaborations between state and local agencies and a federal agency, the sites found it important not to denote any one agency as the lead or to impose the policies and procedures of one organization on another. Particularly in terms of personnel issues (such as funding overtime in which ATF employees are compensated differently from local law enforcement agencies), adhering strictly to one policy can be perceived as unfair.

The majority of these programs use procedures that are formally set out by an MOU that clearly states the working relationships and establishes individual responsibilities. An important aspect of these agreements, however, is that they do not add to or create new case paperwork. It seemed most efficient for each agency to do its own paperwork and pick one type to bring to trial.

The final and perhaps most fundamental lessons learned concern personnel selection and work allocation among staff. All program staff should be assigned to the same type of work, rather than separating tasks by agency. Differences in information access and work styles often benefit these programs; however, uneven distribution of important case investigation work can cause rancor among staff and impede cooperation.

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Glossary

These definitions are derived from the Bureau of Alcohol, Tobacco and Firearms (1997b).

ATF Compliance Inspectors: A regulatory enforcement branch of ATF tasked with ensuring that FFLs are in compliance with federal regulations. Compliance inspectors routinely audit FFL records to determine compliance.

Case Investigation Paperwork: A collection of forms used by law enforcement agencies in the course of case investigations. These may include report forms, documentation forms, and forms required to obtain a subpoena for arrest warrants.

Crime Gun: Any firearm that is possessed illegally, used in a crime, or suspected to have been used in a crime.

Federal Firearms Licensee (FFL): A person, partnership, or business entity that holds a valid license issued by ATF (under the authority of 18 U.S.C. Chapter 44) that allows the licensee to engage in the business of dealing in firearms (manufacturing, importing, repairing, or pawnbrokering). By law, all FFLs must keep records of their firearms transactions.

Firearms Trace: The tracking of the history of a recovered crime gun, from its source (manufacturer/importer) through the chain of distribution (wholesaler/retailer) to the individual who procured the firearm.

Market Areas: An area where firearms acquired in a source area are unlawfully marketed and/or transferred to criminal elements, prohibited persons, or juveniles.

Multiple Sales/Purchases: Federal law requires each FFL to prepare a Report of Multiple Sales or Other Disposition of Pistols and Revolvers (ATF Form 3310.4) whenever the FFL sells or otherwise disposes of, at one time or during any 5 consecutive business days, two or more pistols or revolvers to an unlicensed person.

National Tracing Center (NTC): The ATF organization that traces the history of firearms recovered by law enforcement officials from crimes and from juveniles. NTC stores information concerning the multiple sale of firearms, suspect guns, stolen firearms, and firearms with obliterated serial numbers. It is also the only repository for all FFL out-of-business records.

On-Line Lead: ATF's automated information system that provides investigative leads by analyzing crime gun trace data, suspect gun information, stolen firearms information, and multiple sales information to identify recurring trends and patterns that may indicate illegal firearms trafficking.

Prohibited Person: Someone who is prohibited by federal law from purchasing a firearm, including convicted felons or those under felony indictments; people who unlawfully use drugs; people who have been adjudicated as mentally ill or committed to mental institutions; dishonorable discharges from the armed services; illegal aliens; non-U.S. citizens; those under restraining orders for stalking, harassing, or threatening an intimate partner or child of that partner; and those with misdemeanor convictions for domestic violence.

Source Areas: Areas where large numbers of firearms are acquired from various sources and transported to other jurisdictions for sale to criminals or others who cannot legally purchase firearms.

Straw Purchase: The acquisition of a firearm from a federally licensed firearms dealer by an individual (the "straw") for the purpose of concealing the true identity of the intended receiver of the firearm(s).

Trigger Lock: A firearms case, which began with a state or local investigation, that is brought by ATF to the federal court system.

Firearms Licensee Compliance Program Site Summaries

Oakland Police Department, California

Background and Overview

The use of firearms in violent crime in Oakland increased steadily during the late 1980s and early 1990s. City officials noted the increase in the percentage of firearms used in aggravated assaults (from 39.8 percent in 1992 to 44.3 percent by 1993) and in homicides (from 60 percent in 1982 to 80 percent by 1992). The city was also home to a large number of federal firearms licensees (57), many of whom were selling out of their homes and cars. In response to these conditions, the Oakland Police Department (OPD) joined with the Bureau of Alcohol, Tobacco and Firearms to enhance OPD's ability to conduct more comprehensive background investigations on new or renewal federal firearms licenses applications and to ensure dealer compliance with local, state, and federal laws. This new program was termed the Firearms Compliance Program. In addition, OPD initiated a Firearms Trafficking Program to reduce the number of illegally purchased firearms and illicit dealers.

These programs are operated by the weapons unit of OPD. Although staffing fluctuated early in the grant period, one sergeant, two officers, and one clerk from OPD currently staff the Firearms Compliance Program. Two ATF agents work on the program out of federal offices. OPD officers are cross-designated as U.S. marshals so they can make arrests on federal charges. ATF also supplies vehicles for the program.

The initial grant was awarded in October 1994 and was extended on a yearly basis through January 31, 1998. The total amount awarded by the Bureau of Justice Assistance is \$579,550. Apart from the staffing and equipment that OPD and ATF contribute, the program receives no additional funding.

Program Goals and Objectives

The long-term program goal is to reduce Oakland's violent crime rate by reducing the availability of illegal firearms. The short-term objectives of the program are to reduce the number of illegally purchased firearms by identifying multiple sales, eliminating firearms businesses that operate in residential neighborhoods or near schools, reducing the total number of FFLs, bringing FFLs into compliance with local and state requirements, investigating weapons cases, and identifying straw sales.

Program Description

To reduce the number of FFLs and bring them into compliance, the program conducts comprehensive background investigations on federal firearms license applicants; ensures dealer compliance with local, state, and federal laws; and works to enhance interagency information sharing. The stringency of the local requirements for FFLs changed substantially just prior to the grant period when Oakland began requiring all dealers to apply for a local police permit. At the time the ordinance was passed, existing licensees were notified by mail of the changes and told that they must be in compliance.

As part of this new application process, FFLs are screened to ensure that all proper permits and licenses have been obtained. In addition, OPD completes background checks to rule out applicants with prior criminal records, ethical breaches, or histories of mental illness. The fee increased to \$500 for a 2-year license (the fee goes toward salaries of officers who conduct background checks), and the licensee is required to maintain a minimum of \$1 million in insurance. Local law enforcement staff assigned to the program conduct background checks and onsite inspections with a representative from ATF to ensure that buildings meet security requirements, including adequate lighting and alarm systems.

To identify multiple sales, program staff created and maintains a database for identifying individuals who purchase several firearms at one time (multiple sales). This database contains information on dealer sales, individual purchaser information, data from a computer program on ballistics, and gun-tracing information. Data are analyzed to determine if some individuals are operating as independent dealers and to identify dealers who may be making questionable sales.

To investigate weapons cases and identify straw sales, firearms recovered by the police are treated as property and turned over to the police property room, where a form is completed and forwarded to program staff for tracing. Even though most of the Oakland FFLs are reputed to be uncooperative with the police, two store owners called program staff when they suspected straw purchases and subsequently engaged in undercover operations with them. Officers in OPD also forward information on all gun cases to program staff. Early in the program, staff trained beat officers in Oakland, as well as several outside agencies, on gun issues and how to identify straw purchasers.

The outreach effort made by program personnel to officers in the police department led to such an increase in workload for program staff that they no longer need to seek out cases for investigation. Patrol and beat officers bring approximately 20 to 25 cases per month to each investigator on the team. When OPD arrests someone on a firearms violation, the investigator from the program staff interviews the arrestee, initiates a trace of the

weapon, completes all followup investigation work, and prepares the case for the district attorney. Robbery, assault, murder, and other cases involving firearms are handled on a case-by-case basis by other units within the criminal investigations division.

Program staff also review all weapons cases to identify those eligible for prosecution under the Achilles program, a federal program begun in 1990 that identifies and targets violent career criminals and armed drug traffickers as a priority for the U.S. Attorney's Office. If a case involves an armed, violent felon with a history of convictions for carrying or using firearms in the commission of a crime, it can be suitable for federal prosecution and carry a minimum penalty of 15 years in a federal prison. Program officers work with ATF staff on all federal cases that emerge from the unit; this collaboration has been so extensive that Oakland officers have brought more federal Trigger Lock cases to trial than have ATF agents. Two assistant U.S. Attorneys work with the officers on case preparation. In addition, unit officers work with the department's gang suppression unit to target individuals carrying weapons during street corner sweeps.

To identify straw purchaser cases suitable for further investigation, program staff examine printouts from the California Department of Justice that list all gun purchases in each jurisdiction. When selecting a case for further investigation, program staff look for people who have purchased 12 or more guns in a 1-week period and/or who have purchased certain types of firearms (low-cost weapons, such as Lorcins and Brycos). Program staff also check the serial numbers of recovered weapons against the National Crime Information Center database to determine which have been reported stolen and which should be seized as evidence for straw purchase cases.

Program Outcome

OPD firearms programs have achieved several objectives. The new ordinances governing firearms sales and enforcement regulations have decreased the number of FFLs. For example, as part of its compliance work, the unit has reduced the number of firearms licensees from 57 to 6 (consisting of 2 gun stores and 4 pawnshops) between 1994 and 1996. In addition, the unit has completed more than 3,000 firearms traces and developed relationships with informants and leads that have resulted in the investigation of more than 28 straw purchasers and the arrest and prosecution of 5.

Lessons Learned and Future Directions

Originally this grant was to fund searches for large caches of guns. Staff discovered early on, however, that large gun caches were not a problem in Oakland and shifted their focus to straw sales, straw purchasers, and all-city weapons cases. The unit operates on a more casual basis than is often the case in similar programs. There is no memorandum of understanding,

and the officers and agents usually work out of their respective offices. The atmosphere is cooperative and program staff indicate that the agencies have exchanged significant amounts of information.

Because of its successes, this program will continue beyond the funding provided by BJA. OPD will fund the officers from its regular budget, and ATF will continue to assign staff to the program.

New York City Police Department, New York

Background and Overview

New York City has some of the most restrictive local licensing requirements for FFLs in the country. Prior to this initiative, only 29 of the 950 FFLs in New York City were in compliance with local laws. Because firearms supplied by noncompliant dealers often contribute to violent crime in New York and elsewhere, this program was designed to provide all dealers in the city with information about local requirements and discourage them from pursuing federal firearms licenses. Through the Firearms License Application Inspection and Review (FLAIR) program, New York City Police Department (NYPD) sergeants are paired with compliance inspectors from ATF to investigate federal firearms license applications. This approach is novel because it involves a cooperative effort between two agencies that do not traditionally communicate on licensing issues.

Program staff includes two police officers from NYPD and two compliance inspectors from ATF who work out of their respective offices. The program is not guided by an MOU. The BJA grant provided funding for some of the NYPD officers and helped in the purchase of two unmarked cars, a beeper, and a computer.

The grant began in June 1993 and was extended on a yearly basis through January 1, 1997. The program is continuing its work with internal funding sources. The total amount awarded by BJA was \$468,951. Apart from the staffing and equipment that NYPD and ATF contributed, the program has received no additional funding from an outside source.

Program Goals and Objectives

A basic premise of the program is that federal licensees are law-abiding business owners who may not be aware of all applicable local, state, and federal laws and regulations. The program goal is to reduce the number of FFLs in New York City to only those with legitimate business intentions, thereby reducing the availability of firearms. The program objective is to bring all FFLs into compliance with state and local laws and regulations.

Program Description

The FLAIR program comprises three stages. The first phase targets new applicants for Class I licenses, which are dealer licenses. The second phase targets renewals of Class I licenses, and the third phase targets applicants for a Class III license, which is a curio and collector's license.

Program activities are initiated when ATF receives a new application or a renewal for a federal firearms license. A copy of the application is forwarded to the task force unit within NYPD for investigation. After conducting a preliminary background check of criminal history, mental health problems, and whether the applicant has already been issued or has applied for local licenses, the task force sergeant contacts the applicant by phone or mail (sample letters are contained in appendix E). The sergeant explains the local requirements for FFLs. The applicant has the opportunity to withdraw the application at this time.

In some cases, the NYPD sergeant and compliance inspector visit the dealer's premises together. Initially, these visits were made to approximately 50 to 60 percent of applicants who refused to withdraw their applications after the first telephone contact. Onsite visits are not made to inspect the premises but rather to explain the licensing requirements in a nonconfrontational manner. These visits also demonstrate the commitment of these agencies to ensuring compliance with all regulations. Since the program began, the number of visits required has decreased as fewer applicants choose to continue the license application process. Staff find that an informal network of information sharing has been established among licensees who have learned about the activity of the task force.

Local regulations in New York City are stringent. These regulations include requirements that dealers operate from commercially zoned property, obtain a certificate of occupancy if the store carries more than 200 rounds of ammunition, obtain a certificate from the fire department, have a current lease and tax card, submit blueprints of the premises, and meet certain security requirements (such as a safe, an alarm, and a panic button). These obligations are designed to dissuade all but the most serious businesses. (See exhibit 1 for a brief list of requirements.)

If, after further explanation of these requirements, an applicant wants to proceed, the compliance inspector gives the applicant 30 days to comply with local law requirements. If, after that time, the applicant remains noncompliant, the application is denied. Unannounced inspections are also conducted by the team to follow up on approved licensees.

Program staff encounter a variety of reasons for noncompliance from licensees. Examples include uninformed applicants who believe they needed a federal license just to own a gun, applicants who collect licenses of all types, persons who want to obtain weapons at wholesale prices, and

Exhibit 1 New York City Gunsmiths and Dealers Requirements of Applicants*

Applicant must:
Be over 21 and maintain a residence in New York City.
Be a citizen of the United States.
Be of good moral character.
Never have been convicted of a felony or other “serious offense.”
Disclose any mental illness or time spent in an institution for mental illness.
Obtain license for themselves as a “specified” premise (such as a place of business, rather than a residence).
Display license on premises.
Obtain a separate license for each establishment where firearms are stored or business activities are conducted.
Be fingerprinted.
File a copy of articles of incorporation, if applicable, and include documentation of appointment of new officers or change in appointment of officers.
Remain free of felony convictions or face license revocation.
File notice of change of address.
Be truthful in all application materials and submit it with a fee of \$25 or \$50 as applicable.
Submit plans and permits for business premises that must be prepared by licensed architect.
Submit current federal firearms license.
Submit a copy of Certificate of Occupancy (C of O) zoned for the gun dealer’s business. If the C of O states that the premises is approved for more than 200 rounds of ammunition, a permit from the fire department is required.
Submit a current lease or deed for license location.
Allow officer of local police precinct to inspect premises to ensure adequate security measures. For example, a central station alarm must be present and operable.
Submit a New York City tax card.
Submit any other licenses as applicable (for longarms and second-hand firearms).

*These requirements are presented in brief for descriptive purposes only.
 Source: Chapter 4, Subsection 3 of Title 38 of New York City Code.

others who had owned such licenses in other places where less strict ordinances applied. Only a few licensees have been clearly identified as problem individuals or those with criminal intent.

Program Outcome

The program's campaign has been effective in discouraging applicants. As of October 31, 1997, of the 248 Class I new applications received during the program's operations, 236 were withdrawn or abandoned, 6 were disapproved, 4 were approved, and 2 were pending investigation. Of the 498 Class I renewal received, 387 were withdrawn or abandoned, 24 were disapproved, 73 were approved, and 14 cases were still under investigation. Of the 127 Class III applications, 106 were withdrawn or abandoned, 1 was disapproved, 16 were approved, and 4 cases were still under investigation.

Further, the program has effectively reduced the total number of FFLs. In 1992, 987 FFLs were operating in New York City, and by 1996 there were only 205, which represents a drop of 79 percent. This decrease in the number of dealers has clearly led to a decrease in the availability of firearms, which has had direct implications for violent crime. Statistics reveal that violent crimes such as homicide are down approximately 30 percent in New York City, due partly to programs like this one that significantly reduce the number of firearms on the street.

Lessons Learned and Future Directions

The director of the FLAIR program states that this program is an effective and inexpensive way to have a large impact on the availability of firearms, and its impact is clearly demonstrated by the smaller numbers of dealers operating in the city. However, the program has encountered some administrative and logistical hurdles. For example, task force personnel often are required to make visits to applicants after work hours or on weekends. This has resulted in a significant amount of overtime for officers. Although program staff did not receive authorization from the police department for this expense, some amount of overtime was paid by the grant.

Due to its successes, this program has continued beyond BJA funding. The police department has agreed to support the salary of the sergeant supervisor and two police officers who work with ATF compliance inspectors.

Firearms Investigative Task Force Program Site Summaries

Indiana Criminal Justice Institute, Indianapolis, Indiana

Background and Overview

In recent years, violent crime in Gary, Indiana, has increased at an alarming rate. In 1995, Gary had the highest per capita murder rate in the United States. Although rates of arrest and conviction have kept pace with the rise in crime, budgetary constraints have inhibited the ability of police to make greater progress. The Violent Crime Task Force (VCTF) was funded in June 1994 through the Indiana Criminal Justice Institute to combine state, local, and federal law enforcement resources to target, investigate, and prosecute individuals responsible for violent crimes committed with firearms in and around the city of Gary. Authorities in the state now believe they can achieve the greatest impact on violent crime by directing task force efforts toward identifying firearms traffickers who supply guns to these violent criminals.

The task force is made up of six police officers from four northwest Indiana police departments and four Bureau of Alcohol, Tobacco and Firearms special agents assigned to the Merrillville field office. The participating police departments are from the cities of Gary and Hammond and from Portage and Lake Counties. All task force personnel prepare ATF case investigation paperwork and work out of the ATF field office. Training was provided to all members of the task force at the beginning of the grant period on ATF policy, procedures, firearms violations investigations, legal matters, reporting, safety, and tactical operations. All officers are cross-designated as U.S. marshals and have the authority to make arrests under Chapter 44, Title 18 U.S.C., which contains the firearms trafficking statutes. Several other agencies collaborate with the task force and attend monthly meetings to discuss progress and solve problems that arise. These agencies include the U.S. Attorney's Office, the U.S. Department of Housing and Urban Development, the Internal Revenue Service, and the U.S. Drug Enforcement Administration.

The grant began on July 1, 1994, and was extended on a yearly basis through the end of fiscal year 1998. The total amount awarded by the Bureau of Justice Assistance was \$535,450. The task force was supported by a memorandum of understanding. BJA discretionary grants provided salary support for the police officers, and a BJA state formula grant provided funds for overtime, secretarial support, office space rent, equipment, and routine supplies. ATF contributed staffing and some equipment.

Program Goals and Objectives

The goal of the task force is to reduce the number of violent crimes committed with firearms. To achieve this, the task force is pursuing three objectives. The first is to proactively investigate violent crimes committed with firearms and interdict the supply of firearms into, within, and from the city of Gary, with an emphasis on illegal trafficking to juveniles. The second objective is to provide firearms tracing and technical assistance to participating agencies in the task force. The third objective is to support and assist other task forces within the area. Task force personnel concentrate their efforts on those areas in Gary with the highest concentration of crime.

Program Description

Task force personnel have engaged in several activities to achieve their objectives, including targeting firearms traffickers and investigating violent criminals.

To target firearms trafficking, the task force focuses on cutting off the flow of firearms to individuals and organizations with the greatest propensity for carrying or using firearms during violent crimes. To do this, staff target multiple firearms purchasers who may be linked to criminal elements. To target multiple purchasers and sources of crime guns, task force staff initially planned to use ATF's Project Lead data as an investigative tool. Before this step was possible, they needed to increase the trace requests local police departments submitted to the National Tracing Center. They began with the city of Gary and placed computers in the police department to enable task force personnel to submit trace requests and work with local officers on continuing the practice. The task force is now able to use trace data to identify targets for surveillance and other covert investigative activity.

To analyze these trace data, the task force maintains its own crime gun database, which contains more than 1,400 trace results from Gary alone. The task force is working toward expanding the database to include the entire county. Task force personnel transfer data from NTC on disks and upload the information into their own database. The database is searched to identify sources of illegal firearms. For example, the team looks for individuals who are buying firearms in large quantities that are later recovered by the police in connection with crimes.

To identify targets for investigation, the task force also reviews the multiple sales form that is sent to ATF by federal firearms licensees. However, a 2- or 3-week timelag is common for receipt of this information. This timelag results when dealers delay submission of the forms or send them to the wrong place. These errors are occasionally inadvertent, but may also be ways for dealers to deter investigations—the timelag often makes the individual in question harder to find. Task force personnel also know of dealers who actively dissuade individuals from multiple purchases to reduce the likelihood that the government will target the individuals.

When a member of the task force gathers sufficient information to determine that a target warrants an investigation, he or she brings the case to the task force coordinator, who, with his or her supervisor, determines if the case should move forward. The target is then assigned a case number and tracked. All members of the task force are responsible for identifying targets and must attend mandatory briefings that are held both before and after major arrest operations. These briefings allow for discussion of the procedures and outcomes, and everyone is encouraged to voice concerns about the activities and suggestions for improvements.

The investigators work closely with local police departments in the four collaborating jurisdictions. They have asked these departments to alert them when arrests are made involving the seizure of multiple firearms, when they notice obliterated serial numbers on confiscated firearms, or when they have a case involving a combination of firearms and drug charges. They also routinely check the property room's daily activity log to identify recovered firearms.

To target violent criminals, data on violent crime in Gary were plotted citywide during the first 2 years of the task force, and five impact areas were identified as particularly violent. These impact areas all have a high concentration of public housing developments. Within these areas, the task force works to identify, target, investigate, and prosecute individuals who are responsible for, or at the core of, violent crime committed in and around Gary. In particular, the staff target persons who are likely to carry or use firearms during the course of violent crimes or while protecting their drug trade. Targets are identified through active investigation, historical data, Project Lead, confidential informants, and intelligence provided by other federal, state, or local authorities.

Program Outcome

To measure its success, the task force regularly monitors the number of weapons seized, firearms traced, investigations opened, and targets arrested and convicted. As of April 1998, 193 firearms were seized, 2,694 firearms traced, 132 investigations initiated, 78 arrests made, and 36 suspects convicted. The final number of targets convicted and their lengths of incarceration will be compiled at the end of the grant.

Lessons Learned and Future Directions

Violent crime in Gary, Indiana, has received national attention and a recent influx of federal funds to address the situation. The Federal Bureau of Investigation has a task force that reacts and responds to all homicides and any violent crimes that have a federal nexus that occur in Gary. The area also recently received a High Intensity Drug Trafficking Area (HIDTA) grant, which requires that the task force make changes in priorities and several administrative tasks.

Originally task force members were arranged into three teams, each headed by an ATF agent to whom cases were assigned. Two additional local police officers supported each team in case investigations. This team structure, however, was not as productive as anticipated. In practice, the police officers in this structure felt that they were subordinate to the ATF agents. These feelings made for poor working relationships among team members and resulted in a high turnover rate of officers. In response to this problem, the task force structure was reorganized so cases were assigned more evenly to all task force personnel, both officers and agents; assignments were based on who developed the initial investigation. Investigation teams are now formed on a case-by-case basis.

With this new structure came new responsibilities. The officers needed, and received, training on activities that were typical of the federal agents. For example, local officers use arrest procedures that are distinctly different from federal operations. This training enabled local officers to participate in all aspects of the investigations and share equally in the responsibility for cases, and both agents and officers have a clearer understanding of their duties.

The grant from BJA ended in June 1998. Local jurisdictions plan to continue the commitment of their officers to the task force.

State Bureau of Investigation, Raleigh, North Carolina

Background and Overview

In the early 1990s, it became apparent that the rate of violent crime was increasing in North Carolina at a much faster rate than the rest of the country. For example, from 1985 to 1994 violent crime in North Carolina increased 78 percent, compared with 40 percent in the rest of the nation, and the murder rate increased by 50 percent, compared with 23 percent in the rest of the nation. These trends reflected crime across the state, not just in urban areas. In fact, the violent crime rate in North Carolina's rural areas rose even faster than in its urban areas, and much faster than in the rural areas in the rest of the nation. The public's concern about and fear of crime also grew. The Violent Career Criminal Task Force (VCCTF) was designed to target those offenders whose violent actions, which often involved firearms, had created and heightened the public's fears.

Specifically, VCCTF's goal was to develop a model program to target violent, predatory criminals and weapons traffickers for arrest and prosecution. The model involves targeting groups of violent offenders and lone criminals in both urban and rural settings. The task force uses a proactive strategy to bring together intelligence from federal and local law enforcement authorities in identifying active violent criminals. As often as possible, these targets are charged under federal statutes and incarcerated in federal prisons to maximize penalties.

The organization of this program relies on the work of six separate task forces that operate within the three federal judicial districts in North Carolina, all of which combine the efforts of the State Bureau of Investigation (SBI) and ATF. Charlotte has the biggest task force, with a total of 26 staff members, and Henderson has the smallest with only 2. Ten SBI agents, including four criminal specialists, are assigned to VCCTF. Task force personnel rely on the joint efforts of local, state, and federal law enforcement and prosecutorial authorities to conduct investigations relating to the goals of VCCTF. Most of the state personnel were deputized as U.S. marshals.

A VCCTF steering committee is set up in each of the three federal judicial districts, staffed by management representatives from SBI and ATF, as well as the FBI, local law enforcement agencies, and the U.S. Attorney's Office where applicable. The role of the steering committee is to provide advice and guidance when administrative or investigation problems arise.

The grant began in October 1994 and was extended on a yearly basis through the end of 1998. The total amount awarded by BJA was \$598,076. The task force was supported by an MOU (see sample in appendix D). The BJA grant provided salary support for state police agents, secretaries, analysts, and some routine supplies. State funds increasingly supplemented these expenditures. ATF contributed agents and some equipment.

Program Goals and Objectives

The goal of VCCTF was to develop a model program to target high-rate, violent, predatory criminals and weapons traffickers for arrests and prosecution. To achieve this goal, task force personnel worked toward several objectives: improving the methods of targeting, investigating, arresting, and convicting violent felons; improving the ability of law enforcement agencies to engage in proactive investigations; developing better methods to gather and use investigative information; developing techniques for identifying individuals who are supplying weapons to criminals; and developing ways of targeting the worst offenders in those areas where local departments are starting community policing.

VCCTF developed and maintained a best practices manual throughout its operations to document its activities so other agencies could replicate the program.

Program Description

Literature suggests that a only small number of offenders are responsible for a disproportionately large amount of violent crime, so the approach taken in North Carolina was to target repeat offenders. Targets are brought to the attention of task force personnel in a variety of ways, but predominantly through law enforcement intelligence. Fliers are disseminated to state and local law enforcement officers to encourage them to provide information to the task force (see exhibit 2).

Exhibit 2 Police Department Flier

Violent Career Criminal Task Force

Goal

To incarcerate, in federal prisons, the most violent North Carolina criminals, thereby reducing the ever-increasing incidents of violent crime in North Carolina.

Qualifications

The task force will review targets who meet at least one of the following qualifications:

- **Armed Career Criminal** with three prior qualifying convictions who possesses a firearm.
- **Career Offender** with two prior qualifying convictions who uses a firearm to commit a crime of violence.
- **Felon in Possession** with one prior felony conviction who possesses a firearm.
- **Armed Drug Trafficker** who uses or carries a firearm during a drug trafficking crime.
- **Armed Violent Offender** who uses or carries a firearm during a federal crime of violence.
- **Criminal case** that has already been adopted by the U.S. Attorney's Office.

The Process

Background checks will be conducted:

- If the criminal meets the qualifications specified above, the task force coordinator will approve the criminal as a Violent Career Criminal Task Force target.
- Consequently, agents from the State Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms will work with local agencies to investigate the target.
- The Violent Career Criminal Task Force will work with the U.S. Attorney to bring federal charges against the target.

Submission and Questions

To submit information on a potential target to the Violent Career Criminal Task Force, please contact the analyst at SBI's Intelligence Section at 919-662-4500 or 800-622-7610, ext 219.

Several jurisdictions with task forces are engaged in community policing programs, which task force personnel find to be an asset. Officers engaged in community policing work become a tremendous source of information about crime and repeat offenders. These officers inform task force personnel of day-to-day activities within a particular neighborhood and of certain relationships between residents and those involved in criminal activities. Other local law enforcement contacts include members of vice and narcotics squads, who often participate in undercover purchases of drugs and weapons.

Once a possible target is brought to the attention of the task force, a background investigation is conducted, and the target is selected if he or she has a history of violent crime, information suggests he or she is currently active as a violent criminal, and there is a likelihood that the subject can be successfully prosecuted under federal career criminal statutes. The selection process is carried out by the line-level investigators on the task force and is reviewed by senior staff.

Once a target has been selected, a VCCTF core group is formed. This group, comprising task force personnel and personnel from the FBI, U.S. Secret Service, INS, DEA, and local investigators, focuses on the criminal activities of the target until enough solid evidence is collected to develop a case. Investigation techniques include gathering intelligence through extensive interviews with informants and surveillance of the subject and his or her associates. A thorough standard operating procedures manual guides the conduct of each investigation and each step is spelled out in the investigative checklist (see exhibit 3). The keys to these investigations, which can take months or years, are patience and resources. The goal of the group is to arrest the target and bring him or her to trial.

VCCTF uses a wide array of proactive techniques during the course of its investigations, including those named above plus investigations of the target's assets, such as property and business holdings. Task force personnel also use sophisticated audio and video surveillance equipment; have access to special funds to purchase guns, drugs, and information; rely on informants; and conduct undercover operations.

VCCTF investigators work closely with SBI analysts who conduct criminal background investigations of targets, gather intelligence information on them, and enter all investigative leads, contacts, and other relevant information into a relational database program. The intelligence section routinely reviews the database for connections between targets and other investigative activities.

The three U.S. Attorney's Offices in each field division in North Carolina work closely with task force personnel throughout the target's investigation. They provide input on evidence and assist in determining when the case is ready for trial.

Exhibit 3 Police Department Investigative Checklist

1. Target Identification and Confirmation

Develop this list from people (both law enforcement and civilian) who are in a position to know what is going on with a particular person or within a particular organization. Our credibility is on the line here! Do we have a defendant in custody who can provide testimony on these targets?
Operational security should begin and continue in this stage and throughout the investigations.
Dissemination on a need-to-know basis only.

2. Criminal History Inquiry (ATF)

Evaluate the potential for the utilization of other investigative aids: surveillance, video, pole cameras, mail covers, tax records, undercover operatives, search warrants, consent searches, vehicle stops, financial analysis, firearms and toolmark examinations, handwriting comparisons.

3. Felony/Pending Case Checklist

4. Violent Crime Case Acquisition (District Attorney's Office)

5. Alphabetized Overt Act List

The opening report, complete with ATF personal history and case summary forms, to officially open the case should be initiated here, if not earlier.

6. Violent Crime Case Selection

Determine which cases can potentially be utilized. Further investigation on any closed or dismissed case, if necessary.

7. Case Disposition (From Clerk's Office Printout)

8. Evidence Verification

9. Defendant Detention Outline

10. Case Report

- a. Personal histories.
- b. Chronology (from Overt Act List).
- c. Lists of witnesses and exhibits.
- d. Reports of interviews (to support witnesses who cannot speak for themselves on the witness stand).
- e. Interviews from witnesses and cooperating defendants.
- f. Statements from necessary task force agents.
- g. Trace of all firearms that are utilized in the overt acts, substantive counts (i.e., for felonies), and the case report.

11. Operational Plan and Risk Assessment

12. Arrest Folders

13. Address Verification and Intelligence Information

Exhibit 3 Police Department Investigative Checklist (Continued)

14. Grand Jury Agent
15. Arrest Operation Coordinate with an authorized federal detention facility to arrange prisoner lodging if necessary.
16. Initial Appearance Agents Times: 10:30 a.m. and 2:30 p.m.; coordinate with the U.S. Attorney’s Office to work out the logistics.
17. Detention Hearing Agent
18. Debriefing Agents
19. Trial Preparation
20. Trial

Program Outcome

VCCTF has investigated 1,331 targets since 1994. Of those, 64 are under review to determine if they meet the qualifications for serious violent criminals, 214 are under investigation, 43 are pending arrest, 215 are awaiting prosecution, 516 have been arrested and prosecuted, and 279 cases have been closed without arrest or prosecution.

After the task force began its work in 1992, the rate of violent crime—which includes murder, rape, robbery, and aggravated assault—declined from 699.6 per 100,000 to 603.1 per 100,000, representing a drop of 13.8 percent. The murder rate also declined from 10.8 per 100,000 to 8.8 per 100,000 representing a drop of 18.5 percent. Task force personnel hasten to point out, however, that these accomplishments are not solely the work of this task force. Rather they are a result of the combined efforts of several initiatives in the state.

The task force completed a best practices manual that highlights the procedures used in the investigations. This manual has been made available to other agencies that have implemented similar programs.

Lessons Learned and Future Directions

The task force owes its successes to many factors—some organizational, some logistical. Primary among these factors is the ability of everyone, from managers to line-level staff, to be flexible and to work together as a team. For example, although the task force managers first thought that a mutually agreed-upon procedure for handling paperwork should be used by everyone, they later decided this approach was too difficult. Instead,

the state and federal agents completed their own paperwork using forms from their respective agencies.

Also, no agency was designated as the lead agency for the task force. Task force personnel felt strongly that no one particular agency should be considered the lead, especially when issuing a press release. Although everyone agreed that good media coverage is vital and that one person should be assigned to the role of media contact, the task force stresses that every agency should be equally involved and credited equally. Ultimately this sharing of responsibility reduces turf battles and improves team spirit.

Several logistical issues were solved early in the project and consequently allowed greater ease of communication among task force members. In particular, the members were colocated in one office, away from their home agencies, so that they could work full time on the task force. These logistical factors reduced the likelihood that members would get pulled away from task force work and improved communication among personnel. It also became clear that personnel needed adequate and compatible communication equipment, given that the agencies broadcasted on different radio bands. The task force also needed some fairly expensive equipment, such as specially equipped vans, to conduct surveillance operations. These were acquired early in the program through grant funds.

Based on the clear success of the task force efforts, the state of North Carolina has made a commitment to provide salaries and other means of support to continue activities beyond BJA funding.

Virginia Department of State Police, Richmond, Virginia

Background and Overview

The Firearms Investigative Task Force (FITF) was created in response to evidence that Virginia had become the primary source of crime guns used in New York City and Washington, D.C., and to the growing concern about violent crime in Virginia. Crime statistics emphasize the role of firearms in violent crime—73 percent of the 593 murders committed in Virginia in 1993 involved firearms, and 60 percent involved handguns. To reduce the occurrence of these crimes, Virginia State Police believed that a direct approach was needed to reduce the number of individuals who obtained firearms illegally and curtail firearms trafficking from Virginia to other states.

The state police formed FITF in 1992 and later requested and received outside funding to continue its activities from 1993 through 1996 through a cooperative venture with ATF. The main focus of FITF was on individuals

who were involved in interstate trafficking of firearms, who are prohibited by law from purchasing and possessing firearms, or who are involved in the straw purchase of firearms.

The precise number of personnel assigned to the task force varied during its 4 years of activities. At its height of activity, the task force comprised 15 state police officers, including troopers and agents. At the beginning of the grant, state police agents were evenly assigned to the five ATF field offices in Virginia (Bristol, Falls Church, Norfolk, Richmond, and Roanoke). A Virginia state police Assistant Special Agent in Charge (ASAC) was hired in 1993 to administer the grant program and coordinate task force operations. The grant also funded a support services specialist, who supplied secretarial and administrative support. The task force size diminished slightly with each grant year, and in the last phase all state troopers were returned to their field divisions with the understanding that they would pursue local firearms investigations. All state police personnel assigned to the task force were deputized as U.S. marshals.

The grant began in January 1, 1993, and was extended annually through June 30, 1996. The total amount awarded by BJA was \$584,748. The task force was supported by an MOU (see appendix D). The BJA grant provided salary support for state police agents and some basic supplies. State police received additional grant funds from the Virginia Department of Justice Services to pay for similar expenditures. Virginia state police provided state troopers, and ATF contributed agents and equipment.

Program Goals and Objectives

The goals of FITF were to decrease firearms-related crimes by combining federal and state resources to investigate and prosecute firearms trafficking operations and to support improved interagency coordination in the investigation and prosecution of firearms trafficking.

To reach these goals, the task force developed several objectives: identify individuals, organizations, and sources of firearms—licensed and unlicensed—that facilitated the unlawful use of firearms; target, investigate, and prosecute individuals engaged in interstate firearms trafficking activities and firearms-related crimes; and develop and exchange information relating to unlawful activities with other law enforcement agencies.

Program Description

In the early years of the task force's operation, personnel developed targets for investigations through contacts within the Firearms Transaction Center. FTC was created in 1989 and is responsible for conducting criminal background checks for all firearms purchasers and carrying out Virginia's Brady background checks. FFLs are required to contact FTC by telephone whenever someone purchases a firearm. FTC conducts a database search to

identify whether the prospective buyer meets any of the criteria for prohibited persons and performs a Brady background check. If the person clears all the background checks, an FTC staff person provides the dealer with a confirmation code to allow the sale. If the person fails the background checks and the sale is denied, FTC provides this information to the task force.

During 1994, FTC processed 28,745 transactions, of which 1,756 were denied. This inspection process resulted in 608 arrests on a variety of firearms charges and the identification of 181 wanted felons, of whom 83 (46 percent) were arrested. The task force also used FTC records to identify multiple purchasers and potential straw purchasers. In all, FTC initiated approximately 85 percent of the criminal investigations that the task force carried out.

The task force also coordinated with local police to initiate investigations. For example, one major case began when a property room patrol officer in Richmond alerted the task force to a group of recently seized guns with obliterated serial numbers. The Virginia Forensic Laboratory inspected the weapons and retrieved partial serial numbers. Task force staff contacted the manufacturer, determined that guns in that serial number range had gone to one particular dealer, and asked the local distributor to alert them when the dealer ordered a new shipment. At the same time, the task force initiated a surveillance of the dealer's address (including surveillance by air and phone monitoring), which was his mother's home. The surveillance revealed that the suspect maintained a fairly low-key lifestyle, had no criminal background, and had applied for his federal firearms license 2 weeks after he turned 21 years of age. Eventually, they were able to link this dealer with 600 firearms that were purchased with no federal paperwork completed, many of which had obliterated serial numbers and were shipped to New Jersey and New York. This individual was arrested, prosecuted, and sentenced to 10 years in prison with no chance of parole.

Task force staff also engaged in the following strategies to uncover targets for criminal investigations: attended gun shows and flea markets (this work was done by the state agents because, at the time, ATF agents were prohibited from attending these events), made periodic visits to gun shops, and conducted surveillance in parking lots of gun shows and shops. The task force initiated traces on all weapons recovered during its investigations and worked cooperatively with the National Tracing Center and Project Lead to identify sources of crime guns.

Task force staff also initiated investigations of FFLs in their jurisdictions who did not possess a state license. In general, the task force was able to involve dealers as cooperative informants, some of whom even allowed surveillance in their stores. An additional unique source for investigations included members of a nearby hunt club who supplied information about suspicious firearms transactions.

Task force operations changed dramatically when Virginia passed its one-gun-per-month law in June 1993. This law greatly reduced firearms trafficking in Virginia but caused an increase in straw purchases. FTC maintains its own operations but has added the duty of checking for violators of this new law. FTC notes, however, that followup investigations of individuals who try to purchase more than one gun per month largely show that the individuals misinterpreted the law—that the restriction is not an actual calendar month; it is a 30-day period.

Program Outcome

From the program's start in 1993 through its completion in 1996, the task force investigated 1,215 firearms violation cases, made 431 arrests, obtained 129 convictions (the remaining cases are pending in federal court), seized 397 firearms, submitted 333 firearms traces, and provided assistance to members of the state police and other state and local agencies.

In the straw purchaser investigations, the task force noted that these violators often either had experience in other kinds of criminal activities, such as check fraud, or were in association with known felons. The dealers report to the police that although straw purchasers range from the inexperienced to the sophisticated, many are able to lie in the purchasing situation.

Lessons Learned and Future Directions

Due to the change in gun laws in Virginia during task force operations and the resulting change in Virginia's status from the number one source state, the grant ended and the task force was disbanded in 1996. The work initiated by the task force has not ended, however. The troopers and agents have taken the knowledge they gained while on the task force back to their respective agencies to pursue trafficking cases independently.

Task force members were pleased with their successes and felt they were largely due to the task force personnel. They emphasized that staff needed to have street-level investigation experience and be familiar with the crime gun situation in their areas. Personnel members who had a background in narcotics investigations were also beneficial to the task force because of the tremendous overlap between illegal drugs and firearms. Some task force staff felt that the deployment of state police personnel based on workload rather than on field divisions might have evened out the workload. In this way, more agents would have been assigned to Richmond—the busiest area.

West Virginia State Police, South Charleston, West Virginia

Background and Overview

As in many jurisdictions, violent crime is increasing in West Virginia. The numbers of murders and other violent crimes committed with firearms have increased almost 10 percent each year since 1989. Part of what distinguishes West Virginia from other jurisdictions, however, is that it has legislated only small penalties for firearms possession by a convicted felon and permitted numerous freedoms for gun owners. For example, anyone in West Virginia may carry a weapon on his or her person as long as it is not concealed. The state became even more attractive as a source of illicit firearms when some bordering states (Maryland, Pennsylvania, and Virginia) enacted stringent gun control statutes. In recognition of this situation, and of the limited law enforcement presence in this small state, BJA funded the Firearms Violations Task Force (FVTF) to address the illegal firearms trafficking in West Virginia.

FVTF comprises six full-time investigators from the Bureau of Criminal Investigations (BCI), the investigation division of the West Virginia State Police, which is teamed with personnel from ATF. Task force personnel are assigned to work in each of the three ATF field divisions that existed in West Virginia at the time the grant was written. Task force staff work together out of the ATF division field offices; however, because they are responsible for covering fairly wide regions, the agents travel often and frequently work alone. BCI investigators are cross-designated as U.S. marshals.

The grant began in April 1994 and was extended on a yearly basis through July 1997. The total amount awarded by BJA was \$525,996. The task force is supported by an MOU (see appendix D) and the decision was made to have all personnel complete ATF case investigation paperwork rather than each agency completing its own forms. The grant provided partial staffing and equipment to the task force and was supplemented through state revenue funds, asset forfeiture funds, and other state offices. Apart from the staffing and equipment contributions made by the state of West Virginia and ATF, the program received no additional funding.

Program Goals and Objectives

The goal of the task force is to eliminate firearms trafficking and firearms-related violent crime to the greatest extent possible, given the available resources. The program objectives are to collect, analyze, and disseminate criminal intelligence information relating to firearms violations in West Virginia and other jurisdictions and to investigate, prosecute, and incarcerate individuals involved in the illegal trafficking of firearms and those who use and commit violent crimes with firearms. In addition, FFLs are scrutinized and instructed on what constitutes an illegal sale or purchase of firearms. If necessary, FFLs are prosecuted.

Program Description

The task force developed several initiatives to achieve these goals and objectives. These include conducting criminal investigations of firearms trafficking and thefts and working with FFLs. The situations in the three field areas—Martinsburg, Charleston, and Wheeling—often involve guns-for-drugs operations. This situation developed because the lack of firearms legislation in West Virginia made it a source state for firearms. The state is also a market for drugs. The typical guns-for-drugs operation involves an individual who purchases weapons in West Virginia, transports them to firearms market states such as New Jersey and New York, and sells them illegally and at a large profit. The trafficker then purchases drugs in these states, which are source states for drugs, and returns to West Virginia to sell the drugs, also at a huge profit.

Martinsburg, West Virginia, is particularly susceptible to these kinds of operations because of its location—near several major population centers along the east coast, including Baltimore, New York City, and Washington, D.C. In addition it is close to Interstates 81 and 70, major highways that connect the city to Washington, D.C. In Martinsburg, investigators reported that people committed straw purchases to repay drug debts.

The situation in Charleston, West Virginia, is somewhat different, largely because of a recent local ordinance to restrict purchases of handguns to one per month. This ordinance made an immediate impact on this area—effectively ending its status as a source for firearms. The main concern for the Charleston investigators still involves drugs, however, as armed career criminals travel to the tristate area of Kentucky, Ohio, and West Virginia to conduct drug business because these states are sellers' markets for drugs. The situation in Wheeling was similar to that in Martinsburg and involved illegal drugs and firearms deals. The reason for this is also similar—Wheeling is near Columbus, Ohio, and Pittsburgh, Pennsylvania.

The task force gathers intelligence in a variety of ways. Task force members review firearms arrests and gather additional information from federal cases in which the offender offers a plea bargain. Approximately 95 percent of the people who plea-bargain out of federal court are debriefed by the task force. These offenders are interviewed extensively to identify firearms sources and possible targets for other investigations. These debriefings often occur with offenders whose primary charge is narcotics. In these cases, the offender is largely concerned about the narcotics charge and will often reveal gun source information if the investigator handles the investigation in a casual, indirect way.

Additional task force activities include inspection of multiple sales forms and interdiction efforts, where investigators approach suspects at bus, airport, and train terminals and request consent searches. The task force has also worked with train station employees to alert them of individuals traveling to and from source cities, such as Washington, D.C., and New York City, who buy tickets in cash, carry little or no luggage, and return from one of these cities in 1 day.

Task force personnel offer inservice and recruit training to the state police to enlist the cooperation of troopers in investigations. Specifically, state police are asked to gather intelligence about firearms when conducting their own field interviews and bring that evidence to the task force for consideration. The task force tries to include the referring trooper in any subsequent investigation. This education process has been extended to other nearby state and local law enforcement agencies.

Although the task force has found that the majority of FFLs maintain responsible business operations, some have been identified as problems. For example, trace data from Project Lead identified one dealer as being the source of more than 100 crime guns. The task force carried out several undercover operations, during which they acted as straw purchasers to identify dealers who kept poor or no record books. In some cases, FFLs provided intelligence on straw purchasers; one even allowed a surveillance camera to be placed in his shop.

Using informants and civilians, ATF agents in Charleston have initiated investigations of dealers engaged in criminal activities. The investigators debrief citizens who call to complain about dealer operations or suspicious firearms transactions; these citizens have provided valuable information about suspects and potential law violators.

The task force also teams with ATF compliance inspectors to call all new and renewal licensees to verify that they are aware of regulations and information about possible straw purchasers.

Program Outcome

From April 1994 through April 1998, the task force arrested 97 people on 152 firearms-related charges, of whom 73 have been convicted, and 55 of those received punishments that included some form of incarceration. Without the task force-directed activities, many of these cases would not have been prosecuted.

Based on its firearms dealer investigations, the task force has closed two businesses through regulatory enforcement and two through criminal convictions. In addition, task force personnel report that buses and trains are frequently used trends in trafficking firearms, and interdiction efforts in these areas have led to several arrests.

Lessons Learned and Future Directions

The people who work on the task force are highly motivated and have a high level of job satisfaction. They owe their successes to several factors. The smooth operation of the task force is partly due to the commitment from the U.S. Attorney's Office to work with the task force to bring federal cases to trial. Additionally, the MOU developed through consultation with ATF and the U.S. Attorney set out the proper procedures from the project's

outset. The MOU proved to be sufficiently flexible to allow for differences in regions, yet clearly established the procedural foundations of the task force. Finally, although the MOU determined that ATF case investigation paperwork would be used, it did not mandate other federal procedures for the state agency workers, such as supervisory practices, personnel decisions, and salary matters.

The task force had some initial difficulty in identifying and retaining personnel suited to the predominantly paper-based work of these investigations. Many action-oriented investigators were not happy with the analytic approach of the task force. As vacancies occurred, interested officers were advised of the nature of the work before applying. Since then, the task force is made up of investigators who prefer the analytic environment.

The state intends to continue the work of the task force through formula grants funds. It applied for and received additional funds to increase the number of investigators and expand investigations to include explosions and arson.

Innovative Firearms Program Site Summaries

City of Santa Ana Police Department, California

Background and Overview

Along with the rest of the nation, Santa Ana has experienced a dramatic increase in firearms-related violent crime in the past decade. From 1987 to 1991, Santa Ana's violent crime rate increased 110 percent, and by 1994 the percentage of violent crimes committed with firearms had reached 80 percent. Officials in Santa Ana believe increases in violent gang activity are primarily responsible for these increases, specifically for crimes committed with firearms. Another alarming trend during this period was the change in the type of weapon commonly used in violent crime, from low-capacity revolvers and pistols to high-capacity semiautomatic pistols and assault rifles. The police department felt that the way to reduce violent crime was by restricting the availability of firearms. The department decided on a strategy involving regulation, compliance, and interdiction.

As a first step, the city passed an ordinance to decrease and better control the number of federal firearms licensees. To complement and expand this effort, the Santa Ana Police Department (SAPD) established the Weapons Interdiction Team and sought funding from the Bureau of Justice Assistance to continue the team's work. The Weapons Interdiction Team unit is part of the gang detail of SAPD. The program has a staff of four—two SAPD investigators paired with two Bureau of Alcohol, Tobacco and Firearms agents—who work with members of the narcotics detail and the state parole units. SAPD officers are cross-designated as U.S. marshals.

The 18-month grant began on October 1, 1995, and ended on August 31, 1998. BJA awarded a total of \$450,000, which paid for staffing, equipment, and office space for the WIT unit. Apart from the staffing and equipment contributed by SAPD and ATF, the program received no additional funding.

Program Goals and Objectives

The goals of WIT are to reduce the number of FFLs in Santa Ana, ensure that those who obtain or retain licenses have a legitimate reason for doing so, and reduce the level of firearms-related violent crime in the city. The team attempts to decrease the availability of firearms to criminals, trace the source of firearms taken from criminals, interdict firearms traffickers within and outside the city and county limits, inspect FFL locations, and seek license revocation for dealers not in compliance with the law.

Program Description

Program staff are involved in two specific types of activities: those related to the investigation of possible firearms traffickers and those related to regulations compliance and inspections of FFLs.

Firearms trafficking investigations involve contacting and working with agencies outside the county and state where trafficking to or from Santa Ana is known to occur, identifying straw purchasers, developing relationships with informants, analyzing data on firearms used in felony assaults, and investigating multiple handgun purchasers. A computer program called InfoTech was developed to store and retrieve firearms data, but it was eventually abandoned because it was too cumbersome and inflexible.

The team faxes trace requests to the National Tracing Center for all weapons seized by SAPD on a daily basis and maintains a database of the findings from the trace reports. The team also disposes of firearms that SAPD seizes. Weapons are held as evidence, returned to the owners, destroyed, or referred to the DRUGFIRE program (a ballistics identification program developed by the Federal Bureau of Investigation). Investigators also screen all weapon pawn slips to determine how many weapons have been stolen and conduct investigations on persons pawning firearms to identify if any are felons.

Investigators develop cases using informants, undercover firearms purchases, and surveillance. They develop undercover contacts by reviewing arrest reports from the gang and weapons details and from county jail booking sheets. They examine these sources to identify individuals with gang affiliations or those who are selling guns or drugs. One investigator works undercover in the jail and establishes a rapport with inmates for possible later undercover buys. This investigator also attempts to learn as much as possible about where inmates buy guns, whether they can get more, and how he can be introduced to the source.

The team also monitors multiple gun purchasers through quarterly reports from California's Department of Justice. These reports, called Multiple Handgun Purchase reports, are taken from the Automated Firearms System, a computer database of all firearms sold statewide, which is based on the dealer's record of sale. The reports are examined to identify multiple purchasers, defined here as persons who buy at least five handguns during any 5 consecutive business days, and background checks are conducted on them. The team developed four multiple-purchase cases from these reports and learned that the purchases were earmarked for out-of-country shipping.

For the regulatory investigation of FFLs, WIT was responsible for maintaining and monitoring licensing records of all FFLs in the city. A new city ordinance increased the license fee to \$103, mandated onsite inspections of FFL premises, and increased required security measures. WIT contacts local noncompliant FFLs to examine records and demand compliance with

city, state, and federal regulations. Those dealers not in compliance with the regulations willingly drop out of the licensing process.

Program Outcome

WIT has investigated numerous trafficking cases and has significantly reduced the number of FFLs in Santa Ana. From January 1996 through May 1998, the team made 41 arrests for trafficking (14 of which led to convictions), seized 55 weapons, and covertly purchased 61 weapons and 14 explosive devices. When the grant began, 90 FFLs were operating in Santa Ana, but by May 1998, only 13 remained.

Statistics on the use of firearms show that some improvements have been made during this period. In 1995, firearms were used in 93 percent of the homicides; in 1996, firearms were used in 74 percent of homicides; and in 1997 the percentage was 78. Although 100 percent of gang-related homicides involve firearms, the number of gang-related murders decreased from 48 in 1993 to 16 in 1997.

Lessons Learned and Future Directions

Collaborations between local law enforcement and ATF have been positive and effective in reaching the team's goals. A few issues have emerged that, if corrected, could enhance the operation of WIT. These issues generally involve the different work styles of police investigators and ATF agents. For example, ATF agents often are pulled from the team to work on special details or assignments, which interrupts the flow of an investigation. Police investigators are accustomed to working on several cases at once, while federal agents frequently work on one case at a time. Also, ATF agents and police officers work with two different radio systems; this situation makes communications with team members difficult.

As is often the case, the investigators believed that more could have been accomplished if they had had more resources, including staff, overtime funds, equipment (such as safety equipment and vests), and funds to purchase weapons during undercover operations. Some investigators worried that the safety of officers was in jeopardy at times because team members could not raise sufficient funds for covert gun buys in a convincing and timely manner, thereby jeopardizing their undercover status. The size of the gun deals was also limited because the team did not have enough money.

Staff suggest that the program should be countywide, rather than specific to a city; this expansion would enable broader investigations. The team also recommends that a probation officer, a parole agent, and a district attorney be assigned to the unit to expand its capabilities and enable a smooth transition to the prosecution stage. Team members also support the idea of colocating the team outside the police department or ATF office to reduce the likelihood of staff being diverted to other investigations.

New Orleans Police Department, Louisiana

Background and Overview

The New Orleans metropolitan area has become one of the most violent metropolitan areas in the United States. In 1995, deaths from homicide were three times higher than in any year of the preceding decade (1985–1995) and about five times the national average of 16.4 per capita. In 1994, approximately 90 percent of the homicides were firearms related. In that year, firearms also accounted for approximately 2,000 assault-related injuries and were used in a high percentage of the more than 5,000 armed robberies in the area. New Orleans' per capita homicide rate was the highest in the nation in 1995: 425 murders in the city's population of 500,000.

In response to data indicating that the availability of firearms is a major cause of the increase in homicides and aggravated assaults over the past 10 years, a Gun Trafficking Task Force was created as part of the New Orleans Crime Gun Program. The program seeks to reduce the availability of crime guns—those used or possessed during the commission of a crime—and reduce the incidence of firearms-related crime in the New Orleans metropolitan area.

The task force comprises two New Orleans Police Department detectives, two ATF agents, and staff from the Southeast Louisiana Center for Society, Law, and Justice at the University of New Orleans, who act as technical consultants. A police department lieutenant and an ATF Assistant Special Agent in Charge (ASAC) oversee program activities. The program is housed in ATF's New Orleans field office. NOPD officers are cross-designated as U.S. marshals.

The grant began in October 1995 and was extended through 1998. The total amount awarded by BJA was \$325,762. The grant provides funds for NOPD officer salaries, UNO staff, and purchases of computer equipment to support the database and communications equipment. The program received in-kind contributions of staff from NOPD, ATF, and UNO.

Program Goals and Objectives

The goal of the program is to reduce firearms-related violence. The project is designed to accomplish four specific objectives: reduce the availability of crime guns, implement strategies to better scrutinize and ensure compliance with federal firearms license regulations, develop an illegal firearms source-tracking capability, and coordinate with the operational units of NOPD and ATF to investigate sources of illicit crime guns.

Program Description

Several strategies were implemented to accomplish the goals. They included developing a technology-based intelligence system to model the availability of guns in New Orleans, targeting noncompliant licensees and illegal gun sources, initiating traces and investigating illegal gun sources, and assessing changes in gun availability within the region to help the task force continue to define its strategy. Specific project activities included tracing firearms, scrutinizing licensees, educating the community, initiating undercover and “stop and frisk” activities, developing and maintaining a firearms database, and analyzing crime gun data from a variety of sources.

Project staff developed a technology-based intelligence system with two main components: a database of tracing information on recovered crime guns and an Integrated Ballistics Identification System. Staff from UNO developed the first component of the system in consultation with task force staff. They generated a location-specific database to model the availability of guns in New Orleans. The database uses Paradox software with a Visual Basic front-end interface.

The following procedure was used to build the data set: all crime guns are forwarded to the property room of NOPD, where trace request forms are completed and faxed daily to the National Tracing Center; when the trace reports are returned, a clerk enters the disposition information (such as buyer, dealer, and manufacturer information) into the database. Exhibit 4 illustrates the type of report generated by the system.

Trace reports returned from NTC with sufficient contact information about buyers are assigned to the task force staff to investigate. Through in-person interviews with buyers and background investigations, staff attempt to identify straw purchasers or other prohibited persons (such as felons), as well as cases in which firearms may have been stolen. Particular attention is paid to cases in which guns are purchased in high-crime areas or a purchase of two or more high-caliber weapons has been made at one time. All information is forwarded to NOPD for further investigation. The database is also used to identify people who may be supplying weapons illegally and to develop patterns of gun trafficking in certain areas of the region.

IBIS, the second component of the intelligence system, captures a computerized image of bullets and casings that are test-fired from firearms recovered by NOPD at crime scenes or from victims. The images are kept in a database for comparison with bullets and casings collected in connection with other crimes. On several occasions, IBIS has linked a test-fire result with an open investigation, which led to the identification of suspects. Exhibit 5 illustrates the types of crime linkages that can be made through IBIS technology.

To target noncompliant licensees and sources of illegal guns, program staff began the compliance inspection part of the grant in late 1995. The

Exhibit 4 Confiscated Weapons Report

DATE: 1/1/97

RET	CLO	DATE	SEQ	ITEM#	DISPOSITION
✓		1/1/97	1	L-49630-9	Contact last owner possible straw pur.
✓		1/1/97	2	L-49850-9	See Wyatt
✓		1/1/97	3	L-49780-9	Contact last dealer
✓	✓	1/1/97	4	L-49810-9	Prior to 1969
✓		1/1/97	5	L-49237-9	Send letter
✓	✓	1/1/97	6	L-49077-9	Prior to 1985
✓		1/1/97	7	L-49010-9	Contact last owner
✓		1/1/97	8	L-49522-9	Contact last owner
✓		1/1/97	9	L-49522-9	Contact last owner
✓	✓	1/1/97	10	L-50515-9	FFL out of business
✓		1/1/97	11	L-49865-9	Contact last owner possible straw pur.
✓	✓	1/1/97	12	L-50620-9	Prior to 1985
✓	✓	1/1/97	13	A-313-97	Entered for informational purposes only
✓	✓	1/1/97	14	L-50549-9	Cannot locate S/N or Importer on weapon
✓	✓	1/1/97	15	L-50549-9	Cannot locate S/N or Importer on weapon
✓	✓	1/1/97	16	L-50549-9	Prior to 1985
✓		1/1/97	17	L-50549-9	Send letter
✓	✓	1/1/97	18	L-50593-9	FFL out of business
✓		1/1/97	19	L-50593-9	Contact last owner

CASES CLOSED: 9	TOTAL TRACKS: 19	TRACES RETURNED: 8
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DATE: 1/1/97

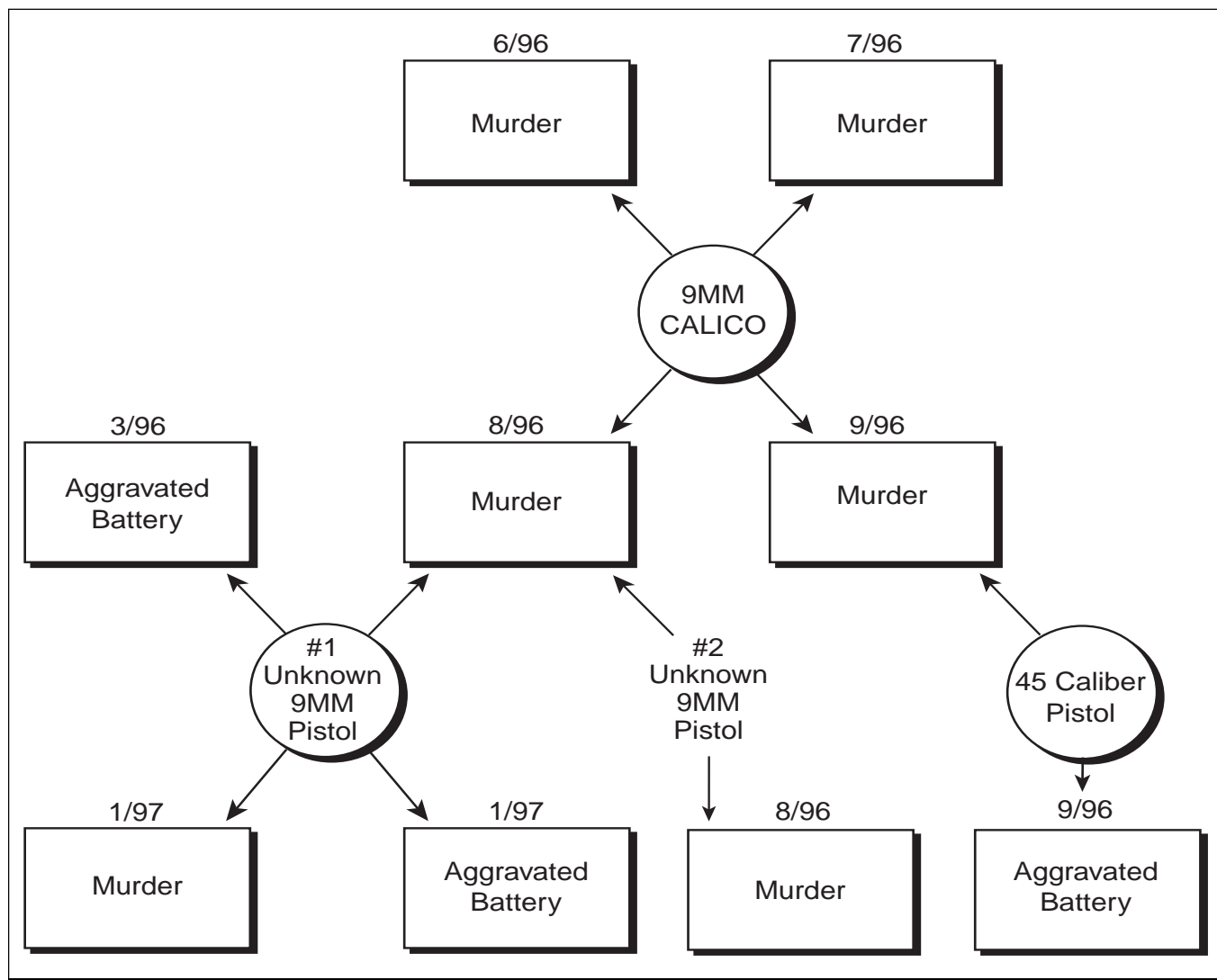
RET	CLO	DATE	SEQ	ITEM#	DISPOSITION
✓	✓	1/2/97	1	A-2683-97	Prior to 1985
✓	✓	1/2/97	2	A-839-97	FFL out of business
✓	✓	1/2/97	3	A-1023-97	Prior to 1985
✓		1/2/97	4	A-832-97	Send letter
✓	✓	1/2/97	5	A-2393-97	Prior to 1985
✓	✓	1/2/97	6	A-1283-97	Prior to 1969
✓		1/2/97	7	A-1678-97	Send letter
✓		1/2/97	8	A-2368-97	Contact last owner possible multi. pur.

CASES CLOSED: 5	TOTAL TRACKS: 8	TRACES RETURNED: 8
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initiative involves making onsite visits to all FFLs to ensure that they are aware of local requirements. New Orleans requires FFLs to operate in commercially zoned property, have a tax identification number, and have an occupation permit. Most FFLs encountered by the task force have been cooperative.

Another ATF initiative established a telephone hotline to collect tips and other information on firearms and illegal sources. This initiative also involved a community education campaign, which included fliers inserted in utility bills, television public service announcements, and meetings with the school board, neighborhood groups, and teenagers. The campaign made the community aware of the telephone hotline and emphasized that

Exhibit 5 New Orleans IBIS Match



the police department and ATF are serious about reducing the availability of firearms and targeting, investigating, and prosecuting illegal sources. The information disseminated described straw purchases, listed the penalties for purchasing weapons for someone else, and clarified that the task force initiatives concentrate on crime guns—not all firearms.

ATF compliance inspectors perform routine audits of FFLs. At the beginning of the task force operations, staff met with these inspectors and asked them to be on the lookout for certain buyer characteristics, such as the age of the buyer and the type of weapon purchased (high-caliber guns, military-style guns, inexpensive weapons, and typical crime guns). Inspectors notify the task force of irregularities.

Program Outcome

Program staff have significantly developed the tracing capability of the department. From October 1996 through the end of September 1997, 2,850 weapons were confiscated and trace request forms for each weapon were submitted to NTC; all completed trace reports were returned to the supervising police officers for intelligence purposes, and approximately 370 cases were investigated by the task force.

The Paradox database containing gun ownership histories of traced crime guns continues to be analyzed. Several patterns have emerged. For example, trace data developed over the first 2 years of the grant indicated that the majority of firearms confiscated by the police in the New Orleans metropolitan area were initially obtained through legitimate sources, such as FFLs, pawnbrokers, or lawful transfers by unlicensed individuals. Further investigation, which involved extensive program staff interviews with buyers beyond the trace report, revealed that stolen firearms are the first source for crime guns, which is in contrast to the initial findings that straw purchases were the primary source. These crime guns are stolen from residences and businesses that maintain firearms for a variety of reasons. These statistics might be slightly skewed because a false police report of a stolen gun might be filed by a straw purchaser to cover their purchase of the firearm. After accounting for this concern, the data still support the fact that stolen firearms are the primary source of crime guns.

Lessons Learned and Future Directions

The use of technology and databases can be a complicated venture because considerable equipment is required and staff must be properly trained. During the early months of this program, some data were lost and had to be reentered at significant cost in time and money to the program. Despite this early setback, the database has more than demonstrated its ability to develop patterns in firearms purchases and identify targets for straw purchase investigations.

This program is designed so that staff can expand on the information from NTC's trace report and forward promising leads about local violations to NOPD (federal charges are pursued by ATF agents). Although this provides a vital support function to local law enforcement, program staff often remain unaware of the outcomes of their work. Because many task force personnel are motivated by proof of their successes, departments should consider providing feedback to program staff about how their data were put to use.

Cooperation among the various agencies has sped the progress of the investigations. For example, federal agents gain case information from local law enforcement in a timely manner through their program contacts. These agents noted that while the federal law carries larger penalties, the laws are slower to be administered. They point out that local penalties represent a broader range of less severe laws that are quicker and easier to apply.

Because of the amount of the cooperation among the law enforcement agencies working on the program and the important data being generated, program directors hope to expand their efforts to include the entire New Orleans metropolitan area and create a regional crime gun program. This expansion would mean adding a sheriff's office and other neighboring law enforcement agencies, as well as expanding their trace capabilities.

Firearms Initiative Sites Memorandums of Understanding

North Carolina State Bureau of Investigation MOU

Northwest Indiana Violent Crime Task Force MOU

Virginia Firearms Trafficking Task Force MOU

West Virginia Firearms Trafficking Task Force MOU

MEMORANDUM OF UNDERSTANDING
FOR FY 1994 BETWEEN
THE NORTH CAROLINA STATE BUREAU OF INVESTIGATION
AND
THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

This memorandum of understanding (MOU), is entered into by the North Carolina State Bureau of Investigation (SBI) and the Bureau of Alcohol, Tobacco and Firearms (ATF). The MOU becomes effective upon the date of signature of both parties and terminates at the close of business on September 30, 1994.

I. AUTHORITY

This MOU is established pursuant to the provisions of the Treasury Forfeiture Act of 1992, which establishes a Department of the Treasury Forfeiture Fund and authorizes payment of certain overtime costs of state and local law enforcement officers incurred in joint operations with a Department of Treasury law enforcement organization. 31 U.S.C. section 9703 (a) (2) (F).

II. PURPOSE

This MOU establishes the procedures and responsibilities of both the North Carolina State Bureau of Investigation and ATF for the reimbursement of certain overtime costs pursuant to 31 U.S.C. section 9703.

III. CONDITIONS AND PROCEDURES

The parties agree to the following conditions:

A. The North Carolina State Bureau of Investigation may requests reimbursement for payment of overtime directly related to work performed by its officer(s) assigned to assist the North Carolina State Bureau of Investigation Violent Crime Task Force (Achilles) in conducting official investigations. The North Carolina State Bureau of Investigation will submit all requests for reimbursement payments, together with appropriate documentation, to ATF's Violent Crime Task Force(Achilles) supervisor. Requests for reimbursement will be based solely upon overtime work performed on behalf of the Violent Crime Task Force(Achilles).

- B. All reimbursable hours of overtime work covered under the MOU must be approved and certified by the Violent Crime Task Force (Archilles) supervisor. These reimbursable payments will be based upon the officer's actual hourly overtime rate, excluding taxes, FICA, or other deductions required by law.
- C. The Violent Crime Task Force (Achilles) supervisor will forward all approved reimbursement requests through the Chief, Planning and Analysis Division, for payment by the Treasury Asset Forfeiture Fund's agent, the United States Customs Service National Finance Center.
- D. Maximum entitlement for overtime work that is performed by any individual during the fiscal year cannot exceed \$7,500, with a maximum of \$625 per month. Further, the N.C. Bureau of Investigation is entitled to a maximum payment of \$15,000 per year. Reimbursement under this MOU is contingent upon the availability of discretionary funds allocated to ATF from the Department of Treasury Forfeiture Fund.

IV. REVISIONS

The terms of this MOU may be amended upon the written approval of both the North Carolina State Bureau of investigation and ATF. Such amendment is effective upon the date approval.

North Carolina State Bureau
of Investigation

Bureau of Alcohol,
Tobacco and Firearms

James J. Coman
Director

Andrew L. Vita
Chief, Firearms Division

Date: _____

Date: _____

Reimbursement should be made directly to:

NORTH CAROLINA STATE BUREAU OF INVESTIGATION
Assistant Director Darrell D. Carneal
P. O. Box 29500
Raleigh, North Carolina 27626

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,
THE GARY POLICE DEPARTMENT, THE LAKE COUNTY SHERIFF'S POLICE,
THE HAMMOND POLICE DEPARTMENT, THE PORTAGE POLICE DEPARTMENT,
THE DRUG ENFORCEMENT ADMINISTRATION, THE DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT, THE UNITED STATES ATTORNEY,
THE LAKE COUNTY PROSECUTOR, THE UNITED STATES SECRET SERVICE,
AND THE INTERNAL REVENUE SERVICE REGARDING THE
NORTHWEST INDIANA VIOLENT CRIME TASK FORCE**

GENERAL INFORMATION

The purpose of this Memorandum of Understanding (MOU) is to outline the mission of the Northwest Indiana Violent Crime Task Force (NWIVCTF) from July 1, 1996 to June 30, 1997. This fiscal period will be the third year that the task force has been in operation under State and Federal grant programs sponsored by the Indiana Criminal Justice Institute and the Bureau of Justice Administration.

The organizations which again agree to support the task force effort will be the Bureau of Alcohol, Tobacco and Firearms, the Gary Police Department, the Hammond Police Department, the Lake County Sheriff's Police Department, the Portage Police Department, the Department of Housing and Urban Development, the Drug Enforcement Administration, the Internal Revenue Service, the United States Secret Service, the United States Attorney's Office, the Lake County Prosecutor's Office and the Indiana Criminal Justice Institute.

The mission of the task force will be to use the combined resources of all the participating agencies to identify, target, actively investigate and ultimately prosecute those individuals and/or organizations responsible for, or at the core of, the violent crimes being committed primarily in and around the city of Gary, Indiana.

The task force will focus on the one aspect of criminal activity that dominates the violent crime statistics - the use of a firearm. The task force will target those individuals and/or organizations that have the greatest propensity for the carrying and/or using of a firearm during crimes of violence, as well as drug trafficking or during the course of protecting their drug trade. The task force will also focus on cutting off the flow of firearms to these individuals and/or organizations by targeting the multiple purchasers that may be linked to this same criminal element and that may be supplying them with the firepower they require.

The task forces primary area of concentration will be the city of Gary, Indiana. It has long been known that a considerable amount of violent crime that occurs throughout Lake County and even portions of Porter County stems from the city of Gary.

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Therefore, incarceration of individuals within the city of Gary can only have a positive ripple effect throughout the entire Northwest Indiana region. However, being equally important to the well being of the task force as a whole, and in the interest of fairness to the participating local jurisdictions, the task force will avail itself to all participating agencies with assistance and support. This redirecting of the task force outside its primary area of concentration will be limited to a temporary effort when local resources, manpower and expertise become overwhelmed, and when the target(s) has been responsible for a major critical incident or poses a threat to public safety.

TARGETING CRITERIA

Rather than develop a long list of known offenders throughout the city of Gary, a greater impact on violent crime might be better realized if certain smaller high crime areas of the city were targeted. It is believed that if an entire task force group effort is directed against violators who operate within these specific high density areas, a definite positive impact on the violent crime rate (ie. murder, attempted murder and armed robbery) will be seen for each area and hopefully for the city overall.

As a result of this belief, the top five areas within the city of Gary with the highest density of violent crime were identified and prioritized into **IMPACT AREAS**. They are prioritized as **IMPACT AREAS 1 - 5** in the following list:

IMPACT AREA NUMBER 1 - Ivanhoe Housing Project/10th Ave and Chase Street

IMPACT AREA NUMBER 2 - Delaney Housing Project/22nd Pl. and Harrison St.

IMPACT AREA NUMBER 3 - 11th Avenue to 21st Street/Tyler to Vermont Streets

IMPACT AREA NUMBER 4 - 21st Ave to 27th Ave/Jackson to Vermont Streets

IMPACT AREA NUMBER 5 - 2nd Avenue to 9th Avenue/Polk to Illinois Streets

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It should be stated that those at the forefront of violent crime may vary from time to time. With this in mind it may be necessary, due to deaths, imprisonment and other factors beyond the control of this task force, to amend the target list of each **IMPACT AREA**. Also, certain events beyond the control of the task force might require a temporary shift in the priority of the **IMPACT AREAS**. For example, a triple murder in **IMPACT AREA NUMBER 3** might require immediate attention and may draw efforts away from **IMPACT AREA NUMBER 1**. Also, a major critical incident or major investigation that occurs outside the **IMPACT AREAS** listed above may require the assistance of the task force. If that situation should occur, the task force may temporarily redirect it's resources away from it's primary area of responsibility and assist in that investigation. This can happen only after a request has been made from the department having the primary jurisdiction over the matter. This assistance will generally be limited to those jurisdictions participating or assisting in this task force, and will apply only to those investigations that fall within the guidelines of this task force as set forth in this MOU.

ORGANIZATIONAL STRUCTURE

The original jurisdictions who have agreed to participate in the task force and who have committed officers or agents to work full time on the project are the Bureau of Alcohol, Tobacco and Firearms, the Gary Police Department, the Lake County Sheriff's Police Department, the Hammond Police Department and the Portage Police Department. In addition, the jurisdictions which have agreed to assist in the task force effort but were unable to commit any officer or agent full time, are the Drug Enforcement Administration, the Department of Housing and Urban Development, the Internal Revenue Service, the United States Attorney's Office and the United States Secret Service.

The number of personnel assigned to the task force will be a total of six sworn local police officers, four ATF Special Agents to include one Task Force Coordinator, and one administrative assistant. The Gary Police Department will supply three sworn officers, the Lake County Sheriff's Police, the Portage Police and the Hammond Police will each supply one sworn officer. These officers will be deputized as Special Deputy U.S. Marshals and shall have all the authority granted that position only when they remain as a part of the task force and are conducting task force related business.

The continued assignment of any officer will be based on performance and shall be at the discretion of ATF and the participating agencies.

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The responsibilities of the Task Force Coordinator will be consistent with the guidelines set forth in the Northwest Indiana Violent Crime Task Force Standard Operating Procedures Manual.

OPERATIONAL GUIDELINES

Funding for the task force will come from the Indiana Criminal Justice Institute and the Bureau of Justice Assistance in the form of two grants. The discretionary grant will provide for the payback of all local officers salaries and a formula grant which will pay for operating expenses, office expenses, investigative expenses, equipment purchases and secretary salary. The formula grant carries with it a requirement that twenty five percent of the funds requested in the grant come from local match money paid by the participating local agencies. This requirement can be satisfied in a number of ways. During the first two years of operation the task force received funds from the Lake County Drug Alliance, ATF asset forfeiture, the Lake County Sheriff's Police and the Gary Police Department which were all applied to the cash match requirement. It is hoped, but unknown, that the Drug Alliance funding will be repeated during this fiscal year.

The local cash match requirement can also be satisfied using asset forfeiture funds seized by the task force. This can be done only after concurrence of all local participating agencies. If the assets seized do not total the entire cash match requirement in the formula grant, or no assets are seized that can be converted to cash and used as the cash match, and if all other possible sources of income do not bring the cash match total to that required by the formula grant, the four local participating agencies agree to equally provide the funds necessary to satisfy any outstanding portion of the cash match requirement. The agencies also agree to provide these funds in the time and manner requested by ATF and the task force coordinator.

All members of the task force will be dedicated to the investigation of firearms related matters that have at their root violent crime, drug trafficking violations that utilize firearms or illegal firearms trafficking. The overall goal of the task force is to adhere to the investigative plan outlined in the Northwest Indiana Violent Crime Task Force Operational Synopsis and the Targeting Criteria outlined above.

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Overall supervision of the Task Force personnel will be the responsibility of the ATF supervisory special agent assigned to the Merrillville, Indiana Field Office. Guidelines surrounding the code of conduct of the task force personnel will also be consistent with the guidelines set forth in the ATF directives and the Northwest Indiana Violent Crime Task Force Standard Operating Procedures Manual. Failure of any task force officer to adhere to these guidelines may be cause for dismissal from the task force, and that officer's agency will be required to replace their officer as soon as possible. Any selection of a replacement officer will be with the concurrence of the task force coordinator and the ATF supervisory special agent.

All investigative procedures, report requirements, confidential informant use, evidence handling, undercover operations, equipment use and any and all day to day operations will be governed by ATF directives and the Northwest Indiana Violent Crime Task Force Standard Operating Procedures Manual.

All task force investigative reports, documentary evidence, purchased evidence, purchased equipment and administrative reports, to include all reports pertaining to the expenditure of investigative and operating funds, will be maintained within the ATF Merrillville, Indiana Field Office under ATF directives and will be made available for review and audit, and when appropriate, will be disseminated to all participating agencies.

Each task force officer will be required to maintain proficiency with any firearm that the officer may be allowed to use or carry and each officer will participate in quarterly firearms qualifications conducted by ATF.

The Chief's of Police and Supervisory Special Agent's for each participating agency agree to attend monthly status meetings, the purpose of which is to pass along information, provide updates, and give each participating agency a chance to provide input and opinions for the task force as a whole. If a Chief or Supervisory Special Agent cannot attend the monthly meeting, they agree to provide a competent and responsible replacement with authority to speak for the agency in his or her place.

Media releases pertaining to prosecutions and/or convictions will be referred to the U.S. Attorney's office or the Lake County Prosecutor's office, depending on the venue of each case. Each participating agency agrees that no press release will be conducted on any ongoing investigation without the consent of the task force coordinator or the ATF Resident Agent In Charge of the Merrillville Field Office.

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All task force participants whether devoted full time to, or assisting in the task force, including all Chief's and Supervisory Special Agent's or their designees, agree to comply with the provisions of the Privacy Act, 5 USC Section 552a, and the applicable disclosure provision contained in 26 USC Section 6103, and further agree not to discuss any target, investigative technique or impending investigative action of the task force with any individual or agency outside the task force without the prior approval of the task force coordinator or the ATF Resident Agent in Charge of the Merrillville Field Office.

The United States Attorney will be briefed on all ongoing investigations and will be given primary consideration over all investigations and will have first right of refusal over all prosecution of any task force target.

All items purchased by the task force as evidence will be maintained at the ATF Merrillville Field Office and will be disposed of according to ATF directives and in conjunction with the Northwest Indiana Violent Crime Task Force Standard Operating Procedures.

All items seized through administrative asset forfeiture will be in compliance with the rules and regulations set forth by the U.S. Department of Justice and will be maintained by ATF when practical. When the size or composition of the item seized make it impossible for ATF to store it, any of the participating local agencies having the storage facilities to handle the seized property agree to store the property at no charge and further agree to maintain the property in the same condition as when it was first taken into custody and agree not to dispose of the property until authorized to do so by ATF or the United States Attorney's office. In addition, all assets seized through administrative forfeiture will be distributed in equal amounts to the participating local jurisdictions as soon as legally practical. Should it become impossible to separate the assets into equal shares, it will be the responsibility of all the Chief's of Police to come to an equitable decision. If this process fails and an impasse results, the Chief's of each agency agree to allow ATF to become final arbiter.

OPERATING EQUIPMENT

Each participating agency agrees to make available to their assigned officer/investigator any equipment ordinarily assigned for use by your agency. This list would include but would not be limited to firearms, radios, special purpose vehicles, computers, cameras or video tape.

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All investigative equipment and office equipment will be maintained at the task force. All equipment will be serialized for identification and all purchase information for the equipment will be maintained by the task force. All equipment will be made available for review and inspection by any participating agency.

All vehicles purchased by the task force will be titled in both the NWIVCTF and one participating agency. All vehicles will be maintained and inspected in accordance with ATF directives. All fuel expenses, repair, maintenance and financial responsibility for the vehicles will be the responsibility of each participating agency.

Each agency also agrees that should any equipment, especially the vehicles, be allowed to be used outside ATF directives, the agency who allowed that use assumes total responsibility for any damage or injury caused by the use of that equipment or vehicle during that time. And no attempt will be made to incorporate ATF into any legal action against the agency or city involved in the incident and/or named in any suit.

Each participating agency agree's that should any vehicle need to be replaced, that agency holding joint title with the task force will sign over their portion of the title so that the vehicle may be traded in.

FINAL TERMINATION OF THE TASK FORCE

All Chief's of Police, Supervisory Special Agent's and all participants within the task force agree that the primary consideration is the continuation of the task force and the investigative effort outlined in this Memorandum of Understanding. Each agency and individual also agree that at no time will anyone make any concerted effort to disrupt, disparage or alter the task force in such a way as to make it ineffective and prone to disbandment and that every effort will be made to remain within the task force until the end of the fiscal year ending June 30, 1997.

All participating agencies agree that no one will withdraw from the task force without showing just cause to the other participants and without thirty days notice. The withdrawing agency will still be responsible for any unpaid financial obligations owed the task force and if payment has not been received at the final termination of the task force, the amount unpaid will be subtracted from the distribution of the task force equipment.

-8-

No equipment, including vehicles will be turned over to the participating agencies until the final dissolution of the task force. Should any participating agency withdraw from the task force prior to it's termination, the remaining agencies will determine what share or percentage of the assets should be turned over to the withdrawn agency after final termination.

Final termination of the task force will be made only when all current participating agencies submit in writing their intentions of withdrawing from the task force, and there remains no intention on the part of ATF to replace those agencies withdrawing.

ATF cannot benefit, either financially or materially, from the task force in any way. Therefore, all equipment and assets purchased or obtained by the task force will be evenly distributed to the local law enforcement agencies participating in this project. The participating local agencies also agree that "evenly distributed" means that the property will be divided by it's monetary value at the time of purchase. In addition, each agency agrees that before the "even distribution" of the assets takes place, each agency will first be brought to a comparable level of financial contribution. Obtaining this "comparable level of financial contribution" will be accomplished using the following guidelines, if any one local participating agency has contributed more in local match money than every other local participating agency, that agency having made the greatest contribution will be the first to choose any equipment from the task force's assets having a value equivalent to the amount they paid over and above the other local participating agencies.

For example: One agency contributes five thousand dollars towards the cash match requirement, one agency contributes three thousand dollars and all others contribute two thousand dollars. The agency that contributed the five thousand dollars would receive three thousand dollars worth of equipment before the even distribution and the agency having contributed three thousand dollars would receive one thousand dollars worth of equipment before the even distribution, thereby putting all the agencies at a comparable level of financial contribution before the overall distribution of the assets.

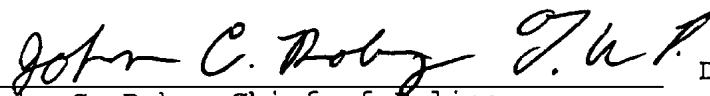
The final distribution of the equipment and assets will be done at the convenience of ATF but it will be those local agencies who participate to the very end that will decide which assets are distributed to which local agency. If agreement cannot be made between the local participating agencies, ATF will be the final arbiter, with fairness and financial equality being the deciding factor.

TERMS OF MEMORANDUM OF UNDERSTANDING


The terms of this agreement shall be in effect from July 1, 1996, to June 30, 1997. It may be amended at any time, but only with the concurrence from all the participating agencies who have signed on to this original agreement and who have committed an agent or officer to the task force on a full time basis.

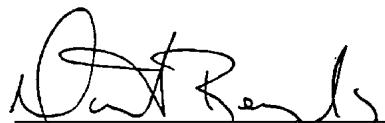
FULL TIME PARTICIPANTS


Date 5/30/96
David L. Benton, Special Agent in Charge
Bureau of ATF, Chicago Field Division


Date 6-5-96
John C. Roby, Chief of Police
Gary Police Department


Date 6-3-96
John Buncich, Sheriff
Lake County Sheriff's Police



Date 6-3-96
Fred Behrens, Chief of Police
Hammond Police Department


Date 6-12-96
David Reynolds, Chief of Police
Portage Police Department

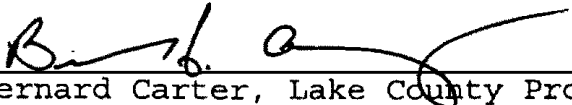
-10-

**Memorandum of Understanding for the
Northwest Indiana Violent Crime Task Force**

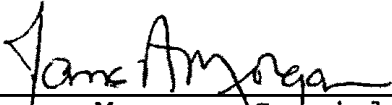
LIAISON PARTICIPANTS



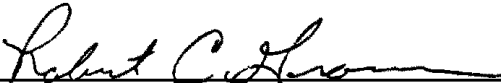
Jon E. DeGuilio, United States Attorney
Northern Judicial District of Indiana Date 7-29-96



Bernard Carter, Lake County Prosecutor
Lake County, Indiana Date 7-16-96



James Morgan, Special Agent in Charge
Drug Enforcement Administration, Chicago Field Division Date 6/6/96



Robert Groves, Special Agent in Charge
Department of Housing and Urban Development Date 6/6/96

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
AND THE VIRGINIA STATE POLICE
REGARDING THE FIREARMS TRAFFICKING TASK FORCE**

GENERAL INFORMATION

The purpose of this memorandum of understanding (MOU) is to outline the mission of the Firearms Trafficking Task Force (FTTF). The FTTF is comprised of the Bureau of Alcohol, Tobacco and Firearms (ATF) and the Virginia State Police (VSP). The mission of the FTTF is to achieve maximum coordination and cooperation in bringing to bear the combined resources of both agencies to identify, investigate, and prosecute those individuals, organizations, and sources of firearms who knowingly and willfully facilitate the unlawful acquisition of firearms. This will be achieved by:

1. Combining Federal and State resources for the investigation and prosecution of illegal firearms traffickers.
2. Fostering improved interagency coordination in the investigation and subsequent prosecution of illegal firearms traffickers.
3. Developing a task force model to be utilized in other jurisdictions to combat illegal firearms trafficking.

The objectives of the FTTF will be:

1. To identify individuals, organizations, and sources of firearms who knowingly and willfully facilitate the unlawful acquisition of firearms.
2. To target, investigate, and prosecute those individuals who organize, direct, finance, or are otherwise engaged in illegal firearms trafficking activity and related violent crimes perpetrated through the use of firearms.
3. To develop and exchange information relating to the unlawful acquisition, illegal trafficking in firearms, and use of firearms in violent criminal activity.

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This MOU is being executed by ATF and VSP. These guidelines will formalize relationships between both agencies regarding policy, planning, training, public relations, and media coordination. Both agencies jointly and separately agree to abide by the terms and provisions of this MOU throughout the duration of this enforcement initiative, which will be 1 year.

ORGANIZATION-PERSONNEL:

A. ATF and VSP will join together to form a state-wide task force, collocated and utilizing ATF field offices in the following locations: Falls Church, Richmond, Norfolk, Roanoke and Bristol, Virginia.

B. The policy, program involvement and direction of this task force shall be the joint responsibility of the enforcement heads of the above-named agencies.

C. Operational supervision of the personnel assigned to this task force will be the responsibility of the ATF supervisory special agent. The VSP supervisor shall serve on the FTTF in an ex officio capacity and maintain administrative control over all VSP personnel.

D. Virginia State Police will provide nine full-time sworn officer to this task force. VSP sworn personnel assigned to this task force will be deputized as Federal officers (special deputy U.S. marshals), as well as being provided training in ATF policy, procedure, firearms trafficking investigations, legal matters, reporting, safety, and tactical operations. The deputy U.S. marshal status of the officers will apply only so long as they are active participants in the task force under supervision of ATF.

E. Members of this task force will be dedicated exclusively to the investigation of firearms matters. VSP personnel assigned to the task force shall adhere to the policies and procedures of ATF. Failure to adhere to these policies and procedures shall be grounds for dismissal from the task force. The continued assignment of the member will be based on performance and shall be at the discretion of VSP and ATF.

-3-

F. Cases will be jointly investigated. Therefore, each firearms trafficking task force investigation should be staffed by investigators of both participating investigative agencies. Should staffing not permit the representation of both participating agencies, it is agreed that prompt notification of investigative activities will be made to all task force members. Therefore, it is agreed that no one participating agency will act unilaterally.

G. The respective ATF supervisory special agent will be responsible for opening, closing, monitoring, and directing firearms trafficking investigations using sound judgment in accordance with existing ATF policy and the U.S. Attorney General's guidelines on investigations and undercover operations.

H. Task force investigative procedures will conform to the requirements for Federal investigations.

I. When investigations initiated by this task force necessitate a determination as to jurisdiction for prosecution, the decision will be based on which level of prosecution will have the greatest impact on the defendants and assist in the mission of this task force.

J. All task force investigative records will be maintained at the appropriate ATF field office. Investigative reports will be prepared by all task force personnel on ATF forms. Appropriate training will be provided on administrative procedures.

K. All media releases and statements will be mutually agreed upon and jointly handled with existing VSP and ATF agency guidelines.

L. Periodic briefings regarding ongoing joint investigations will be provided to all task force participants.

M. During the period of this agreement, the VSP will remain responsible for establishing the salary and benefits, including overtime and per diem of the VSP personnel assigned to the task force, and for making all payments due them.

N. In no event will the VSP charge any cost to ATF for the administration or implementation of this agreement during the term thereof.

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O. Virginia State Police Task Force members will comply with the provisions of the Privacy Act, 5 U.S.C. section 552a, and the applicable disclosure provisions contained in 26 USC section 6103.

P. The task force shall maintain on a current basis, complete and accurate records and accounts of all obligations and expenditures of funds under this agreement in accordance with the generally accepted accounting principles and instructions provided by ATF, and to facilitate on-site inspection and auditing of such records and accounts.

EQUIPMENT:

A. Each participating agency agrees to provide their assigned investigators with, at a minimum, a vehicle, vehicle/portable radio, ballistic vest and firearm(s).

B. Each task force vehicle will be equipped with agency compatible radio equipment capable of communicating on common frequencies.

The term of this agreement shall be 1 year from the date from the date this MOU is executed. At the end of 1 year, the task force will be evaluated and a determination made, by representatives of both parties, as to the continuation of this agreement for an additional year. This agreement may be terminated by either party upon 30 days' advance written notice.

FOR THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

By: _____ Date:
Name: Patrick D. Hynes
Title: Special Agent in Charge
Washington Field Division

FOR THE VIRGINIA DEPARTMENT OF STATE POLICE

By: _____ Date:
Name: Colonel Carl R. Baker
Title: Superintendent, VSP
Virginia State Police

MEMORANDUM OF UNDERSTANDING
BETWEEN THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
AND THE WEST VIRGINIA STATE POLICE
REGARDING THE FIREARMS TRAFFICKING TASK FORCE

GENERAL INFORMATION

The purpose of this memorandum of understanding (MOU) is to outline the mission of the Firearms Violations/Trafficking Task Force (FVTTF). The FVTTF is comprised of the Bureau of Alcohol, Tobacco and Firearms (BATF) and the West Virginia State Police (WVSP). The mission of the FVTTF is to achieve maximum coordination and cooperation in bringing to bear the combined resources of both agencies to identify, investigate, and prosecute those individuals, organizations, and sources of firearms who knowingly and willfully facilitate the unlawful acquisition of firearms and/or utilize firearms in violation of state and federal laws. This will be achieved by:

1. Combining Federal and State resources for the investigation and prosecution of illegal firearms violators and traffickers.
2. Fostering improved interagency coordination and cooperation in the investigation and subsequent prosecution of illegal firearms violators and traffickers.
3. Improving the collection, analysis and dissemination of criminal intelligence relating to firearms violations.

The objectives of the FVTTF will be:

1. To identify individuals, organizations, and sources of firearms who knowingly and willfully facilitate the unlawful acquisition of firearms or utilize/possess firearms in violation of federal or state law.
2. To target, investigate, and prosecute those individuals who organize, direct, finance or are otherwise engaged in illegal firearms trafficking activity and related violent crimes perpetrated through the use of firearms.
3. To develop and exchange information relating to the unlawful acquisition, illegal trafficking in, and use of firearms in violent criminal activity.

This MOU is being executed by BATF and WVSP. These guidelines will formalize relationships between both agencies regarding policy, planning, training, public relations, and media coordination. Both agencies jointly and separately agree to abide by the terms and provisions of this MOU throughout the duration of this enforcement initiative, which will be 1 year, beginning July 1, 1994.

ORGANIZATION-PERSONNEL:

- A. BATF and WVSP will join together to form a state-wide task force, collocated and utilizing BATF field offices in the following locations: Charleston, Wheeling and Martinsburg, West Virginia.
- B. The policy, program, involvement and direction of this task force shall be the joint responsibility of the enforcement heads of the above named agencies.
- C. Operational supervision of the personnel assigned to this task force will be the responsibility of the BATF supervisory special agent. The WVSP supervisor shall serve on the FVTF in an ex-officio capacity and maintain administrative control over all WVSP personnel.
- D. The West Virginia State Police will provide five full-time sworn officers to this task force. WVSP sworn personnel assigned to this task force will be deputized as Federal Officers (Special Deputy U.S. Marshals), as well as being provided training in BATF policy, procedure, firearms trafficking investigations, legal matters, reporting, safety and tactical operations. The Special Deputy U.S. Marshal status of the WVSP personnel assigned to this task force shall apply only so long as the personnel are assigned to the task force, unless the deputation is continued between the WVSP and the U.S. Marshals Service absent any BATF involvement.
- E. Members of this task force will be dedicated exclusively to the investigation of firearms matters. WVSP personnel assigned to the task force shall adhere to the policies and procedures of BATF. Failure to adhere to these policies and procedures shall be grounds for dismissal from the task force. The continued assignment of the member will be based on performance and shall be at the discretion of WVSP and BATF.
- F. Cases will be jointly investigated. Therefore, each firearms task force investigation should be staffed by investigators of both participating investigative agencies. Should staffing not permit the representation of both participating agencies, it is agreed that prompt notification of investigative activities will be made to the absent task force agency members. Therefore, it is agreed that no one participating agency will be acting unilaterally.
- G. The respective BATF supervisory special agent will be responsible for opening, closing, monitoring, and directing firearms investigations, using sound judgment, in accordance with existing BATF policy and the U.S. Attorney General's guidelines on investigations and undercover operations.

- H. Task force investigative procedures will conform to the requirements for federal investigations.
- I. When investigations initiated by this task force necessitate a determination as to jurisdiction for prosecution, the decision will be based on which level of prosecution will have the greatest impact on the defendants and assist in the mission of this task force. In most cases, contingent upon concurrence from an Assistant United States Attorney, federal prosecutions will be preferred.
- J. All task force investigative records will be maintained at the appropriate BATF field office. Investigative reports will be prepared by all task force personnel on BATF forms. Appropriate training will be provided on BATF administrative procedures. Notwithstanding these provisions, however, nothing in this agreement shall prevent WVSP personnel assigned to the task force from completing such investigative records and reports concerning task force activities, as may be required by the Superintendent.
- K. All media releases and statements will be mutually agreed upon and jointly handled within existing WVSP and BATF agency guidelines.
- L. Periodic briefings regarding ongoing joint investigations will be provided to all task force participants.
- M. During the period of this agreement, the WVSP will remain responsible for establishing the salary and benefits, including approved overtime and per diem, of the WVSP personnel assigned to the task force, and for making all payments due them.
- N. In no event will the WVSP charge any cost to BATF for the administration or implementation of this agreement during the term thereof.
- O. WVSP task force members will comply with the provisions of the Privacy act, 5 USC section 552a and the applicable disclosure provisions contained in 26 USC section 6103.
- P. The task force shall maintain on a current basis, complete and accurate records and accounts of all obligations and expenditures of funds under this agreement, in accordance with the generally accepted accounting principles and instructions provided by BATF, to facilitate on-site inspection and auditing of such records and accounts.

EQUIPMENT:

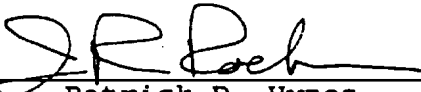
- A. The WV State Police agrees to provide their assigned investigators with, at a minimum; a vehicle, vehicle/portable

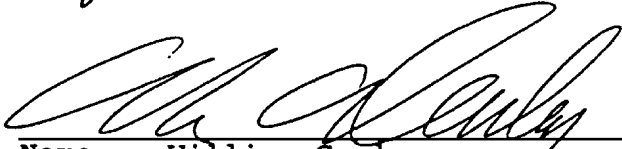
radio, ballistic vest and firearm(s).

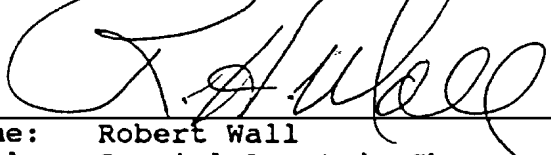
- B. Each task force vehicle will be equipped with agency compatible radio equipment capable of communicating on common frequencies.

The term of this agreement shall be one year from the date this MOU is executed. At the end of one year, the task force will be evaluated and a determination made, by representatives of both parties, as to the continuation of this agreement for an additional year. This agreement may be terminated by either party upon thirty days advance written notice.

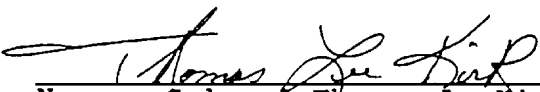
FOR THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

By:  Date: 2-23-94
Name: Patrick D. Hynes
Title: Special Agent in Charge
for Washington Field Division

 Date: 2-23-94
Name: William Curley
Title: Special Agent in Charge
Louisville Field Division

 Date: 2/23/94
Name: Robert Wall
Title: Special Agent in Charge
Philadelphia Field Division

FOR THE WEST VIRGINIA DIVISION OF PUBLIC SAFETY (STATE POLICE)

By:  Date: 2/23/94
Name: Colonel Thomas L. Kirk
Title: Superintendent,
West Virginia State Police

Sample Letters to FFLs

POLICE DEPARTMENT

City of New York

LICENSE DIVISION

1 Police Plaza, Room 110

New York, NY 10038

(212) 374-5553

Dear Sir/Madam,

It has come to the attention of this office that you have applied with the Federal Bureau of Alcohol, Tobacco, and Firearms to be licensed as a Dealer/Gunsmith in firearms under a Federal Firearms License.

The New York City Police Department is concerned that an overwhelming majority of Federal Firearms License applicants are not aware of the New York City and State laws that effect the legality of possessing, selling, or receiving firearms within the confines of New York State, more so, New York City.

Our records indicate that you do not possess a New York City dealer/gunsmith license. This letter is to advise you that if you intend on engaging in business as a dealer/gunsmith you must also be licensed by the New York City Police Department License Division.

A Federal Firearms License (FFL) does not exempt you from compliance with State and local firearms laws. ***Any person in possession of / or sale of a firearm within New York City by a person who is not licensed by the New York City Police Department is committing a crime under Article 265.00 of the New York State Penal Law .***

You are requested to contact the License Division in regards to your intent to pursue this matter and comply with the State and local licensing requirements pertaining to firearms commerce. Send a written response to the License Division located at 1 Police Plaza to the attention of Police Officer Lopez.

In connection with our enforcement efforts and to assure that you are in compliance with New York City licensing requirements you will be visited in the coming weeks by an ATF Compliance Inspector and a New York City Police Officer.

If we do not receive a written response from you within 10 days of receipt of this letter, we will notify the Bureau of Alcohol, Tobacco, and Firearms that we were unsuccessful in our attempts to contact you at the address listed on your license application.

If you have any questions concerning this correspondence or wish to withdraw your FFL application, please contact Police Officer Lopez at (212) 374-5553 as soon as possible.

Sincerely,

Stephen R Kennedy
**Deputy Inspector
Commanding Officer**

NEW YORK CITY FIREARMS DEALER and/or GUNSMITH LICENSE

The following is a list of requirements that must be adhered to when applying for a DEALER and/or GUNSMITH License. *This listing is not all inclusive and additional items may be requested at the time of application.*

- 1 Applications for FIREARMS DEALER and/or GUNSMITH LICENSE shall be filed in the precinct in which the business premises is located.
- 2 An applicant must be over 21 years of age and maintain a place of business in the city , and if the applicant is a Partnership, each member must be over 21 years of age; if the applicant is a Corporation, each officer must be over 21 years of age.
- 3 Each applicant must be a citizen of the United States, except Aliens who are citizens of nations with which the United States has commercial treaties.
- 4 Each applicant shall be of good moral character.
- 5 Each applicant shall never have been convicted anywhere of a Felony of any other "Serious Offense" as listed in Article 265.00, sub 17 of the NYS Penal Law.
- 6 No license shall be issued to any applicant unless he has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness.
- 7 No license shall be transferable to any other person or premise. The license shall mention and describe the premises for which it is issued and shall be valid only for such premises.
- 8 If the applicant has any branch units in the city where firearms are stored or any activities requiring a license are conducted, a separate application must be filed with the precinct where each branch is located and a separate license secured for each premises.
- 9 Each applicant must be fingerprinted.
- 10 A Corporation must file a certified copy of its Articles of Incorporation with the application.

If the names of current officers do not appear in Articles, a certified copy of the Minutes of the Director's Meeting at which current officers were elected will be submitted with the application.

If there is a change of officers in a corporation, the corporation will send to the License Division a certified copy of the Minutes showing the names of the new officers.
- 11 If applicant represents a Partnership or uses a trade name, a Certificate from the County Clerk of the county in which the Certificate is recorded will be filed with the application.

- 12 A material false statement on the application shall be grounds for disapproval

PLANS AND PERMITS

- 1 Applicant shall submit the plans of the premises proposed to be licensed and such plans shall be prepared by a Registered Architect.
- 2 Applicant shall submit a CERTIFICATE OF OCCUPANCY zoned for "Gun Dealers Business". The CERTIFICATE OF OCCUPANCY will state if the premise is approved for more or less than 200 rounds of ammunition. If approved for more than 200 rounds, a NEW YORK CITY FIRE DEPARTMENT PERMIT is required.
- 3 Applicant shall submit a current lease or deed for license location.
- 4 Commanding Officer or designee (Crime Prevention Officer) of the local precinct will inspect premises to ensure that security measures are adequate. A Central Station alarm must be in place and operational.
- 5 Applicant shall obtain and submit a NYC Tax Card.
- 6 Applicant shall submit a NYC Firearms Control Section Dealers License, for longarms, if applicable.
- 7 Applicant shall submit a Second Hand Dealers License issued by the Department of Consumer Affairs, if applicable.

POLICE DEPARTMENT
City of New York
LICENSE DIVISION
1 Police Plaza, Room 110
New York, NY 10038
(212) 374-5553

Dear Sir/Madam,

It has come to the attention of this office that you have been licensed by the Federal Bureau of Alcohol, Tobacco, and Firearms as a Dealer/Gunsmith in firearms and your Federal Firearms License is scheduled for renewal.

The New York City Police Department is concerned that an overwhelming majority of Federal Firearms License holders are not aware of the New York City and State laws that effect the legality of possessing, selling, or receiving firearms within the confines of New York State, more so, New York City.

The Firearms Task Force of the New York City Police Department is investigating the illegal shipment of firearms into the New York City to persons not licensed by the city to either possess or deal in firearms.

Our records indicate that you do not possess a New York City dealer/gunsmith license. This letter is to advise you that if you are engaging in business as a dealer/gunsmith you must also be licensed by the New York City Police Department License Division.

A Federal Firearms License (FFL) does not exempt you from compliance with State and local firearms laws. ***Any person in possession of / or sale of a firearm within New York City by a person who is not licensed by the New York City Police Department is committing a crime under Article 265.00 of the New York State Penal Law .***

In connection with our enforcement efforts and to assure that you are in compliance with New York City licensing requirements you will be visited in the coming weeks by an ATF Compliance Inspector and a New York City Police Officer.

You are requested to send a written response to the License Division located at 1 Police Plaza to the attention of Police Officer Lopez. Your name, residence, telephone number, and the hours which you are open to the public must be included in this letter.

Should you elect not to renew your Federal Firearms License, your original FFL and renewal form accompanied by the original record books must be turned in must be turned in becoming the property of the Federal Bureau of Alcohol, Tobacco, and Firearms.

If we do not receive a written response from you within 10 days of receipt of this letter, we will notify the Bureau of Alcohol, Tobacco, and Firearms that we were unsuccessful in our attempts to contact you at the address listed on your license application.

If you have any questions concerning this correspondence or wish not to renew your FFL, please contact Police Officer Lopez at (212) 374-5553 as soon as possible.

Sincerely,

Stephen R Kennedy
Deputy Inspector
Commanding Officer

To: New York City Police Department
License Division, Room 110
1 Police Plaza
New York, NY 10038

Dear Police Officer Lopez,

In response to the letter that you sent, I, _____, residing at, _____, telephone number (____)-_____ am notifying you that I **DO / DO NOT** possess a valid Federal Firearms License.

I am in possession of this license for the purpose of _____

My business name is _____ which is located at _____

The business telephone number is (____)-_____.

The business hours when I am open to the *public* are as follows:

Monday	From _____	to _____
Tuesday	From _____	to _____
Wednesday	From _____	to _____
Thursday	From _____	to _____
Friday	From _____	to _____
Saturday	From _____	to _____
Sunday	From _____	to _____

At this time I **DO / DO NOT** possess a license issued by the New York City Police Department.

NYC License Number _____, expiring on _____

I am also aware of the fact that I will be visited by an ATF Compliance Inspector and a NYC Police Officer to ensure that I am in compliance with New York City licensing requirements.

Signature

Date

To: New York City Police Department
License Division, Room 110
1 Police Plaza
New York, NY 10038

From: _____

telephone (____)-_____

Dear Police Officer Lopez,

At this time, I am no longer interested in the activities of a Federal Firearms License and **do not** wish to renew my FFL as a dealer/gunsmith of firearms with the Bureau of Alcohol, Tobacco, and Firearms.

I am aware and understand that all my official record books along with my original Federal Firearms License must be surrendered and will become the property of the Bureau of Alcohol, Tobacco, and Firearms.

Attached is my **original FFL and renewal form** for surrender.

SIGN AND DATE THE FOLLOWING APPLICABLE STATEMENTS

I have made transactions and all my official record books are enclosed.
_____ Date _____

I have made transactions and wish to make an appointment for you to pick up all of my official record books.
_____ Date _____

I have made transactions and never kept any record books.
_____ Date _____

I have never made any transactions so therefore I have no record books.
_____ Date _____

Additional comments: _____

Sincerely,

Signature Date

Sources for Further Information

For more information on the BJA Firearms Trafficking Program, contact:

Bureau of Alcohol, Tobacco and Firearms

Firearms Division
650 Massachusetts Avenue NW.
Washington, DC 20226
202-927-7770
World Wide Web: www.atf.treas.gov

Bureau of Justice Assistance

810 Seventh Street NW.
Washington, DC 20531
202-514-5947
World Wide Web: www.ojp.usdoj.gov/BJA

International Association of Chiefs of Police

515 North Washington Street
Alexandria, VA 22314
703-836-6767
Fax: 703-836-4543
World Wide Web: www.theiacp.org

National Tracing Center

2029 Stonewall Jackson Drive
Falling Waters, WV 25419
1-800-788-7133 (press 0)
World Wide Web: www.atf.treas.gov/about/programs/firearms/tracing.htm

Police Executive Research Forum

1120 Connecticut Avenue NW., Suite 930
Washington, DC 20036
202-466-7820
Fax: 202-466-7826
World Wide Web: www.policeforum.org

Bureau of Justice Assistance Information

General Information

Callers may contact the U.S. Department of Justice Response Center for general information or specific needs, such as assistance in submitting grants applications and information on training. To contact the Response Center, call 1-800-421-6770 or write to 1100 Vermont Avenue NW., Washington, DC 20005.

Indepth Information

For more indepth information about BJA, its programs, and its funding opportunities, requesters can call the BJA Clearinghouse. The BJA Clearinghouse, a component of the National Criminal Justice Reference Service (NCJRS), shares BJA program information with state and local agencies and community groups across the country. Information specialists are available to provide reference and referral services, publication distribution, participation and support for conferences, and other networking and outreach activities. The Clearinghouse can be reached by:

- Mail**
P.O. Box 6000
Rockville, MD 20849-6000
- Visit**
2277 Research Boulevard
Rockville, MD 20850
- Telephone**
1-800-688-4252
Monday through Friday
8:30 a.m. to 7 p.m.
eastern time
- Fax**
301-519-5212
- Fax on Demand**
1-800-688-4252
- BJA Home Page**
www.ojp.usdoj.gov/BJA
- NCJRS World Wide Web**
www.ncjrs.org
- E-mail**
askncjrs@ncjrs.org
- JUSTINFO Newsletter**
E-mail to listproc@ncjrs.org
Leave the subject line blank
In the body of the message,
type:
subscribe justinfo
[your name]



BJA World Wide Web Address

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check the BJA Home Page at
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